

C H A P.
XXIII

the major part of them, on the land aforesaid, on a certain day in such warrant to be mentioned, which freeholders, being by them the said commissioners, or the major part of them, charged and sworn, shall, upon their oath, inquire, assess and return, what damages and recompence, in current money aforesaid, they shall think fit to be awarded for the aforesaid five hundred acres of land, to the proprietor or proprietors, owner or owners thereof, or other persons interested therein, and whatever sum or sums of money the same jury shall so assess and award as aforesaid, shall be and is hereby declared to be the value and price of the same five hundred acres of land.

Price of lots to
be ascertained.

V. AND BE IT FURTHER ENACTED, That the commissioners aforesaid, or the major part of them, shall apportion, assess and fix, the price of all and every of the lots aforesaid, according to the value thereof, having regard to the conveniency and situation of each respective lot, so always as the prices of all the said lots, added together, may make up the sum so as aforesaid to be awarded by the jury aforesaid, or the sum by them agreed for as aforesaid, and no more; and that the prices so set and fixed, shall be the sums to be paid by the takers up of each of the said lots.

Town to be
called Charles-
town.

VI. AND BE IT FURTHER ENACTED, *by the authority aforesaid*, That two hundred acres of land, so as aforesaid to be surveyed and laid out into lots, immediately after the same shall be surveyed and laid out, shall be and is hereby made and erected into a town, and shall be called Charles-town; and that the other three hundred acres aforesaid, to be laid out for a common, shall and is hereby made and declared to be the common of the said town, and that all and every the inhabitants of the said town shall, at all times, have and enjoy the free use and benefit thereof in common.

Owner to have
choice.

VII. AND BE IT FURTHER ENACTED, *by the authority aforesaid*, That the proprietor or owner of the land aforesaid to be erected into a town, shall either by him or herself, or by any other person in his or her behalf; have liberty to make choice of any two of the aforesaid lots, before any of the said lots shall be taken up by any other person or persons, provided such choice shall be made within ten days after the land aforesaid shall be surveyed and laid out, and not otherwise.

Lots to be
taken up by
ballot.

VIII. AND, to prevent any partiality or contest in the first taking up of the lots aforesaid, BE IT ENACTED, *by the authority aforesaid*, That the commissioners aforesaid, or the major part of them, as soon as conveniently may be after the choice aforesaid shall be made by the proprietor of the same land as aforesaid, or after the expiration of the ten days aforesaid in case no such choice shall be made, and after the plots and certificates aforesaid shall be made and returned as aforesaid, shall cause advertisements to be set up at all public places, as well in Cecil county aforesaid as in the neighbouring counties in Maryland, and other adjacent places, thereby giving notice, that at a certain day therein to be mentioned, not less than three weeks nor more than six weeks from the date of such advertisement, the lots of the said town are to be taken up by ballot or lot, by any persons whatsoever; and that on the day so to be appointed, the said commissioners, or the major part of them, shall meet on the same land or town, and shall cause the numbers of so many of the lots aforesaid as there shall be persons then and there willing and desiring to take up lots, beginning with the lots on the river side, and proceeding for the whole breadth of the town backwards, to be written on distinct pieces of paper, which shall be rolled up, as near as may be, of equal size and bigness, and having put the same into a box or vessel, every person then present, other than the proprietor or owner aforesaid, shall be at liberty to draw out one of the said numbers, which number being entered with the clerk aforesaid, and the drawer paying to the proprietor or owner of the same land, his or her factor or agent, the price so as aforesaid fixed and set upon the lot, the number whereof he or she hath so drawn, and complying with the other requisites hereafter mentioned, shall and is hereby declared to be absolutely seized in an estate, in fee-simple, of and in such lot, against the lord proprietary of this province, and all other persons whatsoever; and if it shall happen that all the lots aforesaid be not taken up or drawn on that day, then the said commissioners, or the major part of them, shall and are hereby required to appoint another day, in the same manner as herein before directed, for drawing and taking up the residue of the said lots, and shall proceed therein as herein before mentioned on the first day aforesaid; and that all persons who shall draw and take up any lots on such second day, and pay the prices, and comply with the other requisites aforesaid, shall have the like estates in such their lots so drawn and entered as aforesaid, as the drawers and takers up of lots on the first day are herein above declared to have; and if all the said lots shall not be drawn and taken up on the second day aforesaid, that then any person whatsoever, who had not before drawn or taken up any other lot, shall and may be at liberty to take up and enter as aforesaid any of the said lots which shall so remain untaken up, and such persons last mentioned, paying the prices of their respective lots, and complying with the other requisites aforesaid, shall have estates in fee-simple therein as aforesaid.

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