

opening, widening or straightening in whole or in part any street, square, lane or alley, that a portion only of a lot or of a lot and improvements shall be taken and used or destroyed, and the owner or owners thereof shall claim to be compensated for the whole, the said Commissioners in such cases may, if they deem it best and not otherwise, accept a surrender in writing of the whole of said lot and improvements, or the whole of said improvements, from said owner or owners, in which event the said Commissioners shall ascertain the full value thereof, as if the whole lot or lots and improvement or improvements, as the case may be, were necessary to be taken and used for such proposed object, and the whole amount of such valuation when finally decided on shall be paid or tendered to the said owner or owners before any part thereof shall be destroyed, removed, or used, unless such owner or owners shall assent thereto in writing, as now provided for by law; and the said Commissioners, after giving ten days' notice in two of the daily newspapers of the city of the time and place, manner and terms of sale, shall sell by public auction to the highest bidder the materials of any house or houses which it shall be necessary to remove, in whole or in part, and also the residue of any lot of which a part shall be taken and used to effect the object confided to the Commissioners, and which residue shall have been, with the consent of the Commissioners aforesaid, surrendered by the owners thereof as aforesaid; the purchase money to be paid when full possession shall be given of the property or material so sold, and the said Commissioners or a majority of them on receiving the purchase money aforesaid, and not before, shall by a good and sufficient deed convey the lot or lots of ground by them so sold to the purchaser; but no such sales shall be made until after the Commissioners have assessed the entire amount of damages and expenses as are now directed to be assessed by existing ordinances relating to the condemnation of streets, nor until all damages for taking said property shall have been paid or tendered to the proper party or parties or invested or paid into Court as by law required, nor until the said Commissioners are ready and able to give possession to the said purchaser or purchasers of property and materials aforesaid, and the said Commissioners are duly empowered to take and receive a good and sufficient bond from the purchaser or purchasers aforesaid, with a penalty to the Mayor and City Council of Baltimore, conditioned that the purchase money be duly paid at such time as the said Commissioners shall demand the same, and conditioned further that said purchaser or purchasers shall remove within sixty days after notice from the said Commissioners from the bed of the street all such materials so sold, and all rubbish or other obstructions in said street occasioned thereby; and in the event of the purchaser or purchasers not complying with the terms of said sale, the Commissioners shall resell the said lot or lots, and improvement or improvements, as the case may be, at the risk of the former purchaser, or purchasers, giving not less than five days' notice of said resale in two of the daily newspapers of the city aforesaid; provided, however, that where, in the judgment of said Commissioners, a part only of the whole of a lot or a part of the