

A plaintiff cannot recover otherwise than according to the allegations of his declaration, and a prayer based on other facts is improper. Negligence. Recovery cannot be had upon testimony as to conditions appearing sixteen months later, in the absence of all testimony as to how the work had been done.

Baltimore v. Stalfort, 123 Md. 269.

(24) SQUARES, SPRINGS AND MONUMENTS.

1892. ch. 349.

P. L. L. (1888), Art. 4, secs. 799D, 799E, 799F.

To establish, regulate and control all squares, springs and monuments erected or constructed within the City of Baltimore, and to provide for the maintenance of same. To provide by ordinance for the purchase or condemnation of all that land lying in the City of Baltimore between the lines of Dolphin street on the north, Biddle street on the south, Jordan alley on the east, and Morris alley on the west, or so much thereof as may be necessary, upon a proper survey, to extend the line of parking known as Eutaw Square from Dolphin street to Biddle street, and the driveways on each side thereof; and to provide for the assessing and levying on the whole assessable property of the said city, or on the property of persons thereby benefited, the whole or any part of the damages and expenses which may be incurred in acquiring said land, and in locating and laying out the said line of square; and to provide for the granting of appeals to the Baltimore City Court, from the decisions of the Commissioners for Opening Streets or any Commissioners, or other persons, appointed by authority of any ordinance to ascertain the damages which will be caused or the benefits which will accrue to the owners or possessors of ground or improvements in acquiring said land and in locating, laying out and extending said square from Dolphin street to Biddle street, and for securing to every such owner and possessor the right, on application within a reasonable time, to have decided by a Jury trial, whether any damage has been caused, or any benefit has accrued to them and to what amount; and to provide for collecting and paying over the amount of compensation adjudged to each person entitled, or investing in it stock of said city, for the use of any such persons who, because of their infancy, absence from the city, or any other cause, may be prevented from receiving it, before any part of the land lying within the said lines shall be taken. Before the said city shall pass any ordinance under the above provisions, at least sixty days' notice shall be given of any application for the passage of such ordinance, in at least two daily papers in said city; and before the Commissioners for Opening Streets or any Commissioner or Commissioners appointed by any ordinance under the above provisions shall proceed to the performance of his or their duty, he or they shall give notice in at least two of the daily newspapers in the City of Baltimore, of the object of the ordinance under which he or they propose to act, at least thirty days before the time of their first meeting to execute the same.