

## C H A P. XLII.

Passed December 23.

An ACT to alter such parts of the constitution and form of government as prevent a citizen from taking a seat in the legislature, or being an elector of the senate, without taking an oath to the support of this government.

Preamble.

**W**HEREAS certain citizens of this state hold it unlawful to take an oath on any occasion; and an attachment to the community, and a profession of support to this government, may be as well and fully evinced by a solemn affirmation or declaration of support to this government as by an oath; and it is highly improper to restrain the people in their choice of delegates, and electors of the senate, further than the security of the state may require:

Parts of the constitution repealed, &amp;c.

II. *Be it enacted, by the General Assembly of Maryland,* That all those parts of the constitution and form of government that prevent a citizen, conscientiously scrupulous of taking an oath in any case, and who are permitted by the constitution to affirm in certain cases, from taking a seat in the legislature, or from being an elector of the senate, without taking an oath of support to this government, shall be and hereby are repealed, abrogated, and made null and void; and hereafter a solemn affirmation or declaration of support to this government may be taken, and shall be received in stead of an oath, by any citizen chosen a delegate or elector of the senate, conscientiously scrupulous of taking an oath in any case, and who is permitted by the constitution to affirm in certain cases.

## C H A P. XLIII.

Passed December 23.

An ACT to enable the inhabitants of Saint Paul's parish, in Queen-Anne's county, to elect vestrymen and churchwardens for said parish.

Preamble.

**W**HEREAS the inhabitants of Saint Paul's parish, in Queen-Anne's county, neglected to meet and elect vestrymen and churchwardens for the said parish, agreeably to the act for the establishment of select vestries;

Inhabitants to meet, &amp;c.

II. *Be it enacted, by the General Assembly of Maryland,* That the inhabitants of the said parish be and are hereby empowered to meet at their parish church on Easter Monday next, and there proceed to choose vestrymen and churchwardens in as ample and full a manner as they could have done under the act aforesaid; and the vestrymen and churchwardens, when so chosen, shall have, and are hereby declared to be vested with, all the power and authority of select vestries under and in virtue of the laws of this state, and shall be subject to the same regulations and penalties.

## C H A P. XLIV.

Passed December 23.

An ACT to dispose of the reserved lands westward of Fort Cumberland, in Washington county, and to fulfil the engagements made by this state to the officers and soldiers of the Maryland line in the service of the United States.

Preamble.

**W**HEREAS by an act, entitled, An act for recruiting the quota of troops of this state in the American army, and furnishing them with cloathing and other necessaries, passed at a session of assembly begun and held at the city of Annapolis on Friday the thirty-first day of October, in the year of our Lord one thousand seven hundred and seventy-seven, and by sundry subsequent acts, it was provided, that a bounty of fifty acres of land should be granted to each able bodied recruit who should enlist and faithfully serve for three years in the American army; and by the said first recited act it was provided, that the said bounty should be paid to each recruit, or his legal representative, at the expiration of three years from the time of enlistment, in such manner as the general assembly should thereafter direct; and by the said act, and other subsequent

quent acts, it was provided, that a bounty of one hundred acres of land, to be procured and laid out in such manner and place within this state as the legislature thereof should thereafter direct, should be given to every such recruiting officer, or his legal representative, who should enlist twenty able bodied effective recruits within the times in the said acts respectively specified, and also a bounty of fifty acres of land, to be procured as aforesaid, to every recruiting officer who should enlist and deliver twenty able bodied effective recruits according to the terms of the said acts : And whereas by an act, entitled, An act to appropriate certain lands to the use of the officers and soldiers of this state, and for the sale of vacant lands, passed at a session of assembly begun and held at the city of Annapolis on Monday the fifth of November, in the year of our Lord one thousand seven hundred and eighty-one, all the lands within this state in Washington county, westward of Fort Cumberland, except as in the said act is excepted, were appropriated to discharge the engagement of lands heretofore made to the officers and soldiers of this state, and the residue to the use of the public, as the general assembly should thereafter direct : And whereas, in pursuance of a resolve of the general assembly, at April session, seventeen hundred and eighty-seven, authorising the governor and council to appoint and employ some skilful person to lay out the manors, and such parts of the reserves and vacant lands belonging to this state, lying to the westward of Fort Cumberland, as he might think fit and capable of being settled and improved, in lots of fifty acres each, Francis Deakins was appointed and employed by the governor and council for that purpose, and has finished the said survey, and has returned a general plot of the county westward of Fort Cumberland, on which four thousand one hundred and sixty-five lots of fifty acres each are laid off, besides sundry tracts which have been patented, distinguishing on the plot those lots which have been settled and improved from those which remain uncultivated ; and the said Francis Deakins has also returned two books, entitled A and B, in which are entered certificates of all the lots before mentioned : And whereas it appears to this general assembly, that there are three hundred and twenty-three families settled on six hundred and thirty-six of the aforesaid lots, which they have improved and cultivated ;

