

aforesaid, in case they should be called in to value and ascertain the damage aforesaid, in manner aforesaid, shall declare and determine whether the damage and expence shall be paid by the petitioners, or such of them as the court may think interested in the said road, or by the county, to be assessed and levied like other county assessments, as the court shall determine.

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V. **And be it enacted,** That if it shall be determined that the said expence shall be paid by the petitioners, or any of them, the said road shall not be deemed a public road until the damages hereby directed to be assessed shall be paid, or secured to be paid, to the satisfaction of the parties concerned.

If by the petitioners, road not to be public, &c.

VI. **Provided,** That the said road shall not go through any houses, gardens, orchards or meadows, unless with the consent of the owner thereof, or their guardian or trustee.

Proviso.

VII. **And be it enacted,** That the said commissioners, and each of them, shall be allowed at the rate of seven shillings and six-pence for each day they shall act as aforesaid, to be paid either by the petitioners, or the county, as the county court shall determine, in manner aforesaid.

Commissioners allowance, &c.

C H A P. XLV.

An ACT concerning the territory of Columbia and the city of Washington.

Passed December 19.

WHEREAS the president of the United States, by virtue of several acts of congress, and acts of the assemblies of Virginia and Maryland, by his proclamation, dated at George-town on the thirtieth day of March, seventeen hundred and ninety-one, did declare and make known, that the whole of the territory of ten miles square, for the permanent seat of government of the United States, shall be located and included within the four lines following; that is to say, beginning at Jones's Point, being the upper point of Hunting Creek, in Virginia, and at an angle in the outset of forty-five degrees west of the north, and running a direct line ten miles for the first line, then beginning again at the same Jones's Point, and running another direct line at a right angle with the first, across the Patowmack, ten miles, for the second line, then from the terminations of the said first and second lines, running two other direct lines ten miles each, the one crossing the Eastern Branch and the other Patowmack, and meeting each other in a point; which has since been called the Territory of Columbia: And whereas Notley Young, Daniel Carroll, of Duddington, and many others, proprietors of the greater part of the land herein after mentioned to have been laid out in a city, came into an agreement, and have conveyed their lands in trust to Thomas Beall, son of George, and John Mackall Gantt, whereby they have subjected their lands to be laid out as a city, given up part to the United States, and subjected other part to be sold to raise money as a donation to be employed according to the act of congress for establishing the temporary and permanent seat of the government of the United States, under and upon the terms and conditions contained in each of the said deeds; and many of the proprietors of lots in Carrollsburgh and Hamburg, have also come into an agreement, subjecting their lots to be laid out anew, giving up one half of the quantity thereof to be sold, and the money thence arising to be applied as a donation as aforesaid, and they to be reinstated in one half the quantity of their lots in the new location, or otherwise compensated in land in a different situation within the city, by agreement between the commissioners aforesaid and them, and, in case of disagreement, that then a just and full compensation shall be made in money; yet some of the proprietors of lots in Carrollsburgh and Hamburg, as well as some of the proprietors of other lands, have not, from imbecility and other causes, come into any agreement concerning their lands within the limits herein after mentioned, but a very great proportion of the landholders having agreed on the same terms, the president of the United States directed a city to be laid out, comprehending all the lands beginning on the east side of Rock Creek, at a stone standing in the middle of the road leading from George-town to Bladensburg,

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burgh, thence along the middle of the said road to a stone standing on the east side of the reedy branch of Goose Creek, thence south-easterly, making an angle of sixty-one degrees and twenty minutes with the meridian, to a stone standing in the road leading from Bladensburg to the Eastern Branch ferry, thence south to a stone eighty poles north of the east and west line already drawn from the mouth of Goose Creek to the Eastern Branch, then east, parallel to the said east and west line, to the Eastern Branch, then with the waters of the Eastern Branch, Patowmack river and Rock Creek, to the beginning; which hath since been called the City of Washington: And whereas it appears to this general assembly highly just and expedient, that all the lands within the said city should contribute, in due proportion, in the means which have already very greatly enhanced the value of the whole; that an incontrovertible title ought to be made to the purchasers, under public sanction; that allowing foreigners to hold land within the said territory, will greatly contribute to the improvement and population thereof; and that many temporary provisions will be necessary, till congress exercise the jurisdiction and government over the said territory: And whereas, in the cession of this state, heretofore made, of territory for the government of the United States, the lines of such cession could not be particularly designated; and it being expedient and proper that the same should be recognised in the acts of this state,

Territory
ceded to con-
greis, &c.

