

the privileges of, the water, at the west end of the city of Baltimore, between Pratt-street and Forrest-street, have wharfed out, extended and improved, the whole front of their several lots respectively, until they intersect the east side of a line drawn from the east side of Light-street to east side of Forrest-street, and that but a small part remains to be filled up and wharfed out, agreeably to the provisions of an act of assembly passed for that purpose; therefore,

II. BE IT ENACTED, by the General Assembly of Maryland, That it shall be the duty of the proprietors of lots binding on the water within the limits aforesaid, who have not wharfed out and extended the same agreeably to the provisions of an act passed in the year seventeen hundred and ninety-six, chapter forty-five, to wharf out and improve the same agreeably to the provisions of the said law, within two years from the passage of this act, and in their default to comply with the requisitions hereof, then it shall and may be lawful for the corporation of the city of Baltimore to wharf out and extend the street by law established, and directed to be sixty feet wide, and running parallel with, and binding upon, a line drawn from the east side of Light-street to the east side of Forrest-street, within twelve months from the expiration of the time allowed therefor to the proprietors of said lots, and in case the said corporation shall neglect or refuse so to do, then and in that case it shall and may be lawful for any individual or individuals, who shall first signify his determination to undertake the same to the mayor of the city of Baltimore, to wharf out and improve the said street, agreeably to the provisions of this act.

III. AND BE IT ENACTED, That those persons, or the corporation, as the case may be, who shall wharf out and improve agreeably to the provisions of this act, shall be solely and exclusively entitled to the emoluments arising from the wharfage upon such improvements in wharfing and filling out said street; provided always, that the proprietor or proprietors of said lots, in making out and extending the same, and the corporation, or such person or persons as shall undertake the making and improvement of the said street, agreeably to the provisions of this act, shall be subject to the rules, regulations and ordinances, of the board of commissioners, or other constituted authorities, of the city of Baltimore, respecting the manner the said wharfs shall be extended, and also for the regulation of the wharfage thereof; and provided also, that sixty feet of the said wharfs, when so made out and extended, at the end thereof, parallel with, and binding upon, a line drawn from the east side of Light-street to the east side of Forrest-street, shall be deemed, taken and considered, as a public highway for ever thereafter, reserving nevertheless to the proprietors of the said wharfs the benefit and advantage of the wharfage thereof, under the limitations aforesaid.

IV. AND BE IT ENACTED, That before the work or operations in filling up and wharfing out herein directed shall be commenced, it shall and may be lawful for the sheriff of Baltimore county, and he is hereby directed and required, (after having given at least ten days notice in one of the news-papers of the city of Baltimore,) to summon twelve freeholders, inhabitants of 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 whatsoever in wharfing out and filling up as aforesaid, (taking all benefits and inconveniencies into consideration,) shall proceed to assess and value what damages will be sustained by each and every person by filling up and wharfing out as aforesaid, and shall distinctly state, by name, to what amount each person will be so injured, and shall also assess and estimate what sum of money each person, by name, who will be benefitted thereby, shall contribute and pay towards compensating the person or persons injured by filling up and wharfing out as aforesaid, and return the same to the sheriff, under their hands and seals, who shall deliver the same to the register of the city, to be filed by him as aforesaid; and the person or persons benefitted by filling and wharfing out as aforesaid, and assessed as aforesaid, shall pay the sum or sums so charged and assessed to him or them as aforesaid, with interest thereon at the rate of six per cent. from the time herein after limited for the payment thereof, to the person or persons injured as aforesaid, in the proportions so ascertained and assessed.

V. AND BE IT FURTHER ENACTED, That the sums of money so as aforesaid assessed and charged to each individual benefitted by filling up and wharfing out as aforesaid, shall be a lien upon and bind all the property so benefitted thereby, to the full amount thereof, and in case the person or persons injured by filling up and wharfing out as aforesaid, shall not be paid the damages by them sustained and assessed as aforesaid, within six months after the same shall be so as aforesaid assessed and ascertained, 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 it, may be given in evidence to support such suit or suits instituted as aforesaid.