

mistaken construction of the powers of this act of incorporation intended to be granted, any ordinance, resolution or act, should be made, or any matter done or transacted, by the said corporation, contrary to its powers and authorities hereby granted, and though all such ordinances, resolutions or acts, should be void, yet they shall not by the general assembly, nor any court of law, be deemed or adjudged a forfeiture of this act of incorporation, but the same shall be and remain inviolable and entire to the said corporation, in perpetual succession; and all their acts, conformable to their powers, shall remain in full force and validity, the nullity of such illegal acts notwithstanding; and this act of incorporation and constitution of government, and every part thereof, shall be good and available in all things in the law, according to the true intent and meaning thereof, and shall be construed, reputed and adjudged, in all cases, most favourably to the said corporation, and their successors, for ever; provided always, that the whole may be annulled, or any part thereof changed or altered, with the concurrence of two successive legislatures.

C H A P.
LXIX.

III. And be it enacted, That this act of incorporation and constitution of government shall commence and be in force on the first day of January, in the year seventeen hundred and ninety-five, if the same shall be confirmed by the general assembly at their session in November, one thousand seven hundred and ninety-four, and not otherwise.

Commence-
ment.

C H A P. LXX.

A Further supplement to an act, entitled, An act for marking and bounding lands.

Passed De-
cember 28.

WHEREAS doubts have arisen, whether the commissioners appointed by any county court, under the act for marking and bounding lands; have power to summon and swear evidences to prove and perpetuate the bounds of the petitioner's land, notwithstanding the same may have become uncertain, obsolete and decayed; therefore,

Preamble.

II. Be it enacted, by the General Assembly of Maryland, That when any commission shall hereafter be issued by any county court, under the act for marking and bounding lands, the commissioners therein named, or a majority of them, shall have full power and authority to issue summonses for all persons nominated by the petitioner, or other person affected, or to be affected thereby, and to administer an oath, or affirmation, to them, touching their knowledge of the boundary or boundaries to be perpetuated, and take depositions respecting the same, and make return thereof, with their other proceedings, to the county court, to be recorded; and the same, when recorded, shall be as good evidence, in law or equity, as if a commission for that purpose alone had been issued under the act, entitled, An act for the ease of the inhabitants in examining evidences relating to the bounds of lands, and in the manner of obtaining injunctions, any law, usage or custom, to the contrary notwithstanding.

Commission-
ers may issue
summonses,
&c.

III. And be it enacted, That in case any of the said witnesses, when so as aforesaid summoned, shall not attend, the commissioners, or any two of them, shall apply to the clerk of the county for an attachment, which shall issue accordingly, to compel their attendance.

And apply for
attachments,
&c.

IV. And be it enacted, That in all cases where the same tract is held by different persons, and lies partly in one county and partly in another, or partly in this state and partly in an adjoining state, any person interested may have a commission, on application to the county court, to fix, mark and bound, the whole tract, when lying partly in one county and partly in another, and also of his particular part; and when any tract shall lie partly in this state and partly in an adjoining state, any citizen of this, or any of the United States, may have a commission, on application as aforesaid, to mark and bound such part as shall lie within this state, under the regulations of the original act to which this is supplementary; and in such cases the party or parties so applying shall derive equal benefit from the return and recording his or their commissions,

Where land is
held by dif-
ferent persons,
&c. the party
interested may
have a com-
mission, &c.