

Dec. Ses. 1817.

Provisos.

extending, widening or straightening, of such street, lane or alley, or part thereof respectively; *Provided*, that no person shall be entitled to damages for any improvement unless the same shall have been made or erected before the laying out or locating of such street, lane or alley, or part thereof respectively; *Provided*, that any person or persons aggrieved by the assessment of damages by the said assessors, shall have a right to appeal to Baltimore county court next after such assessment, and a right to a trial by a jury, by issue or issues framed by the order of the court for that purpose, and the costs of such appeal to be paid by the appellant, unless the report of the assessors shall be reversed, which said appeal shall be decided at the first court to which such appeal shall be made, unless the court, upon legal grounds, shall think the justice of the case to require a continuance.

Damages to be paid.

17. *And be it enacted*, That the mayor and city council of Baltimore shall cause to be paid or tendered to the persons entitled thereto, the damages ascertained as aforesaid, out of the city treasury, before any street, lane or alley, shall be opened, widened or straightened; and the assessors aforesaid shall return their report to the register of the city, to be filed in his office, authenticated copies of which shall be evidence.

Streets not to be paved without consent of proprietors.

18. *And be it enacted*, That the mayor and city council of Baltimore shall not be authorised to cause any unpaved street, lane or alley, or part thereof respectively, within the city, to be paved, without the assent in writing of the proprietors of a majority of the ground binding and fronting on such street, lane or alley, or the part thereof to be paved.

Limits of city to be ascertained.

19. *And be it enacted*, That the governor, by and with the advice and consent of the council, shall appoint three disinterested persons, who shall not be residents of Baltimore city, who shall immediately proceed to ascertain and mark out the limits within said city, so far as the same is in their judgment thickly settled, built up, or improved, and in which the usual regulations for watching and lighting or cleaning the streets are or ought to be applied, and the mayor and city council of Baltimore shall not have power to impose any direct tax upon the property without the said limits so to be ascertained as aforesaid.

Plots of the same to be made.

20. *And be it enacted*, That the said commissioners shall have power to employ a surveyor or surveyors, and shall return a plot of the limits so ascertained to the register of the city, and one other plot to the clerk of Baltimore county, to be by them recorded in their respective offices, authenticated copies of which shall be evidence; and the said commissioners shall each receive six dollars per diem for the time in which they may be necessarily employed in the execution of the provisions of this act, which, together with the expenses of the survey, shall be paid by the levy court of Baltimore county, to be by the said court levied upon the assessable property contained between the limits to be ascertained as aforesaid, and the bounds prescribed by the act to enlarge the bounds of Baltimore city.

Election made valid—Repeal

21. *And be it enacted*, That the election made in October last for members of the second branch of the city council for the new wards, shall be deemed valid, and that all acts and parts of acts of assembly, which are supplied by, or are inconsistent with, the provisions of this act, be and the same are hereby repealed.