

C H A P. XXXVI. the different lots, where the commissioners shall direct such paving and posting to be done, according to their respective possessions binding on the streets.

Tenants in certain cases to cause posting, &c. to be done, &c.

VI. **And be it enacted,** That if the owner or owners of any house or lot, or part of a lot, where such paving and posting shall be directed by virtue of this act to be posted, paved, amended or repaired, shall not reside within the town, the tenant or person occupying the same, or who shall have the care or charge thereof, shall cause the said paving and posting to be done before the front of such possession, and the money expended by such tenant or person having the charge of such property in paving, posting and repairing, the footway aforesaid, in obedience to the orders of the commissioners as aforesaid, shall be allowed by the owner, and deducted by the tenant out of the rent then due, or thereafter to become due; and if any owner or tenant of any house or lot, or part of a lot, or the person having the care of the same, shall refuse or neglect to post, pave, amend or repair such footway, according to the order and direction as aforesaid, it shall and may be lawful for the said commissioners, or a majority of them, and they are hereby directed, to contract and agree with some person or persons, on reasonable terms, to post, pave, amend or repair, such footway, and shall charge the expence thereof to the owner or owners in front of whose property such pavement may be done, and shall recover the same by execution on such property with costs.

Commissioners to employ carts, &c.

VII. **And be it enacted,** That the said commissioners, or a majority of them, shall have full power to employ, agree with, and hire carts, waggons and labourers, and shall proceed to raise, lower and level, any of the streets, or otherwise as the said commissioners may think proper, in the said town, beginning with market-street, and shall stone or gravel them where necessary, and shall proceed to lay an equal tax on the property in said town, not exceeding two shillings and six-pence current money in the hundred pound worth of property, to defray the expences thereof, which said tax shall be collected and paid to the said commissioners, or a majority of them, by a collector of their appointment, who shall have the same power to distrain therefor as the collector of the public and county assessment have to distrain for the same, in the following manner, to wit, one half thereof on the first day of May, and the remainder on the first day of September, annually; and the said collector, for the faithful performance of his duty, shall be allowed a sum not exceeding four *per cent.* commission for collection.

And settle accounts annually, &c.

VIII. **And be it enacted,** That the said commissioners shall settle their accounts with the justices of Frederick county, at November court, annually, during the continuance of this act.

Persons intending to build to inform the commissioners thereof, &c.

IX. **And be it enacted,** That if any person shall be about to erect, or carry on any building on any of the streets in Frederick-town aforesaid, he shall, before he proceeds to erect the same, inform the said commissioners, or a majority of them, at what time he intends to begin to erect the same, and the said commissioners, or a majority of them, are hereby required to attend and direct the range of such building with the street, the projection of the porches and cellar-doors; and any person proceeding to erect any building, fronting any of the said streets, without giving notice as aforesaid, and contrary to the order and direction of the said commissioners, the same shall be deemed a nuisance.

Defendants may plead the general issue, &c.

X. **And be it enacted,** That if any person shall be sued or impleaded, for performing or doing any thing by this act required, the defendant may plead the general issue, and give this act and the special matter in evidence.