

the lots, streets and lanes thereof, most agreeably to their original location, according to the best evidence that can be obtained; and the said lots, so laid out, shall by them be numbered one, two, three, and so on, for distinguishing each lot from the other, having regard to the giving to each lot the same number it was distinguished by when first laid off, or may since have been deeded by, and shall cause the said streets and lanes to be named by certain names; and the said commissioners, or a majority of them, shall have full power to adjourn from day to day till the duties imposed by this act shall be and are fully performed.

III. AND BE IT ENACTED, That the said lots, when they are surveyed and laid out by the commissioners aforesaid, or a majority of them, shall be and are hereby erected into a town, to be called and known by the name of Cumberland; and the said commissioners, or a majority of them, are hereby directed to return a correct certificate and plot of the said lots to the clerk of Allegany county court, who is hereby required to record the same among the land records of said county, and keep the original certificate and plot in his office, and a certified copy of the original, or record, or any part thereof, shall be conclusive evidence as to the bounds and lines of the said town, and the lots thereof.

IV. AND BE IT ENACTED, That the said commissioners, or a majority of them, are hereby authorized and required, having first given fifteen days notice of the time and place of their meeting, by public advertisement, to issue summonses for such person or persons as may be applied for by any of the proprietors aforesaid, which said witnesses are hereby required to attend, under the penalty of five dollars for every neglect or refusal, and to examine them upon their corporal oath, or affirmation, as the case may be, touching and concerning their knowledge of the bounds, limits and extent, of any of the lots, streets and lanes, of the said town, and to establish the same accordingly; and each witness attending under any summons issued as aforesaid shall be entitled to receive fifty cents for every day he shall so attend.

V. AND BE IT ENACTED, That it shall be the duty of the proprietors of the lots, or any part of a lot, in the said town, to provide boundary stones, and to have them marked and set up at the beginning of their respective lots, in the presence of the said commissioners, or a majority of them, which shall thereafter be taken and deemed to be the true beginning of said lots, or any of them.

VI. AND BE IT ENACTED, That if any of the commissioners shall die, refuse, neglect, or be rendered incapable to act, the remaining commissioner or commissioners may appoint some other person in the place of the person or persons who shall so die, refuse, neglect, or be incapable to act.

VII. AND BE IT ENACTED, That each of the said commissioners shall be allowed one hundred and fifty cents for each and every day they shall attend as commissioners aforesaid, and that the surveyor shall be allowed one hundred and seventy-five cents for each and every day he shall be employed by the commissioners for the purpose aforesaid.

VIII. AND BE IT ENACTED, That all expences incurred in the execution of this act, and allowed by the commissioners, shall be paid, one half by the original proprietor or grantor, and the other half by the present proprietors, in the proportion to the number of lots they may severally own or possess, and in case of refusal to pay, may be recovered before a single magistrate in a summary way, and if the proprietor refuses or neglects to pay his proportion, the same may be paid by any holder of a lot, and the receipt of the commissioners for any sum so paid, shall entitle the person paying to a credit for so much in discharge of the annual rent claimed by said proprietor.

IX. AND BE IT ENACTED, That every purchaser of any of the lots in the said town in fee, and every lessee thereof for years, on rent reserved, shall hold and possess the same against any person hereafter claiming title to the same, and shall not be disturbed in their possession; and if any person shall hereafter make claim to the land, or any part thereof, laid off in virtue of this act, and shall, by due course of law, make good title thereto, such person shall be entitled to recover from the person originally laying off and deeding said lot, his heirs, devisee, executors or administrators, any purchase money or rents by him or them received from any of the purchasers or lessees of any of the said lots, and upon such recovery, the tenants holding under the original grantor shall thereafter hold under and pay the rent reserved to the person making title to and recovering the same land.

X. AND BE IT ENACTED, That if any of the buildings already built on the land so as aforesaid to be laid out by the said commissioners, and erected into a town, should happen to interfere with