

C H A P. XXI. pounds like money, to be recovered in like manner as aforesaid, and so *toties quies*.

C H A P. XXII.

Passed May 21.

An ACT to appoint commissioners to make a correct survey of the town of Upper-Marlborough in Prince-George's county.

Preamble.

WHEREAS David Craufurd, William Sprigg Bowie, Edward Nicholls, Benjamin Brookes, Elizabeth Brookes, John Smith Brookes, William Beanes, junior, Bernard Shanley and Frank Leeke, proprietors of part of the town of Upper-Marlborough in Prince-George's county, by their petition to this general assembly, have set forth, that great inconveniencies have arisen from the uncertain location of the said town, the boundaries thereof being decayed, and prayed that an act may pass, empowering commissioners for the purpose of making an accurate survey of the said town, and establishing permanent boundaries throughout the same, to perpetuate and ascertain the true location thereof, having regard to the former streets, lanes and alleys, and not incommo-
doring the present buildings, the expences of such resurvey to be defrayed by the petitioners, and such others as shall be benefited thereby; which being thought reasonable,

Persons appointed to make a survey, &c.

II. *Be it enacted, by the general assembly of Maryland,* That doctor William Beanes, David Craufurd, John Smith Brookes, Benjamin Brookes and William Sprigg Bowie, or a majority of them, be and they are hereby authorized and required, after giving three weeks notice in the most convenient public manner within the said county, and also in the Maryland Gazette, of the time, place and intentions, of their meeting, and after having taken an oath before some magistrate of Prince-George's county, "well and truly to execute the trust reposed in them by this act without prejudice, partiality or favour," to cause a correct survey to be made of the said town, and of the lots, streets, lanes and alleys thereof, according to the true original location of the same, to be fixed and ascertained by proof of such location, where it can be had, or a proper allowance for the variation of the compass where such proof cannot be had, having regard in the calculation of the variation of the compass to any proof which may be made to parts of such original location, so as to make the lines, upon which an allowance for variation may be made correspond as nearly as may be with the parts proved as aforesaid, and to establish and fix permanent boundaries of stone throughout, with proper marks and devices thereon, to ascertain in future the true location of the streets, lanes and alleys, of the said town, and to cause a correct plot and certificate of the same, with proper explanations, to be returned to the clerk of Prince-George's county under their hands, who is hereby required to receive and record the same among the land records of his county, and the original to keep in his office; and a copy from such original, or the record thereof, shall be conclusive evidence as to the bounds of the said town, and of the lots, streets, lanes and alleys, thereof.

Proviso.

III. *Provided always, and be it enacted,* That in case any building or improvements shall interfere with, or stand on, any street, lane or alley, of said town, according to the location of the said town as fixed and ascertained by the said commissioners, the same shall not be deemed a nuisance, but may stand and be occupied by the present owners or possessors, but shall not be repaired or rebuilt.

Commissioners to swear the surveyor, &c.

IV. *And be it enacted,* That the said commissioners shall and may administer an oath to the surveyor by them appointed in virtue of this act, and to any chain-carrier or chain-carriers by them employed, "to execute their respective duties as surveyor, or chain-carrier, as the case may be, faithfully, honestly and impartially, according to the best of their skill and judgment."

Expence to be paid by petitioners, &c.

V. *And be it enacted,* That the expence arising from the execution of this act, shall be paid by the petitioners aforesaid, and such other persons as may be benefited thereby.