

CHAP. 176.

of his claim, and of his intention to avail himself of the provisions of this act, to the levy court of Frederick county or to any three justices thereof, at least fifteen days before the May term of Frederick county court, to move said court for a writ of mandamus, to be directed to the justices of the levy court of said county, commanding them to levy and pay to the said Samuel S. Hays the amount which may be due to him, with interest thereon, from the time when the same should have been paid, and the said court shall proceed without continuance or postponement, to hear and determine said motion, and render judgment thereon, according to law and right; *provided however*, that if it shall appear to the court that justice cannot be done between the parties without continuance, they may in their discretion continue the same to the next term of said court upon such terms as they may impose, and at the cost of the party asking such continuance, and the party in whose favour the judgment of the court may be given, shall recover his costs of suit.

Mandamus

Court directed

Appeal provided

SEC. 2. *And be it enacted*, That either party may appeal from the judgment of the county court, to the court of appeals; *Provided*, said appeal be taken to the next term of the court of appeals which shall happen after the rendition of the judgment of the county court, and the said court shall hear and decide on said appeal at the term at which it shall be made.

Levy in case, &c.

SEC. 3. *And be it enacted*, That if the judgment of the said court shall be in favour of the said Samuel S. Hays, the levy court of Frederick county shall levy the amount thereof for his use, at the next annual levy after the rendition thereof.

CHAPTER 176.

Passed Mar. 11, 1837. *An act to provide for the opening and extension of Plank Alley, in the City of Baltimore.*

Authority to open

Be it enacted by the General Assembly of Maryland, That the Mayor and City Council of Baltimore, are hereby authorised and empowered to provide by ordinance in such manner as they may deem proper, for the opening and extension of Plank Alley in said city,