II. *Be it enacted, by the General Assembly of Maryland,* That a preference be given to the said settlers to purchase the said six hundred and thirty-six lots by them respectively settled, not exceeding the quantities registered and noted by the surveyor in the books aforesaid, at not less than five nor more than twenty shillings per acre, one third part thereof to be paid on the first day of September next, one other third on the first day of September, seventeen hundred and ninety, and the remaining third in twelve months thereafter, in current money ; and that the price of provisions furnished and services rendered in assistance to the said Francis Deakins in surveying the said lands, be discounted out of the first or any other payment to be made by the said settlers.

Preference to  
be given to  
settlers, &c.

III. *And be it enacted,* That in default of any payment to be made by any of the said settlers on the day on which the same ought to be made as aforesaid, the land unpaid for shall be liable to proclamation in the usual manner by any citizen of this state.

On default,  
land liable to  
proclamation.

IV. *And be it enacted,* That for the ease and convenience of the people, a proper person or persons, not to exceed the number three, be appointed commissioner or commissioners by the governor and council, who shall go into the neighbourhood, and have power to decide all disputes which may arise concerning pre-emption, and shall value the said lands, those of the best quality at not more than twenty shillings, and those of the worst at not less than five shillings per acre, and all those of an intermediate quality according to their quality, having regard to the prices aforesaid.

Commission-  
ers appointed,  
&c.

V. *And,* whereas according to the most accurate account that can now be rendered by the auditor-general, it appears, that there has been about the number of two thousand four hundred and seventy-five soldiers entitled under the several acts of the legislature to the said bounty of lands, and that there ought to be about

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Lots to be distributed among the soldiers, &c.

one hundred lots set apart to fulfil the engagements of lands to recruiting officers, **Be it enacted,** That two thousand five hundred and seventy-five of the aforesaid lots, lying in the most fertile part of the county, and contained in the following limits, to wit, beginning at the mouth of Savage river, and running with the north branch of Patowmack river to the head thereof, then north with the present supposed boundary line of Maryland until the intersection of an east line to be drawn from the said boundary line, with a north course from the mouth of Savage river, will include the number of lots aforesaid, to be distributed by lot among the said soldiers and recruiting officers, and their legal representatives, by the commissioner or commissioners hereafter to be appointed by the governor and council as aforesaid.

And officers, &c.

VI. **And be it enacted,** That part of the remaining lots be distributed by lottery among the officers, and the representatives of the officers, of the Maryland line, who served to the end of the war, who were deranged by any of the reforms of the army, who were killed or died of their wounds received in battle, those who were disabled from further service by wounds received, and in consequence thereof retired, and those who died a natural death while in the service with the army; each officer, or his representative, to have four lots.

To be adjacent, &c.

VII. **And be it enacted,** That the lots so granted to the officers aforesaid, shall be adjacent to those herein before directed to be distributed among the soldiers, and shall be contained within the following limits, to wit, by extending the aforesaid north course from the mouth of Savage river until its intersection with an east line to be drawn from the aforesaid supposed boundary line of Maryland, will include the necessary number, allowing to each officer, or his representative, four lots as aforesaid.

And distributed by lot, &c.

VIII. **And be it enacted,** That the said lots shall be distributed by lot among the said officers and their representatives, by the commissioner or commissioners to be appointed by the governor and council as aforesaid, each ticket to contain four lots contiguous to each other, or as nearly so as may be.

