

CHAP 730

Preamble.

minal points named in said Act, or the returns and plats returned in compliance with the requirements of said Act, as has been determined by the decision of the Circuit Court of the fourth judicial circuit, in the case of the county Commissioners of Garrett county vs. The Consolidation Coal Company ; and

WHEREAS, By reason of the said failure to make said survey and return, and file said plats as originally provided, the boundary line between the said counties is now an unsettled question, thus involving both question of jurisdiction of courts and the right of taxation ; and

WHEREAS, By an Act of the Legislature, passed at the Session of 1898, Chapter 304, providing for a location and marking of the line dividing Allegany and Garrett counties, between the terminal points named in the original Act of 1872, Chapter 212, and the filing of the returns and plats of the said survey with the clerk of the Circuit Court of Allegany county, the clerk of the Circuit Court of Garrett county and with the Commissioner of the Land Office, and the sending of a copy of said report and returns to the Governor, who, upon the receipt of the same, should notify the County Commissioners of Allegany and Garrett counties of his approval, or otherwise ; and

WHEREAS, An accurate survey of the boundary line dividing Allegany and Garrett counties was made between the terminal points designated under the Act of 1872, Chapter 212, in compliance with the Act of 1898, Chapter 304, in the year 1898, the line so run being permanently marked by monuments and mounds, and full and detailed reports and plats of said survey being filed, as provided, and the County Commissioners of the respective counties of Allegany and Garrett counties having complied with the provisions of said Act, by levying and paying over, respectively, the sum of five hundred dollars each for said survey, and the Governor having approved the report of said survey ; and

WHEREAS, Subsequently the Consolidation Coal Company, questioning the right of the County Commissioners of Garrett county to collect certain taxes upon lands lying westwardly of a straight line drawn between the terminal points, as named in the original Act of 1872, Chapter 212, owing to constitutional grounds involved through inaccuracy and