

1730. MAY.

CHARLES LORD BALTIMORE.

C H A P. XV.

Passed 16th of June, 1730.

An ACT for laying out the town anew, commonly called Chester-town; in Kent county, and for ascertaining the bounds thereof. Lib. L. No. 5. fol. 363.

N. B. This act, 1. Sets forth, that a town was formerly (viz. by the act of 1706, ch. 14.) laid out in Kent county, on Chester river, commonly called Chester-town, or New-town, containing one hundred acres of land, the bounds whereof were very uncertain, and the improvement very much hindered, by reason that all the lots were not taken up and improved in time, &c.

2. Appoints and empowers certain commissioners to survey and lay out the one hundred acres of land, as agreeable as conveniently may be to the original survey, when first laid out for a town.

3. The commissioners, with the assistance of a skillful surveyor, sometime before the first November next, to meet at the town, and carefully survey and lay out the said one hundred acres into 100 convenient lots, divided, marked and numbered from 1 to 100, with streets, lanes, &c.

4. The commissioners to cause the survey to be made as near as possible to the original plan of the town, unless the lines by the said original survey make any considerable variation or encroachment on the lots therein already improved and built upon, in which case the commissioners to make the same survey in such manner that the owners of such improved lots be not damaged in their improvements; and to set up posts, &c. to settle and distinguish the same survey for ever.

5. The land so surveyed, &c. is hereby erected into a town, to be called Chester-town.

6. The owners of lots formerly taken up, and not already built on, shall (within eighteen months after such survey made, and a record thereof entered according to this act,) build on such lot or lots one house, to cover 400 square feet of ground, besides sheds; and any such owner refusing or neglecting to build as aforesaid, the right, title, &c. of such owner to such lot, at the expiration of the said eighteen months, shall cease and determine, and such lot shall become the property of the proprietor of the town land, in as ample manner as if the same had never been sold or conveyed.

7. But if the owners of such lots be under age, or out of the province, at the time of such survey, &c. such owners have liberty to improve and build, &c. at any time within eighteen months after arriving at age, or returning into this province.

8. The commissioners to appoint a clerk, to make fair record and entry of all their proceedings in a book, to whom the surveyor shall deliver a fair plot of the said plot, to be lodged amongst the county records; and upon the decease, &c. of such clerk, the commissioners have power to appoint another, as often as need shall require.

9. The commissioners empowered to agree with the owner of the said land, not already taken up, for the price of the same, &c. in which case, when the lots are laid out, they shall set a price on each lot not already taken up, which the taker up shall pay, but in case they cannot agree, they are empowered to cause the same to be valued by a jury, and the payment of such sum as such lot or lots shall, by the said jury be adjudged worth, to the proprietor aforesaid, or a tender thereof by persons desirous to take up such lot or lots, and refusal by such proprietor, and such payment or tender and refusal being duly proved by the oath of one or more lawful witnesses or witnesses, before two of the county justices, by the person intending to take up the same, and an entry or record thereof made by the town clerk, and returned by him to be lodged with the other proceedings in the county court office as aforesaid, shall give such person, paying or tendering as aforesaid, an absolute estate in fee-simple in such lot, such persons complying with the other requisites in this act mentioned.

10. There being a quantity of land left out in the original survey, between the town line that runs along the river side and the water, convenient to build warehouses on, the commissioners are empowered to lay out the breadth of 60 feet from the extremity of the lots next the river, along the river side, for a street, and to divide the strand, lying between the said street and the water, into convenient lots, distinguishing them by certain numbers, always extending the town streets that lead to the river, through the same strand, to the water side, which lots, being built upon as before directed, within eighteen months after taking up the same, and paid for, or tender of payment made as before provided, shall be the right, property and estate of such persons so taking up, improving and paying, their heirs and assigns for ever.

11. All persons to have liberty to take up and enter lots in the said town for the space of twelve months after survey thereof, but in case all the lots should not be taken up within twelve months after the survey made, the proprietor shall be no way divested of his right to such lots so not taken up.

12. The proprietor of the land not taken up to have the preference of taking up any five lots he shall think fit, so that he make his election within four days after the survey be made.

13. All possessors of lots to pay the right honourable the lord proprietor one penny current money per annum for each lot so taken up, paid for, and built on, for ever; and the clerk of Kent county to transmit yearly to his lordship's agent an account of all lots taken up, &c.

C H A P. XVI.

1721, ch. 14. A Supplementary act to the act, entitled, "An act to limit the continuance of actions in several courts within this province, and ascertaining the manner of taking the evidence of seafaring men, and for granting appeals from the chancery court to the governor and council. Lib. L. No. 5. fol. 369.

C H A P. XVII.

An ACT for the preservation of the breed of wild deer. Lib. L. No. 5. fol. 370.

Preamble.

WHEREAS it has been represented to this general assembly, that the species of deer hath of late years been very much lessened, occasioned principally by the inhabitants shooting, or otherwise destroying them, during the time of the female deer being with young, and which evil practice, if not put a stop to, may in few years entirely destroy the species of deer, to the great damage of the good people of this province; for prevention whereof, it is prayed that it may be enacted,

Penalty on persons killing deer, &c.

II. AND 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 it shall not nor may be lawful for any person or persons within this province, (the Indians in amity with us excepted,) from the end of this session of assembly to the last day of July this present year, and in every year afterwards between the first day of January and the last day of July, to kill any deer, under the penalty of four hundred pounds of tobacco for every deer so killed, to be recovered before a single magistrate, (as in cases of small debts,) by the oath of the informer, and to be applied,