

1809.

NOVEMBER.

L A W S OF M A R Y L A N D.

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to grade and level the several streets, squares, lanes and alleys, and to establish the corners, and fix the boundaries thereof, and the same to condemn as public highways, in the said precincts, and the prayer of the said petitioners appearing reasonable, therefore,

II. BE IT ENACTED, *by the General Assembly of Maryland*, That Peter Little, William Kirtz and John Davis, be and are hereby appointed commissioners for the precincts of the city of Baltimore, west of Jones's Falls, and that they, or a majority of them, be and are hereby authorised and empowered to grade and level any street or streets, square or squares, lane or lanes, alley or alleys, that are at this time laid out, or hereafter may be laid out, and the same to condemn as public highways, and to establish the courses and fix the boundaries of such streets, squares, lanes or alleys, in the said precincts, when applied to for that purpose, agreeable to the provisions of this act.

III. AND BE IT ENACTED, That whenever two thirds of the owners of property on any street, square, lane or alley, shall apply, in writing, to the said commissioners, to grade or level, or to establish the corners, or fix the boundaries thereof, or the same to condemn as public highways, it shall and may be lawful for said commissioners, or a majority of them, after giving ten days notice in one or more of the public news papers printed in the city of Baltimore, stating in such notice the object of such application to them made, and the time fixed on by them for executing the same, then to proceed to grade or level, or to establish the corners or fix the boundaries, or the same to condemn as public highways, as in their judgment, or a majority of them, may seem right and proper.

IV. AND BE IT ENACTED, That the said commissioners, or a majority of them, shall, as soon as may be after their appointment, appoint a clerk, whose duty it shall be to keep a fair record of all their proceedings in a good and substantial bound book by them provided for that purpose, which records shall be open to the inspection of all those interested. and it shall be his duty to furnish, on application from any person or persons interested, extracts of their proceedings, for which he shall be entitled to receive ten cents for every hundred words he may write.

V. AND BE IT ENACTED, That if any person or persons shall think himself, herself or themselves injured, or likely to be injured, in any of their improvements, by any grade established by the said commissioners, it shall and may be lawful for them, at any time within ten days thereafter, to hand, in writing, their objections to the commissioners, who shall forthwith appoint two persons, owners of real or leasehold property, and not interested, to meet and confer with two other persons with like qualifications, to be appointed within ten days by the person or persons complaining, to adjudge the damages, if any, and assess the same on the property benefitted by such grade, taking into consideration the public good, the advantages and disadvantages, from any such grade, to the parties therein concerned, and in case the aforesaid persons cannot agree, they are authorised to make choice of a fifth person, with like qualifications, whose decision, or a majority of them, shall be made within ten days after their appointment, which shall be final and conclusive; but before they act they shall take the following oath, or affirmation: "I, A. B. do solemnly and sincerely swear, or affirm, (as the case may be,) that I will faithfully and honestly try and determine what damages C. D. or, (as the case may be,) has or will sustain from the grade affixed by the commissioners on the — street, lane or alley, (as the case may be,) and if any, that I will impartially, without favour or affection, equitably assess the same on the property on said street, lane or alley, benefitted, to the best of my skill and judgment, and conformable to this act; so help me God;" a copy of which proceedings shall be filed and recorded by the clerk to the commissioners, whose duty it shall be to attend and administer the oath; but before the said street, square, lane or alley, shall be either dug down or filled up, the clerk of the commissioners shall proceed to collect the damages adjudged and assessed, and which it is hereby made lawful to recover before a single magistrate, or if above fifty dollars, before the Baltimore county court, after application is thereto made, and in either case this act shall be given and received in evidence, and the decision had thereon shall be final and conclusive.

VI. AND BE IT ENACTED, That on application being made to the commissioners in manner specified in the second section of this act, for the purpose of levelling any street, square, lane or alley, conformable to the grade which hath been established by them, it shall and may be lawful for them, or their clerk under their direction, to superintend the digging down or filling up said street, square, lane or alley, as applied for, conformable to the grade which hath been established by them, and all reasonable expenses incurred by them to levy and assess on the property benefitted, and the same to collect in manner and form provided by the fourth section of this act; provided, the owners of any lot on said street, lane or alley, shall not reduce the ground to the grade fixed on within such time as the said commissioners shall deem reasonable.