Lot secured, &c.

IX. **And be it enacted,** That the lot on which William Howell lives be secured to the legal representative of ——— Howell, son of the said William, which said son was a soldier in the Maryland line, and died in the service of his country; and that in case the said son shall not have left a legal representative, entitled by law to the said lot, the same be secured to the aforesaid William Howell, his heirs and assigns, for ever.

Remainder to be sold.

X. **And be it enacted,** That the remainder of the said lots be sold for any kind of specie certificates of this state, to be paid at the time of sale.

Allowance to assistants.

XI. **And,** whereas it appears to this general assembly, that ten assistant surveyors have been employed by the said Francis Deakins in the execution of the said survey seven hundred and seventy-five days, to wit, Henry Kemp one hundred and twenty days, Daniel Cresap fifty-eight days, Laurence Bringle ninety-eight days, Benjamin Price eighty-eight days, John Tomlinson fifty-eight days, Jonas Hogmire eighty-four days, Thomas Orm seventy days, John Hooker ninety-two days, John Lynn fifteen days, William Hoyer ninety-two days, **Be it enacted,** That there be allowed to each of the said assistants the sum of ten shillings current money per day.

Assembly cannot give orders, &c.

XII. **And be it enacted,** That as to the lands patented or taken up within the manors and the reserves aforesaid, the general assembly cannot with propriety give orders for any disposition thereof, but that the cases of each ought to be stated by the governor and council, and the attorney-general's opinion taken, so that the claim of the state may be prosecuted or relinquished, as law and justice may require.

Lands may be taken up, &c.

XIII. **And be it enacted,** That any of the said lands, not herein before appropriated, and any other lands in this state now vacant, and to affect which no warrant

warrant hath issued, be liable to be taken up in the usual manner by warrant, at the rate of three shillings and nine-pence current money per acre, to be paid to the treasurer of the western shore in the proportions and within the times required by the act to appropriate certain lands to the use of the officers and soldiers of this state, and for the sale of vacant lands. C H A P.  
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XIV. **And be it enacted,** That the privilege of roads and waters through all the said lands be reserved to the public. Privilege re-  
served.

XV. **And be it enacted,** That the line to which the said Francis Deakins has laid out the said lots, is, in the opinion of the general assembly, far within that which this state may rightfully claim as its western boundary; and that at a time of more leisure the consideration of the legislature ought to be drawn to the western boundaries of this state, as objects of very great importance. Line within  
the boundary,  
&c.

XVI. **And be it enacted,** That the said general plot and books of certificates be lodged in the land office, and that the said books of certificates of the four thousand one hundred and sixty-five lots aforesaid, be considered, to all intents and purposes, as record books of the land office. Plot, &c. to  
be lodged, &c.

XVII. **And be it enacted,** That the necessary expences attending the said survey shall be ascertained by the committee of claims at the next session of assembly, and that the orders given by the said Francis Deakins in favour of persons who furnished provisions and performed services in the execution of the said survey, shall be receivable in payment of the lands to be valued to the settlers aforesaid, the amount of the said orders to be debited to the said Francis Deakins, in addition to the six hundred pounds received from the treasurer, and by him to be accounted for. Expences to  
be ascertained,  
&c.

XVIII. **And be it enacted,** That there be allowed to the said Francis Deakins, for his trouble in completing the said work, making out the plots and registering the certificates aforesaid, the sum of two hundred pounds current money. Allowance to  
F. Deakins.

XIX. **And be it enacted,** That the commissioner or commissioners to be appointed as aforesaid, as soon as may be, give six weeks notice in the Maryland Gazette, and Baltimore Journal, of the time and place when and where a distribution of the aforesaid lands, in pursuance of the directions of this act, among the officers and soldiers entitled as aforesaid, shall take place; and the auditor-general shall furnish the said commissioner or commissioners with a list of the officers and soldiers entitled as aforesaid, and no draught shall be made for any officer or soldier, unless the name of the officer or soldier shall appear in the list to be furnished by the auditor-general as aforesaid. Six weeks no-  
tice to be  
given, &c.

