

C H A P.
XXXIX.

proof which may be made to parts of such original location, so as to make the lines upon which an allowance for the variation may be made correspondent as nearly as may be with the parts proved as aforesaid, and to establish and fix permanent boundaries of stone throughout the same, with proper marks and devices thereon, to ascertain in future the true location of the several lots in every part of the said town, and to cause a correct plot, with proper explanations of the same to be made, together with the proof by them taken, and the reasons which governed them in fixing such boundaries where no proof of the original running can be obtained; and returned to the town clerk, who is hereby directed to enter the same on record among the records of said town.

Proviso.

III. PROVIDED ALWAYS, AND BE IT ENACTED, That if any person shall apprehend himself aggrieved by the determination of the said commissioners in the premises, such person may, within three months next after such determinations, appeal from the same to the general court of the western shore, which court shall have full power and authority to hear and determine such appeal; and to make all orders necessary for obtaining full information upon the subject of dispute, and shall hear such appeal at the first court, if it can be done with justice to the parties, and the judgment and determination of the said court shall be final, and being certified to the commissioners aforesaid, they shall act in conformity thereto in completing their survey and location aforesaid.

Streets, &c. to
be laid out
anew, &c.

IV. AND BE IT ENACTED, That the commissioners aforesaid, or a major part of them, are hereby empowered and required, on application of the proprietors of any lots throughout the said town, to survey, alter, amend and lay out anew, the streets, lanes and alleys, running through the same, with the consent of the proprietors thereof, or their guardians, first had and obtained, and at their own expence, so as to make the streets, lanes and alleys, throughout every part of the said town, to correspond and communicate with each other as near as may be; provided always, that the streets, lanes and alleys, when altered, amended and laid out anew, shall not run through the ground of any person whatsoever, without the consent of such person first obtained.

Ground to be
surveyed, &c.

V. AND BE IT ENACTED, That the commissioners aforesaid, or a major part of them, are authorized and required, on application of any person or persons who already have, or hereafter shall make and extend ground and other improvements into the waters of PatapSCO river, to cause the same to be surveyed, and laid out into streets, lanes, alleys, docks and canals, with consent of the proprietors thereof, and at their expence, and annex to Baltimore-town, and correct plots and certificates thereof to return to the town clerk, and have the same entered on record, there to remain as evidence to perpetuate the same.

This section is repealed by 1794, ch. 62, and the commissioners are thereby authorized, on application of the proprietors (or a majority of them,) of any wharf or parcel of ground, made and extended into PatapSCO from any lot, to cause the same to be laid out into streets, lanes, lots and alleys, &c.

Lots, &c. to be
part of Balti-
more-town, &c.

VI. AND BE IT ENACTED, That the lots of ground, streets, lanes and alleys, when so altered, amended and laid out anew, and the ground and other improvements made and extended out of the water, when surveyed and laid off according to the directions of this act, shall be, and they are hereby declared to be, part of Baltimore-town aforesaid, and shall have all the immunities, privileges and advantages, the rest of the said town hath, or by former laws ought to have, as fully and as amply as if the same had been originally included therein; saving to all persons whatsoever their right of property in any of the said ground so made and extended as aforesaid, and in the lots or land from which such ground may be made and extended, and the right to make and extend ground as aforesaid, and the right to the water, or land covered by water, which rights are not meant or intended in any manner to be interfered with, determined on, or affected by this act.

Canal to be
opened, &c.

VII. AND, whereas a number of inhabitants of the said town are desirous of opening and cutting a canal from the head of the basin to the waters of the ferry branch of PatapSCO river, which would greatly facilitate the commercial intercourse between the country and the different parts of the said town, BE IT ENACTED, That John Eager Howard, Thomas Russell, William Goodwin, William Hammond and David Williamson, (a) of Baltimore-town, or a majority of them, by and with the consent of a majority of the commissioners of said town, and with the approbation and consent of the proprietors of the ground through which the same shall pass, are hereby authorized and permitted to make and open a canal, not to exceed forty feet wide, and of a convenient and reasonable depth, from the upper part of the basin of Baltimore-town to the ferry branch of PatapSCO river, beginning the same on the basin at the street called Forest-street, and running the same in a convenient direction to the waters of the ferry branch; which said canal, when made and finished, shall be,

(a) By 1786, ch. 45, other persons are appointed to carry the provisions of this act into execution.