

15. AND BE IT ENACTED, That a majority of the aforesaid board of commissioners shall be competent to exercise all its powers, and vacancies happening therein shall be supplied from time to time by the mayor and presidents of the first and second branches of the city council, or any two of them, for the time being; and that so much of the act* relating to streets in the city and precincts of Baltimore, as is supplied by, or is inconsistent with, the provisions of this act, be and the same is hereby repealed; *Provided however,* that where the commissioners in pursuance of the said act may have laid out any street, lane or alley, and proprietors of ground thereon have laid out or disposed of their grounds conformably thereto, the same shall not be altered or changed under the provisions of this act, without the consent of such proprietors.

CHAP. 148.
Vacancies, how to be supplied.

* 1816, ch. 218.

Proviso.

16. AND BE IT ENACTED, That on the application, in writing, by the proprietors of not less than two thirds of any property, which may be intended to be taken for the opening, extending, widening or straightening of any street, lane or alley, to the mayor and city council of Baltimore, they may open, extend, widen or straighten, such street, lane or alley, or part thereof respectively, according to the location and delineation thereof by the said commissioners; but before the same shall be opened, extended, widened or straightened, the said mayor and city council shall appoint five assessors, who, or a majority of them, shall ascertain, on oath, the amount of injury which any person or persons will sustain by the opening, extending, widening or straightening, of such street, lane or alley, or part thereof respectively; *Provided,* that no person shall be entitled to damages for any improvement unless the same shall have been made or erected before the laying out or locating of such street, lane or alley, or part thereof respectively; *Provided,* that any person or persons aggrieved by the assessment of damages by the said assessors, shall have a right to appeal to Baltimore county court next after such assessment, and a right to a trial by a jury, by issue or issues framed by the order of the court for that purpose, and the costs of such appeal to be paid by the appellant, unless the report of the assessors shall be reversed, which said appeal shall be decided at the first court to which such appeal shall be made, unless the court, upon legal grounds, shall think the justice of the case to require a continuance.

On application streets may be opened, &c.

Proviso

17. AND BE IT ENACTED, That the mayor and city council of Baltimore shall cause to be paid or tendered to the persons entitled thereto, the damages ascertained as aforesaid, out of the city treasury, before any street, lane or alley, shall be opened, widened or straightened; and the assessors aforesaid shall return their report to the register of the city, to be filed in his office, authenticated copies of which shall be evidence.

Damages to be paid before street is opened

18. AND BE IT ENACTED, That the mayor and city council of Baltimore shall not be authorised to cause any unpaved street, lane or alley, or part thereof respectively, within the city, to be paved, without the assent in writing of the proprietors of a majority of the ground binding and fronting on such street, lane or alley, or the part thereof to be paved.

Streets not to be paved without consent of proprietors

19. AND BE IT ENACTED, That the governor, by and with the advice and consent of the council, shall appoint three disinterested persons, who shall not be residents of Baltimore city, who shall

Limits of city to be ascertained