

used and exercised by the general court; and the said court of appeals hereby established shall sit on the western and eastern shores for transacting and determining the business of the respective shores, at such times and places as the future legislature of this state shall direct and appoint, and any three of the said judges of the court of appeals shall form a quorum to hear and decide in all cases pending in said court; and the judge who has given a decision in any case in the county court, shall withdraw from the bench upon the deciding of the same case before the court of appeals; and the judges of the court of appeals may appoint the clerks of said court for the western and eastern shores respectively, who shall hold their appointments during good behaviour, removable only for misbehaviour on conviction in a court of law; and in case of death, resignation, disqualification, or removal out of the state, or from their respective shores, of either of the said clerks in the vacation of the said court, the governor, with the advice of the council, may appoint and commission a fit and proper person to such vacant office, to hold the same until the next meeting of the said court; and all laws passed after this act shall take effect, shall be recorded in the office of the court of appeals of the western shore.

VI. AND BE IT ENACTED, That all and every part of the constitution and form of government which relates to the court of appeals and the general court, or the judges thereof, or that is in any manner repugnant to, or inconsistent with, the provisions of this act, be and the same is hereby repealed, abrogated and annulled, upon the confirmation hereof; provided, that nothing herein contained shall be construed so as to authorise the removal of the clerks of the respective county courts, being in commission at the time of the passing of this act, in any other mode or manner than that prescribed by the constitution and form of government.

Part of the constitution repealed, &c.

VII. AND BE IT ENACTED, That if this act shall be confirmed by the general assembly, after the next election of delegates, in the first session after such new election, as the constitution and form of government directs, that in such case this act, and the alterations and amendments of the constitution and form of government therein contained, shall be taken and considered, and shall constitute and be valid, as a part of the said constitution and form of government, to all intents and purposes, any thing in the said constitution and form of government to the contrary notwithstanding.

If confirmed, to be a part of the constitution.

C H A P. LVI.

An ACT for opening and extending a certain street in the city of Baltimore.

Passed January 12, 1805.

WHEREAS it is represented to this general assembly, by a number of the inhabitants of the city of Baltimore, that their convenience would be very materially promoted by the opening and extending a street in the said city running from Green-street to High-street; and the said representation appearing just, therefore,

Preamble.

II. BE IT ENACTED, by the General Assembly of Maryland, That the city commissioners be and they are hereby empowered to open and extend a street in the city of Baltimore, commencing at the intersection of Green and North-streets, and continuing the same course of North-street until it intersects High-street, passing the same by a sugar-house lately erected by Messieurs Tool and Shutt; 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 and 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.

A street to be opened, &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

Sheriff to summon freeholders, &c.