

ded, That some one or more of the parties to such recovery, at the time of such judgment, was actual tenant of the freehold in the manors, lands, tenements, or hereditaments recovered, and the persons, or some of them joining in such recovery, had a sufficient estate and power to suffer the same.

C H A P.
XXI.

III. *And be it enacted*, That where any person or persons heretofore gaining an estate in fee-simple, or who shall hereafter gain an estate in fee-simple, in any lands, tenements or hereditaments, within this province, by or under any common recovery suffered, or hereafter to be suffered, hath, or have conveyed away, or shall hereafter convey away, such lands, tenements or hereditaments, before the execution of such recoveries, or before any entry made therein by the recoveror, such conveyances shall be as good and available to bar the vendors and their heirs, and all persons claiming by, from, or under them, as if the said recoveries had been executed, or the recoverors therein had entered into the said lands, tenements or hereditaments, before such conveyance or conveyances thereof made; any law to the contrary thereof notwithstanding.

Persons gaining fee-simple estates under common recovery, &c.

C H A P. XXII.

An ACT to remove a nuisance in Baltimore-town, in Baltimore county, and for other purposes therein mentioned.

WHEREAS the inhabitants of Baltimore-town, in Baltimore county, have, by their humble petition to this general assembly, set forth, That a large miry marsh, adjoining the said town, is, by the noxious vapours and putrid effluvia arising therefrom, very prejudicial to the health of its inhabitants; and that the proprietors of the said marsh have, by their perverseness or dilatoriness, hitherto refused or neglected to remove the said nuisance, and that the said nuisance cannot be removed otherwise than by changing the surface of the said marsh into firm and dry ground. And, as the allegations of the said petitioners appear to this general assembly to be true;

Preamble.

II. *Be it therefore enacted*, by the right honourable the lord proprietary, 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 Thomas Harrison, Alexander Lawson, and Brian Philpot, of Baltimore county, the present possessors and owners of the said marsh, shall and may have liberty to remove the said nuisance, at their own proper expence, provided they comply with the directions and requisites in this act hereafter mentioned: (That is to say) That the said Thomas Harrison, Alexander Lawson, and Brian Philpot, within the space of one month next after the end of this present session of assembly, shall respectively make their election and determination, whether they will undertake effectually to remove the aforesaid nuisance, at their own proper expence and charges; and, in case the said Thomas Harrison, Alexander Lawson, and Brian Philpot, shall, within the time aforesaid limited, elect and determine to remove the said nuisance, at their own proper expence and charges, that then, the said Thomas Harrison, Alexander Lawson, and Brian Philpot, shall, within the said time, enter into and execute separate bonds, with two sufficient securities, to be approved of by Robert Alexander, John Smith, William Smith, Jonathan Plowman, William Speer, Andrew Stygar, Charles Ridgely, junior, John Merryman, junior, and Benjamin Griffith, or the major part of them, who shall be, and are hereby appointed commissioners to execute the powers and directions herein after limited and expressed, in the penalty of twenty pounds sterling for every acre of marsh to be made firm ground by each of them, as herein after directed, payable unto the right honourable the lord proprietary, with the following condition: "Whereas the said _____ is seized and possessed of _____ acres of marshy ground, adjoining to Baltimore-town, which in its present situation, is a great nuisance to the inhabitants of the said town: Now, the condition of the above obligation is such, That if the said _____ shall, within two years from the date hereof, well and sufficiently remove the said nuisance, by wharfing in all such marshy ground, next the water, with a good and sufficient stone wall, not less than two feet thick, and two feet high at the least from the level of the height of the common flood tides, or with hewed logs of the same height at least from the level of the common flood tides,

Proprietors to a marsh in Baltimore-town, to make it into firm ground.

Bond to be entered into for performance.