

all costs as shall be awarded to prosecute the said appeal to effect, and to abide the order and judgment of the said court, which said court is hereby authorized to receive the said appeal, and to proceed therein according to usage and practice in cases of appeals.

C H A P.
XVII.

XXXIX. **Provided** also, That if any person or persons be sued or prosecuted for any thing done in pursuance of this act, he, she, or they, may plead the general issue, and give this act and the special matter in evidence for their justification; and if the plaintiff or prosecutor become nonsuit, or suffer a discontinuance, or if a verdict pass against him, the defendant shall have treble costs, to be recovered as in cases where costs by law are given to defendants.

Proviso.

XL. **And**, Whereas the laws to prevent the going at large of hogs in the streets, lanes, and alleys, or said town, are found insufficient, and as great injury arises to the streets from said animals going at large, Therefore, **Be it enacted**, That the special commissioners appoint a proper person or persons to seize all the hogs found at large in the said streets, lanes, or alleys, and sell the same, for the use of paving and repairing the said streets, paying to the persons so seizing said hogs a reasonable reward.

Person to be appointed to seize hogs, &c.

XLI. **And**, in order to perpetuate the said special commissioners for the above mentioned purposes, **Be it enacted**, That it shall be lawful for the inhabitants of the town of Baltimore, qualified to vote for delegates, or having real property in said town above thirty pounds, on the first Monday in October, in the year of our Lord one thousand seven hundred and eighty-six, to elect by ballot, at the usual place of holding elections, nine proper persons, qualified to be delegates for the general assembly, to be electors of the said special commissioners; and that the electors so chosen shall meet at the court house, or other public building, and proceed to elect by ballot, either out of their own body, or the inhabitants of the town at large, seven special commissioners; that the seven who shall, on striking the ballots, have the greatest numbers in their favour, shall be declared duly elected, and their names and election specified in the public news-paper by the said electors, but if two or more shall have an equal number of ballots in their favour, then election to be determined in the manner prescribed in the form of government for the election of senators; that the persons elected must have been residents in the said town three whole years next preceding the election, and must have real or personal property in the said town above the value of five hundred pounds current money; that the commissioners so elected may and shall continue in the office for the space of five years, unless removed by death, resignation, or otherwise, and that an election for special commissioners be held every five years on the first Monday in October.

Special commissioners to be elected, &c.

XLII. **Be it enacted**, That the special commissioners, appointed by an act, entitled, An act for the speedy application of the monies appropriated for repairing the streets in Baltimore-town in Baltimore county, are hereby continued special commissioners, and empowered to discharge all and the several duties, matters, and things, required by this act, till the first Monday in October seventeen hundred and eighty-six, and no longer, unless re-elected.

Present commissioners continued, &c.