

Dec. Ses. 1823

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as may best comport with the interest and convenience of the public, and any vacancies happening in said board, from neglect to qualify or otherwise, shall be filed by the commissioners who shall consent to act.

Their proceedings directed.

2. *And be it enacted*, That the said commissioners shall cause a survey and two plots to be made of the situation of the ground across which the said street is required to be laid out, and such lots as are adjacent thereto, and shall mark out and designate the said street upon the said plots, and upon the ground, and shall return under their hands and seals, one of the plots to be lodged in the office of the register of the city of Baltimore, there to remain as a part of the said city, and the other plot to the clerk of Baltimore county court, to be by him preserved among the records of said court.

Damages.

3. *And be it enacted*, That the said commissioners after having surveyed the ground and designated the street as aforesaid, shall proceed forthwith to ascertain and determine what damages will be sustained by the owners of property lying within or adjacent to the said street, by reason of the opening and extension thereof, taking into consideration all advantages and disadvantages, provided that no claim of compensation for damages shall be adjudged in favor of any property which shall not be taken in whole or in part for the use of the said street.

Assessment of benefit.

4. *And be it enacted*. That the said commissioners after having ascertained the damages as aforesaid, and added thereto the commission allowed to the collector, as hereinafter provided, and an estimate of the expense of executing their agency herein, including a reasonable compensation to their surveyor and clerk, whom they are hereby authorized to employ, which shall be paid to the parties respectively entitled to receive the same, of which said sum one third shall be paid by the mayor and city council of Baltimore, and they shall then proceed to assess the residue of the said sum upon the property benefitted by the opening and extension of the said street, having regard to all circumstances, and having completed the said estimate and assessment, the said commissioners shall make a full and particular report thereof, under their hands and seals to Baltimore county court, designating precisely the property ascertained to be injured, and the property assessed as benefitted, and the names of the proprietors of both species of property as fully as they can ascertain the same, and the relative or respective rights of such proprietors.

Notice, appeal, review, time limited, &c.

5. *And be it enacted*, That the clerk of Baltimore county court, shall publish notice of the report, being returned as aforesaid within five days after the said return in all newspapers printed in the said city, and if any person or body corporate, shall conceive himself, herself or themselves aggrieved by the award in such report, he, she or they may petition the Judges of Baltimore county court, to review the same, who thereupon shall proceed to examine fully the subject, and for that purpose they are hereby authorized and empowered to summon witnesses, to call for papers and to hear the representations of parties, and finally to decide upon the subject matter, and to alter modify and correct the said report, in all or any of its parts as to them shall seem just and equitable, giving to all parties affected by any proposed modification, reasonable notice; the said court shall allow costs against the parties controverting the said report to the clerk in their discretion, and after all applications for a review shall have been disposed of and the report of the commissioners shall have been finally approved and passed by the said court, they shall order