

of saving the land, to be divided agreeably to the will of their father; therefore, BE IT ENACTED, That the said warrant of resurvey shall have no force or validity to vest in the parties any other right, or title or interest to the said tract of land, or any part thereof, than are respectively entitled to in virtue of the last will and testament of their said father, Jacob Common, senior, deceased.

CHAP. XVIII.  
Warrant to have no force, &c.

CHAP. XIX.

An ACT for the opening of Second-street in the city of Baltimore.

Passed Jan. 15.  
Preamble.

WHEREAS sundry persons of the city of Baltimore have represented to this general assembly, that the health and convenience of the inhabitants of said city would be materially benefitted by the opening and extending of Sharping lane, now called Second-street, in the said city, which is at present considerably obstructed by several small and confined buildings, erected and standing on that part of said street nearest to and adjoining South-street: And whereas this general assembly have good cause to believe that the representation of the said inhabitants is just and reasonable; therefore,

II. BE IT ENACTED, by the General Assembly of Maryland, That the city commissioners of the city of Baltimore shall and they are hereby authorized and empowered to extend and open Sharping lane, now called Second-street, in the city of Baltimore, to the breadth of forty-nine feet and one half foot, from the point where the said street intersects Gay-street to that point where it passes into South-street; and the said street, when so opened and extended, and the valuation and assessment herein after directed to be made shall have taken place, shall be deemed taken, and is hereby declared to be, a public street and highway for ever thereafter; and the said commissioners are hereby required to return a plot, ascertaining the limits and extent of the said street, when so extended and opened, to the register of the city of Baltimore, who shall receive and file the same as part of the plot of the city of Baltimore.

Lane to be extended, &c.

III. AND BE IT ENACTED, That the sheriff of Baltimore county, after having given at least ten days notice in one of the news-papers of the city of Baltimore, shall, at any time before the first Monday of May next, summon twelve freeholders, inhabitants of the said city, not interested in the premises, who being first sworn to assess and value what damages shall be sustained by any person or persons whomsoever by reason of the opening and extending the aforesaid street, (taking all benefits and inconveniencies into consideration,) shall proceed to assess and value what damages may be sustained by any person or persons whomsoever by opening and extending the said street, and shall also declare what sum of money each individual benefitted thereby shall respectively contribute and pay towards compensating the person or persons injured by opening and extending the said street; and the names of the person or persons, and the sums of money which they shall respectively be obliged to pay, shall be returned, under their hands and seals, to the register aforesaid of the said city, to be filed and kept in his office; and the person or persons benefitted by the opening of said street, and assessed as aforesaid, shall respectively pay the sum or sums of money so charged and assessed to him or them, with interest thereon at the rate of six per centum from the time limited for the payment thereof.

Sheriff to summon freeholders, &c.

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

Sums assessed to be a lien.

V. AND BE IT ENACTED, That in case the person or persons injured by opening and extending the said street shall not be paid the damages by them respectively sustained and assessed as aforesaid, within six months after the same shall be ascertained as aforesaid, he, she or they, shall and may institute suits 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 instituted as aforesaid.

Persons injured and not paid may sue, &c.

VI. AND BE IT ENACTED, That in case any suit shall be instituted as aforesaid for the recovery of any sum or sums of money in virtue of this act, if the person or persons instituting the same shall file a short note, expressing the ground of such 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 proceed to trial at the court to which the writ shall be returnable, and no imparlance or appeal shall be allowed.

In case of suit, trial to be had first court, &c.

VII. AND BE IT ENACTED, That the street aforesaid shall not be extended or opened through the property of any individual injured thereby, until the damage by them sustained and assessed aforesaid shall be first paid, or secured to be paid to their satisfaction, together with legal interest thereon from the time of ascertaining the damages by them respectively sustained.

Street not to be extended, &c.

VIII. AND BE IT ENACTED, That in case the obstructions in the said street are not removed within twenty days after the money charged and assessed as aforesaid is paid, or tendered or secured to be paid as aforesaid, the city commissioners aforesaid are hereby authorized and directed to remove the same without delay, and to charge the expence of such removal in equal proportions among the several persons benefitted by the opening and extending the aforesaid street, according to the benefit which each may have been estimated to have received agreeably to the assessment and valuation aforesaid.

Commissioners may remove obstructions, &c.

X. PROVIDED ALWAYS, That nothing herein contained shall be construed to authorize the aforesaid to assess any money or monies for the purposes of this act on any person or persons never, excepting those resident or holding property on second-street, between Gay-street and South-street.

Proviso.