II. *Be it enacted, by the General Assembly of Maryland,* That all that part of the said territory, called Columbia, which lies within the limits of this state, shall be and the same is hereby acknowledged to be for ever ceded and relinquished to the congress and government of the United States, in full and absolute right, and exclusive jurisdiction, as well of soil as of persons residing, or to reside, thereon, pursuant to the tenor and effect of the eighth section of the first article of the constitution of government of the United States; provided, that nothing herein contained shall be so construed to vest in the United States any right of property in the soil, as to affect the rights of individuals therein, otherwise than the same shall or may be transferred by such individuals to the United States; and provided also, that the jurisdiction of the laws of this state, over the persons and property of individuals residing within the limits of the cession aforesaid, shall not cease or determine until congress shall by law provide for the government thereof, under their jurisdiction, in manner provided by the article of the constitution before recited.

Lands sub-
jected to same
terms, &c.

III. *And be it enacted,* That all the lands belonging to minors, persons absent out of the state, married women, or persons *non compos mentis*, or lands the property of this state, within the limits of Carrollsburgh and Hamburgh, shall be and are hereby subjected to the terms and conditions herein before recited, as to the lots where the proprietors thereof have agreed concerning the same; and all the other lands, belonging as aforesaid, within the limits of the said city of Washington, shall be and are hereby subjected to the same terms and conditions as the said Notley Young, Daniel Carroll, of Duddington, and others, have, by their said agreements and deeds, subjected their lands to, and where no conveyances have been made, the legal estate and trust are hereby invested in the said Thomas Beall, son of George, and John Mackall Gantt, in the same manner as if each proprietor had been competent to make, and had made, a legal conveyance of his or her land, according to the form of those already mentioned, with proper acknowledgments of the execution thereof, and, where necessary, of release of dower; and in every case where the proprietor is an infant, a married woman, insane, absent out of this state, or shall not attend on three months advertisement of notice in the Maryland Journal, and Baltimore Advertiser, the Maryland Herald, and in the George-town and Alexandria papers, so that allotment cannot take place by agreement, the commissioners aforesaid, or any two of them, may allot and assign the portion or share of such proprietor, as near the old situation as may be, in Carrollsburgh and Hamburgh, and to the full value of what the party might claim under the terms before recited; and, as to the other lands within the said city, the commissioners aforesaid, or any two of them, shall make such allotment and assignment, within the lands belonging to the same person, in alternate lots, determining by lot or ballot whether the party shall begin with the lowest number; provided, that in the cases of coverture and infancy, if the husband,

husband, guardian, or next friend, will agree with the commissioners, or any two of them, then an effectual division may be made by consent; and in case of contrary claims, if the claimants will not jointly agree, the commissioners may proceed as if the proprietor was absent; and all persons, to whom allotments and assignments of lands shall be made by the commissioners, or any two of them, on consent and agreement, or pursuant to this act without consent, shall hold the same in their former estate and interest, and in lieu of their former quantity, and subject, in every respect, to all such limitations, conditions and incumbrances, as their former estate and interest, and in lieu of their former quantity, and subject, in every respect, to all such limitations, conditions and incumbrances, as their former estate and interest were subject to, and as if the same had been actually reconveyed pursuant to the said deed in trust.