XX. **And be it enacted,** That after the said draught shall have taken place, the name of the officer and soldier shall be endorsed on the ticket containing the number or numbers, which shall be written in words at length, drawn by or for such officer or soldier by the said commissioner or commissioners, and thereupon such officer or soldier, or their representative or representatives, shall have an estate in fee-simple in the lot or lots respectively drawn, without any patent, deed or grant, to be issued for that purpose. Name to be  
endorsed, &c.

XXI. **And be it enacted,** That on payment of the valuation to be made in pursuance of the directions of this act, by any of the settlers who shall be adjudged by the commissioner or commissioners aforesaid to be entitled to the pre-emption, a patent shall issue for the land, according to the determination of the said commissioner or commissioners, to the settler, or his representative or representatives, by the register of the land office, he or they paying the usual fees of office. On payment,  
&c. a patent  
shall issue, &c.

XXII. **And be it enacted,** That any purchaser of any of the said lots to be sold in pursuance of this act, on payment of the purchase money, shall be entitled to a patent from the register of the land office, on paying the usual fees of office. Purchasers  
entitled to pa-  
tent, &c.

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Commission-  
ers allowance.

XXIII. *And be it enacted,* That the said commissioner or commissioners shall be entitled to receive ten shillings current money per day for every day he shall be actually employed in making the distributions aforesaid, deciding disputes concerning pre-emption, and selling the lands as aforesaid.

Who shall  
take an oath.

XXIV. *And be it enacted,* That the said commissioner or commissioners, before he or they act as such, shall take an oath well and faithfully to discharge the duties required and enjoined by this act, according to the best of his skill and judgment.

And make a  
record, &c.

XXV. *And be it enacted,* That the said commissioner or commissioners shall make a record of all valuations by them made, and of all the lots distributed among the officers and soldiers aforesaid, and of all lots sold by them, in virtue of this act, and return the same to the register of the land office, to be by him safely kept.

C H A P. XLV.

Passed De-  
cember 23.

A Supplement to an act, entitled, An act authorizing the appointment of trustees to sell and convey a tract of land called Hall's Lot, lying and being in Charles county, for the purposes therein mentioned.

Preamble.

**W**HEREAS it appears to this general assembly, that the original act is incompetent to carry into execution the design of the legislature intended in said act, as part of the land directed to be sold in the above recited act, by the name of Hall's Lot, containing about one hundred and thirty acres, is since found to be part of a tract of land called Hall's Place;

Hall's Place to  
be sold, &c.

II. *Be it enacted,* That the said tract of land called Hall's Place, shall and is hereby directed to be sold and conveyed in the same manner as is provided by the above recited act for the sale and conveyance of the aforesaid land called Hall's Lot, provided the said trustees enter into bond before the presiding justice of Charles county, with security, if required, to ensure the application of the money arising from the sale to the purpose intended by the said act, and to account for any surplus that may remain after discharging the balance therein mentioned.

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Passed De-  
cember 23.

An ACT to cede to congress a district of ten miles square in this state for the seat of the government of the United States.

Representa-  
tives may cede  
any district,  
&c.

**B**E it enacted, *by the General Assembly of Maryland,* That the representatives of this state in the house of representatives of the congress of the United States, appointed to assemble at New-York on the first Wednesday of March next, be and they are hereby authorized and required, on the behalf of this state, to cede to the congress of the United States any district in this state not exceeding ten miles square, which the congress may fix upon and accept for the seat of government of the United States.

C H A P. XLVII.

Passed De-  
cember 23.

An ACT to continue the acts of assembly therein mentioned, and for other purposes.

Several acts  
continued.

**B**E it enacted, *by the General Assembly of Maryland,* That an act, entitled, An act for the relief of insolvent debtors, passed March session, seventeen hundred and seventy-four, and one other act, entitled, An act to repeal an act, entitled, An act respecting insolvent debtors, and to revive another act, entitled, An act for the relief of insolvent debtors, passed May session, seventeen hundred and eighty-eight, be and they are hereby continued, and shall be in full force until the end of the next session of the general assembly. That another act of assembly, entitled, An act for the regulation of officers fees, passed No-

vember