

CHAP. 153.

Damages sustained by persons by such extension to be ascertained by a jury.

3. AND BE IT ENACTED, That the sheriff of Baltimore county, after having given at least ten days notice in one of the news papers of the city of Baltimore, shall, at any time before the first Monday of May next, summon twelve freeholders, inhabitants of the said city, not interested in the premises, who being first sworn to assess and value what damages shall be sustained by any person or persons whomsoever, by reason of the opening and extending the aforesaid street, (taking into consideration any vacant ground that may be on the east side of said street, when so extended, as well as all benefits and inconveniencies,) shall proceed to assess and value what damages may be sustained by any person or persons whomsoever, by opening and extending the said street, and shall also declare what sum of money each individual benefitted thereby shall respectively contribute and pay towards compensating the person or persons injured by opening and extending the said street; and the names of the person or persons, and the sums of money which they shall respectively be obliged to pay, shall be returned, under their hands and seals, to the register aforesaid of the said city, to be filed and kept in his office; and the person or persons benefitted by the opening of the said street, and assessed as aforesaid, shall respectively pay the sum or sums of money so charged and assessed to him or them, with interest thereon, at the rate of six *per centum*. from the time limited for the payment thereof; and should there be found to be any vacant ground on the east side of the said street, when the same shall be extended, the same shall be vested in the proprietors of lots fronting on the east side of said street, in proportion to the width of the front of their lots respectively.

By Nov 1812, ch. 188, the commissioners of the city are to collect the money assessed, and tender the same to the persons entitled to receive it.

Sum assessed to be binding on property benefitted

4. AND BE IT ENACTED, That the sums of money assessed and charged to each individual benefitted by extending and opening the aforesaid street, shall be a lien upon and bind all the property so benefitted thereby, to the full amount thereof.

In case damages are not paid suits may be instituted.

5. AND BE IT ENACTED, That in case the person or persons injured by opening and extending the said street, shall not be paid the damages by them respectively sustained and assessed as aforesaid, within six months after the same shall be ascertained as aforesaid, he, she or they, shall and may institute suits in Baltimore county court for the recovery thereof, in which it shall be sufficient to declare for money had and received, and this act, and the proceedings under the same, shall be evidence to support such action or actions instituted as aforesaid.

Parties may proceed to trial at court to which writ is returnable.

6. AND BE IT ENACTED, That in case any suit shall be instituted as aforesaid for the recovery of any sum or sums of money in virtue of this act, if the person or persons instituting the same shall file a short notice, expressing the ground of such action, at least twenty days before the sitting of the court, and cause a copy thereof to be served on the defendant, or left at his last place of abode, the parties shall proceed to trial at the court to which the writ shall be returnable, and no imparlance or appeal shall be allowed.

Not to be opened until damages are paid.

7. AND BE IT ENACTED, That the street aforesaid shall not be extended or opened through the property of any individual injured