

nominate and appoint a Clerk for the said Town; and so, as often as Need shall require. And to the End, that the said Town may not be hindered in its Improvement, either by a Refusal of the original Proprietor or Proprietors of the same One Hundred Acres, to sell any of the Lots therein to be laid out as aforesaid, or under an high and unreasonable Price, by which Means any Person may be prevented from purchasing the same, or by some Disability or Incapacity in such Proprietor or Proprietors to convey the same;

Session  
Laws

Be It Enacted, by the Authority, Advice, and Consent aforesaid, That it shall and may be lawful to and for the said Commissioners, or the major Part of them, to treat and agree with the Proprietor of the said Land not already taken up, for the Price of the same, at any Time before the First Day of November next ensuing. And in Case they make an Agreement for the Price with the Proprietor or Proprietors, that then, when the Lots shall be laid out, they set a Price on each Lot not already taken up, or purchased, for which, the Taker-up shall pay: But in Case, they cannot agree for said Ground, that then they, or the major Part of them, are hereby authorized, impowered, and required, Ten Days, at the least, before the Day, on which a Survey as aforesaid is directed shall be made, to issue a Warrant, under the Hands and Seals of them, or the major Part of them, directed to the Sheriff of the said County; which said Sheriff is hereby authorized and required, upon receipt of such Warrant, to impanel and summon a Jury of Twelve substantial Freeholders, Inhabitants of the same County, to be and appear before the said Commissioners, or the major Part of them, at the same Town, on a certain Day, being such Day on which the aforesaid Survey shall be made; which Jurors, upon their Oath to them, by such Commissioners, or the major Part of them, to be administred, and who are hereby required and authorized to administer the same, shall enquire what Damages and Recompence ought to be awarded to the said original Proprietor or Proprietors of all such Lots as are not taken up, and possessed by any Person or Persons, other than such original Proprietor or Proprietors of the said One Hundred Acres. And the Payment of such Sum or Sums of Money, or Tobacco, as such Lot or Lots shall, by the said Jury, be adjudged worth to the Proprietor or Proprietors as aforesaid, or a Tender thereof, by such Person or Persons, who shall be willing and desirous to take up such Lot or Lots aforesaid; and Refusal by such Proprietor or Proprietors, and such Payment, or Tender, and Refusal, being duly proved, by the Oath of one or more lawful Witness or Witnesses, before Two Justices of the Peace for the said County, by the said Person or Persons intending to take up the same; and an Entry or Record thereof made by the Town Clerk aforesaid, and returned by him, to be lodged with the other Proceedings in the County Court Office, as aforesaid, shall give and make to such Person or Persons paying or tendering as aforesaid,

p. 35