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IV. And be it enacted, That where the proprietor or proprietors, possessor or possessors, of any lands within the limits of the city of Washington, or within the limits of Carrollsburgh or Hamburg, who have not already, or who shall not, within three months after the passage of this act, execute deeds in trust to the aforesaid Thomas Beall and John M. Gantt, of all their lands within the limits of the said city of Washington, and on the terms and conditions mentioned in the deeds already executed by Notley Young, and others, and execute deeds in trust to the said Thomas Beall and John M. Gantt, of all their lots in the towns of Carrollsburgh and Hamburg, on the same terms and conditions contained in the deeds already executed by the greater part of the proprietors of lots in the said towns, the said commissioners, or any two of them, shall and may, at any time or times thereafter, issue a process, directed to the sheriff of Prince-George's county, commanding him, in the name of the state, to summon five good substantial freeholders, who are not of kin to any proprietor or proprietors of the lands aforesaid, and who are not proprietors themselves, to meet on a certain day, and at a certain place, within the limits of the said city, to inquire of the value of the estate of such proprietor or proprietors, possessor or possessors, on which day and place the said sheriff shall attend, with the freeholders by him summoned; which freeholders shall take the following oath, or affirmation, on the land to be by them valued, to wit: "I, A. B. do solemnly swear, (or affirm,) that I will, "to the best of my judgment, value the lands of C. D. now to be valued, so "as to do equal right and justice to the said C. D. and to the public, taking "into consideration all circumstances," and shall then proceed to value the said lands; and such valuation, under their hands and seals, and under the hand and seal of the said sheriff, shall be annexed to the said process, and returned by the sheriff to the clerk appointed by virtue of this act, who shall make record of the same, and the said lands shall, on the payment of such valuation, be and is hereby vested in the said commissioners in trust, to be disposed of by them, or otherwise employed to the use of the said city of Washington; and the sheriff aforesaid, and freeholders aforesaid, shall be allowed the same fees for their trouble as are allowed to a sheriff and jurymen in executing a writ of inquiry; and in all cases where the proprietor or possessor is tenant in right of dower, or by the courtesy, the freeholders aforesaid shall ascertain the annual value of the lands, and the gross value of such estate therein, and upon paying such gross value, or securing to the possessor the payment of the annual valuation, at the option of the proprietor or possessor, the commissioners shall be and are hereby vested with the whole estate of such tenant, in manner, and for the uses and purposes, aforesaid.

Where deeds are not executed, commissioners may issue process, &c.

V. And be it enacted, That all the squares, lots, pieces, and parcels of land, within the said city, which have been or shall be appropriated for the use of the United States, and also the streets, shall remain and be for the use of the United States; and all the lots and parcels, which have been or shall be sold to raise money as a donation as aforesaid, shall remain and be to the purchasers, according to the terms and conditions of their respective purchase; and purchases and leases from private persons claiming to be proprietors, and having, or those under whom they claim having, been in possession of the lands purchased or leased, in their own right, five whole years next before the passing of this act, shall be good and effectual for the estate, and on the terms and conditions of such purchases

Squares, &c. to remain and be for the use of the U. S. &c.

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purchases and leases respectively, without impeachment, and against any contrary title now existing; but if any person hath made a conveyance, or shall make a conveyance or lease, of any lands within the limits of the said city, not having right and title to do so, the person who might be entitled to recover the land under a contrary title now existing, may, either by way of ejectment against the tenant, or in an action for money had and received for his use against the bargainor or lessor, his heirs, executors, administrators or devisees, as the case may require, recover all money received by him for the squares, pieces or parcels, appropriated for the use of the United States, as well as for lots or parcels sold, and rents received, by the person not having title as aforesaid, with interest from the time of the receipt; and, on such recovery in ejectment, where the land is in lease, the tenant shall thereafter hold under, and pay the rent reserved to, the person making title to and recovering the land; but the possession, *bonâ fide* acquired, in none of the said cases shall be changed.

Foreigners
may hold
lands, &c.

VI. **And be it enacted,** That any foreigner may, by deed or will hereafter to be made, take and hold lands within that part of the said territory which lies within this state, in the same manner as if he was a citizen of this state, and the same lands may be conveyed by him, and transmitted to, and be inherited by, his heirs or relations, as if he and they were citizens of this state; provided, that no foreigner shall, in virtue hereof, be entitled to any further or other privilege of a citizen.

Commission-
ers to appoint
a clerk, &c.

VII. **And be it enacted,** That the said commissioners, or any two of them, may appoint a clerk for recording deeds of lands within the said territory, who shall provide a proper book for the purpose, and therein record, in a strong legible hand, all deeds, duly acknowledged, of lands in the said territory, delivered to him to be recorded, and in the same book make due entries of all divisions and allotments of lands and lots made by the commissioners in pursuance of this act, and certificates granted by them of sales, and the purchase money having been paid, with a proper alphabet in the same book of the deeds and entries aforesaid, and the same book shall carefully preserve, and deliver over to the commissioners aforesaid, or their successors, or such person or persons as congress shall hereafter appoint; which clerk shall continue such during good behaviour, and shall be removable only on conviction of misbehaviour in a court of law; but before he acts as such, he shall take an oath, or affirmation, well and truly to execute his office; and he shall be entitled to the same fees as are or may be allowed to the clerks of the county courts for searches, copying and recording.

