

property; and if the said commissioners shall judge it most for the public advantage, they shall be and are hereby empowered, with the agreement and consent of the said Thomas Russell, and any such subject as they may judge entitled as aforesaid, to divide and set apart, by metes and boundaries, the part or share of the said Thomas Russell, and also the part or share of such other subject as aforesaid, in the lands, or any of the lands, of the Principio company, other than those before excepted, and to lay out the residue in such convenient parcels as they may judge most advantageous; or if the said Thomas Russell, and such subject or subjects as aforesaid, shall choose that the whole of the said land, before directed to be sold, should be laid out as aforesaid in parcels, then may the said commissioners so lay out the same; but if the said Thomas Russell, and such other subject as aforesaid, or either of them, will not agree to the partition aforesaid, nor will agree to lay off the said land into parcels as aforesaid, then the said commissioners are hereby required to issue their warrant, directed to the sheriff of the county where such land lies, to summon thirty-six good and lawful men of the county aforesaid, to meet on the said land as a jury, on a certain day to be therein fixed, and the said sheriff in person shall attend, and after determining all objections (if any made) to the persons returned as a jury, the said sheriff shall cause twelve of such as he shall adjudge good and lawful men to serve on the jury to be drawn by ballot, who shall be sworn as a jury, to make just and equal partition between the state and the said Thomas Russell, and such other subject or subjects as aforesaid, regarding the quality, situation, and value, of the respective lands; and the said sheriff and jury shall divide and set apart the part of the said Thomas Russell, and also the share or part of such other subject or subjects as aforesaid, of the said land, to be held in severalty, by metes and bounds, as he ought to do on a writ to make partition; and the said commissioners may lay off the residue in parcels as aforesaid, and sell the same, laid off in parcels in any manner as aforesaid, after four weeks notice, in the manner and on the terms before mentioned; and if the said Thomas Russell, and every such other subject as aforesaid, shall consent to have his respective undivided part of the said land laid out and sold with the other, he shall have his just proportion of the purchase money secured to him by bonds taken of each purchaser separately to him, and what may be the proportion of this state shall be secured by bonds to this state as aforesaid; or the said Thomas Russell, and any such other subject as aforesaid, may become purchasers, personally, or by others on their behalf, to the amount of their share or part of the whole, and retain and keep to their separate use the lands by them respectively purchased, as and instead of so much of their share or part of the sales of the lands sold; and if the commissioners aforesaid shall judge it to the advantage of the public, division may be made, by agreement as aforesaid, of the personal estate, the property of the said Principio company, or by a jury summoned as aforesaid, and sworn, equally, fairly, and impartially, to divide the same, and the like sales shall be made of the personal estate as is before directed as to the lands, and the purchase money shall be secured in like manner; but if the commissioners aforesaid shall judge it most advantageous for the public, then may they sell the part or share of the state in the said property real and personal, or any part thereof, after such notice as aforesaid, in Baltimore-town, in undivided parts, not putting up to be bid for at one and the same time more than one undivided