

C. H. A. P.
XXVII.

commonly called Market-street, which is so often crowded with carts, waggons and drays, that there is not sufficient room for the inhabitants to pass and repass to and from the said market, without incommoding and mutually obstructing each other, and have prayed that an act may pass, empowering and appointing commissioners to extend and open the following streets, to communicate with each other; that is to say, Fayette-street, in Howard's addition to the said town, to King-Tammany-street, from thence to Chatham-street, and from thence to Calvert-street, and that, by opening the said streets, nearly a direct communication with the aforesaid market will be obtained; and this general assembly thinking the prayer of the said petitioners reasonable,

Commissioners
appointed, &c.

II. BE IT ENACTED, by the General Assembly of Maryland, That Stephen Wilson, Charles Crookshanks, Hercules Courtenay, John Holmes and John Mickle, or any three of them, shall be and they are hereby appointed commissioners to lay out and open the following streets in Baltimore-town, of the width of forty feet; that is to say, from Fayette-street, in Howard's addition to the said town, to King-Tammany-street, from thence to Chatham-street, and from thence to Calvert-street; and the said streets, when so laid out and opened, and the valuation and assessment herein after directed to be made shall have taken place, shall be deemed and taken; and are hereby declared to be, a public street and highway for ever thereafter; and the said commissioners are hereby directed to return a plot, ascertaining the extent and limits of the said street when so extended and opened, to the clerk of Baltimore county court, who shall receive and file the same as part of the plot of Baltimore-town.

Who shall assess
damages,
&c.

III. AND BE IT ENACTED, That the said commissioners, or any three or more of them, after having given ten days public notice thereof by advertisement in the Maryland Journal, shall proceed to assess and value what damages shall be sustained by any person or persons whatsoever, by reason of extending the aforesaid streets, taking all benefits and inconveniencies into consideration, and shall return the same, under their hands and seals, to the clerk of Baltimore county court.

And consider
the benefits,
&c.

IV. AND BE IT ENACTED, That the said commissioners, or any three of them, after having given public notice as aforesaid, shall meet and take into consideration what benefit the property of each individual shall derive from extending the aforesaid street, and shall declare what sum of money each individual, so benefitted, shall respectively contribute and pay towards compensating the persons injured by extending and opening the said street, and the names of the persons, and the sums which they shall be obliged to pay, shall be returned, under their hands and seals as aforesaid, and filed with the said clerk; and the person or persons benefitted by opening the said streets, and assessed as aforesaid, shall respectively pay interest on the sums with which shall be assessed, at the rate of six per cent. from the time limited for the payment thereof.

In case of neglect,
persons
to be summoned,
&c.

V. AND BE IT ENACTED, That in case the said commissioners shall neglect or refuse to assess and value the benefits and damages sustained by reason of opening the said street on or before the first day of May next ensuing, the sheriff of Baltimore county shall summon seven freeholders of Baltimore-town, not interested in the premises, who, being sworn to assess and value the same, shall proceed agreeably to the directions of this act.

A valuation which had been made under this act was confirmed by 1794, ch. 38.

Sums assessed to
be a lien, &c.

VI. AND BE IT ENACTED, That the sums of money assessed and charged to each individual benefitted by extending and opening the aforesaid streets, shall be a lien upon and bind all the property so benefitted thereby to the full amount thereof.

Damages may
be sued for, &c.

VII. AND BE IT ENACTED, That in case the persons injured by opening and extending the said streets shall not be paid the damages by them respectively sustained, and assessed as aforesaid, within six months after the same shall be ascertained, the said commissioners, or the survivors of them, shall be and they are empowered and required to institute a suit, in Baltimore county court, for the recovery thereof, in which it shall be sufficient to declare for money had and received, and this act, and the proceedings under the same, shall be evidence to support such action or actions, and shall apply the money recovered towards satisfying the individuals injured by extending the said streets, or to such person as shall pay, or give bond to secure them.

Trial to be had
the first court,
&c.

VIII. AND BE IT ENACTED, That in case any suit shall be instituted for the recovery of any sum or sums of money in virtue of this act, if the said commissioners, or the survivors of them, shall file a short note, expressing the ground of the action, at least twenty days before the sitting of the court, and cause a copy thereof to be served on the defendant, or left at his last place of abode, the parties shall