Acknow-
ledgments of
deeds to be
effectual, &c.

VIII. **And be it enacted,** That acknowledgments of deeds made before a person in the manner and certified as the laws of this state direct, or made before, and certified by, either of the commissioners, shall be effectual; and that no deed hereafter to be made of or for lands within that part of the said territory which lies within this state, shall operate as a legal conveyance, nor shall any lease for more than seven years be effectual, unless the deed shall have been acknowledged as aforesaid, and delivered to the said clerk to be recorded within six calendar months from the date thereof.

Entry to be
made of every
allotment.

IX. **And be it enacted,** That the commissioners aforesaid, or some two of them, shall direct an entry to be made in the said record book of every allotment and assignment to the respective proprietors in pursuance of this act.

Undertaker to
have a lien
on the pro-
perty, &c.

X. **And,** for the encouragement of master builders to undertake the building and finishing houses within the said city, by securing to them a just and effectual remedy for their advances and earnings, **Be it enacted,** That for all sums due and owing, on written contracts, for the building any house in the said city, or the brick work, or carpenters or joiners work thereon, the undertaker, or workmen, employed by the person for whose use the house shall be built, shall have a lien on the house and the ground on which the same is erected, as well as for the materials found by him; provided the said written contract shall have been acknowledged before one of the commissioners, a justice of the peace, or an alderman

alderman of the corporation of George-town, and recorded in the office of the clerk for recording deeds herein created, within six calendar months from the time of acknowledgment as aforesaid; and if, within two years after the last of the work is done, he proceeds in equity, he shall have remedy as upon a mortgage, or if he proceeds at law within the same time, he may have execution against the house and land, in whose hands soever the same may be; but this remedy shall be considered as additional only, nor shall, as to the land, take place of any legal incumbrance made prior to the commencement of such claim.

C H A P:
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XI. **And be it enacted,** That the treasurer of the western shore be empowered and required to pay the seventy-two thousand dollars agreed to be advanced to the president by resolutions of the last session of assembly, in sums as the same may come to his hands, on the appointed funds, without waiting for the day appointed for the payment thereof.

Treasurer to pay the 72,000 dollars, &c.

XII. **And be it enacted,** That the commissioners aforesaid for the time being, or any two of them, shall, from time to time, until congress shall exercise the jurisdiction and government within the said territory, have power to license the building of wharfs in the waters of Patowmack and the Eastern Branch, adjoining the said city, of the materials, in the manner, and of the extent, they may judge durable, convenient, and agreeing with general order; but no licence shall be granted to one to build a wharf before the land of another, nor shall any wharf be built in the said waters without licence as aforesaid; and if any wharf shall be built without such licence, or different therefrom, the same is hereby declared a common nuisance; they may also, from time to time, make regulations for the discharge and laying of ballast from ships or vessels lying in Patowmack river, above the lower line of the said territory and George-town, and from ships and vessels lying in the Eastern Branch; they may also, from time to time, make regulations for landing and laying materials for building the said city, for disposing and laying earth which may be dug out of the wells, cellars and foundations, and for ascertaining the thickness of the walls of houses, and to enforce the observance of all such regulations, by appointing penalties for a breach of any one of them, not exceeding ten pounds current money, which may be recovered in the name of the said commissioners, by warrant, before a justice of the peace, as in case of small debts, and disposed of as a donation for the purposes of the said act of congress; and the said commissioners, or any two of them, may grant licences for retailing distilled spirits within the limits of the said city, and suspend or declare the same void; and if any person shall retail or sell any distilled spirits, mixed or unmixed, in less quantity than ten gallons to the same person, or at the same time actually delivered, he or she shall forfeit for every such sale three pounds, to be recovered and applied as aforesaid.

Commissioners to license the building of wharfs, &c.

XIII. **And be it enacted,** That an act of assembly of this state, to condemn lands, if necessary, for the public buildings of the United States, be and is hereby repealed.

