

MARYLAND GAZETTE

Containing the freshest Advices, Foreign and Domestic.

WEDNESDAY, July 25, 1750.

IN Pursuance to the Order of the honourable the Lower House of Assembly, at their Session in May last, the following Bill, which did not Pass into a Law, is here inserted, viz.

An Act for Processioning Lands, in order to perpetuate the Bounds thereof, and for other purposes therein mentioned.

FOR preventing Controversies, that may hereafter arise about the Bounds of Lands within this Province;

Be it 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 once in every Four Years, during the continuance of this Act, the Bounds of every Person's Land may be processioned (of going round) and the Land Marks renewed in manner hereafter mentioned; and in order thereto the Justices of every County within this Province, at August Court, which shall be held in the Year Seventeen Hundred and Fifty, and at August Court in every Fourth Year thereafter, by Order of Court, shall direct the Vestry of each Parish within their County respectively, to divide their Parishes into so many Precincts as to them shall seem most convenient for Processioning every particular Person's Land, in their several and respective Parishes, and to appoint the particular Times, between the first Day of September, and the first Day of March then next ensuing, when such Processioning shall be made in every Precinct, and also appoint at least Two intelligent honest Freeholders of every Precinct, to see such Processioning performed, and take and return to the Clerk of the County Court, an account of every Person's Land they shall procession, and of the Persons present at the same processioning, which Order shall be signified in Writing to the Church-Wardens of every Parish within every respective County in this Province, by the Clerk of the Court, within Twenty Days after the making thereof; and thereupon the Church-Wardens shall cause a Vestry to be summoned to meet, within Ten Days after the receipt of such Order, at which Vestry of the said Order of Court shall be exactly and punctually obeyed in every particular, and thereupon Notice shall be punctually given by the Church-Wardens at the Church or Chapel of the Parish, at least three Sundays next before the same is to be performed, of the Persons and Times so appointed by the Vestry, for Processioning, in every several Precinct as aforesaid: And also the Clerk of the County Court shall Record the Accounts of the Two Freeholders of every Precinct, made and returned to him as aforesaid, in a Book to be kept for that purpose: And that no Person may pretend Ignorance of his Duty herein, the Vestries shall, and are hereby required to direct what Two particular Freeholders shall attend and perform the processioning aforesaid, in each Precinct or Precincts to their Parish respectively; which said Two Persons so appointed to attend, and perform the Processioning in each respective Precinct, shall and they are hereby obliged to act together, and not singly, except in case of Sickness or some other Incapacity; And if any Parish shall happen to lie in several Counties, then the Orders of the Court in each County, shall be signified as aforesaid to the Church-Wardens thereof as aforesaid, and shall also be obeyed by the Vestry in manner as is before directed; And if any County Court, shall, at any time hereafter fail to perform their Duty herein, every Justice of the Peace in such County shall forfeit and pay the Sum of Five Pounds Current Money; And if any Vestry shall at any time hereafter fail to perform their Duty herein, every particular Member of the Vestry shall forfeit and pay the Sum of Five Pounds Current Money; And if any Church-Warden or Church-

Wardens shall at any time hereafter fail to perform his or their Duty herein, every such Church-Warden shall forfeit and pay the Sum of Five Pounds Current Money; And if the Clerk of any Court shall hereafter fail to perform his or their Duty herein, every such Clerk shall forfeit and pay the Sum of Twenty-five Pounds Current Money; which said Forfeitures shall be one moiety to the Right Honourable the Lord Proprietary, his Heirs, and Successors for and towards the better support of the Public School in the County where such Forfeiture shall happen, and the other moiety to him or them that will inform or sue for the same, to be recovered with Costs in any Court of the County where such Forfeiture shall happen, by Action of Debt, Bill, Plaint or Information, wherein no Effoy, Protection or Wager of Law, or more than one Imparlance shall be allowed.

Provided Always, That upon any legal Process brought against any Justice of Peace, Vestry-man, Church-Warden, or Clerk, for the Breach of this Act, if the Defendant or Defendants shall give sufficient Evidence to the satisfaction of such Court or Jury, that he was necessarily absent from such Court or Vestry, or that being there, he offered to do his Duty in pursuance of this Act, then such Process had, shall be dismissed, and the Complainant be adjudged to pay the Cost thereof; And if any other Person not having lawful Excuse, shall fail to perform his Duty herein, every such Person shall forfeit and pay the Sum of Five Pounds Current Money, to be recovered with Costs of suit, in manner aforesaid, by the Church-Warden or Church-Wardens of the Parish wherein such Forfeiture shall be incurred, to be applied for and towards the purchasing of Ornaments for the Church or Chapel of such Parish.

And be it further Enacted, That the Procession of the Bounds of any Person's Land at four several times of Processioning in manner aforesaid, shall be held, deemed and taken to be sufficient to settle the Bounds so as the same may never thereafter be altered.

Provided always, That the Procession and Settlement of the Bounds of any Lands, belonging to any Person being only Tenant for Life of the said Lands, shall not bar or conquire the Heir in Reversion or Remainder to the said Lands, but that such Heir may at any time in Five Years after the Death of the Tenants for Life, controvert the said Bounds, as if such Procession and Settlement had never been made.

Provided also, That the Processioning and Settling the Bounds of any Lands belonging to any Person being within the Age of One and Twenty Years, Feme Coverd, Non Compos, ments, Imprisoned, or out of the Province, shall not be Conclusive to such Person until after the Expiration of Five Years from and after the said several Incapacities shall be removed and determined.

And that the manner of Processioning may be clear and fully understood, Be it further Enacted, That the said Two Persons appointed by the respective Vestries to Procession in every Precinct, shall call upon the Owner or Owners of every Tract or Parcel of Land to be by them Processioned, and with them or their proper Agents or Attorneys, and such other credible Persons who shall think proper to be present, go to the Beginning or some other remarkable Boundary of such Land as is to be Processioned, and from thence, if more than one Boundary, from Boundary to Boundary, until the whole Tract or Parcel be gone round; and if any of the said bounded Trees of the same be decayed or decaying, to let up in the room thereof a Stone, Post, or other lasting Bounds, which shall remain as a Boundary of such Land for ever, unless the Parishes concerned in the said Lands to be affected thereby shall consent the same to be altered within Eight Years after the fourth Procession made, any Law,