An act repealed.

C H A P. XLVI.

An ACT to authorize and empower the justices of Anne-Arundel county to increase the salaries of the inspectors of tobacco at Elk-Ridge Landing warehouse, in said county.

Passed December 27.

WHEREAS it is represented to this general assembly, by the memorial of several inspectors in said county, that the salaries now allowed them are by no means an adequate compensation for the services they are by law compelled to perform,

Preamble.

II. **Be it enacted,** by the General Assembly of Maryland, That the justices of Anne-Arundel county, or any three or more of them, shall hereafter be authorized and empowered, at the time of making their county assessment, to extend the salaries of the inspectors of tobacco at Elk-Ridge Landing warehouse, in said county, beyond the sum now fixed and ascertained by law, if they should be of

Justices to extend inspectors salaries, &c.

C H A P.
XLVI.

opinion the said inspectors merit an additional allowance for their services, not exceeding one hundred pounds current money, any law to the contrary in anywise notwithstanding.

C H A P. XLVII.

Passed De-
cember 27.

A Supplement to an act, entitled, An act to revive and aid the proceedings of Harford county court, and for other purposes.

Preamble.

WHEREAS the justices of Harford county court did not meet for the purpose of taking bond from the sheriff of said county, and his securities, in pursuance of the act of the present session, entitled, An act to revive and aid the proceedings of Harford county court, and for other purposes,

Justices to
meet, &c.

II. *Be it enacted, by the General Assembly of Maryland,* That the justices of Harford county court, or the chief justice alone, or the two associates, be and they are hereby authorized and required to meet, and hold a court, on the fourth Wednesday of this present month of December, and the same, if necessary, to adjourn from day to day, for the purpose of taking bond from the sheriff of the said county, and his securities; and if the said justices, or the chief justice alone, or the two associates, shall not meet and hold a court on the day aforesaid, in such case they, or the said chief justice alone, or the said associates, shall be and they are hereby authorized and required to meet and hold a court on the day next following the said fourth Wednesday, and the same, if necessary, to adjourn from day to day for the purpose aforesaid; and any bond taken from the said sheriff, and his securities, in virtue of this act, shall be good and available in law, to all intents and purposes.

C H A P. XLVIII.

Passed De-
cember 27.

An ACT for the benefit of William Wirt.

Preamble.

WHEREAS it is represented to this general assembly, by the petition of William Wirt, a minor, that he is the youngest son of Jacob Wirt, deceased, and entitled, by the last will and testament of his father, to one moiety of a house and lot in Bladensburg, in Prince-George's county, known by the name of the Brick Store; that he has received a classical education, and is now engaged in the study of the law, but his personal estate, with the annual value of his real estate, are insufficient to enable him to prosecute his studies with any advantage; and it is prayed by the said William Wirt, with the consent of his nearest friend, and those interested in the other moiety of the said house and lot, that a law should pass appointing trustees to sell and dispose his moiety of the said house and lot, and to apply the same to the finishing his education,

Trustees ap-
pointed, &c.

II. *Be it enacted, by the General Assembly of Maryland,* That Joseph Hall and William Pitt Huntt be and they are hereby appointed trustees to sell and dispose of the said William Wirt's moiety or interest of and in a lot and house in Bladensburg, in Prince-George's county, devised to the said William Wirt by his father Jacob Wirt, with full power to execute a deed of conveyance for the same, and the monies arising therefrom to apply towards the education and use of the said William Wirt; provided the said Joseph Hall and William Pitt Huntt shall enter into bond, with security, to be approved of by the orphans court of Prince-George's county, for the faithful compliance with the direction of this act, and for the application of the monies as aforesaid; and provided, that nothing in this act shall be taken or construed to affect the right of any other person to the said moiety of the said lot and house, or any part thereof, other than the said William Wirt, or those claiming under him.

C H A P. XLIX.

Passed De-
cember 27.

An ACT to prevent abuses in making of bricks, and to ascertain the dimensions thereof.

Bricks to be
burnt in kilns,
&c.

B*E it enacted, by the General Assembly of Maryland,* That after the passing this act, all bricks made for sale within the city of Annapolis, or within five miles thereof, shall be burnt in kilns, or in distinct clamps, the place
bricks