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SESSION OF ASSEMBLY

Begun and held at the City of Annapolis on Monday the Second of November, in the year of Our Lord One Thousand Eight Hundred and One.

CHAP. XCIII

Passed 31st of Dec. 1801

An ACT for erecting a lazaretto near the waters of Patapsco, for the reception of persons infected with malignant contagious diseases.

Preamble

WHEREAS, to prevent extension of the plague, or other malignant contagious disease which may be imported into this state, is an object of great importance to the welfare and commerce of the citizens thereof, and humanity calls for the protection and care of those who may come into this state afflicted with any plague, or other malignant contagious disease, and that a place proper for their reception should immediately be built, so that they may be kept separate from all other citizens, and thereby prevent as much as may be the extension of contagion: And whereas it is necessary for the building of a lazaretto, that provision should be made for condemning a quantity of land, not exceeding ten acres, if the said land cannot be had by contract; therefore,

II. BE IT ENACTED, by the General Assembly of Maryland, That it shall and may be lawful for the mayor and city council of Baltimore for the time being, to agree for the purchase thereof with the owner or owners of any land on the waters of the Patapsco contiguous to the city of Baltimore, not exceeding ten acres, for the purpose of erecting thereon a lazaretto and storehouse for the reception of infected persons and goods, and of making the necessary gardens and grounds which should *afford a retreat to the same*

Mayor, &c. may agree, &c.

ary gardens and grounds which should appertain to the same; and in case it should so happen that the mayor and city council and the owner or owners of such land as may be deemed necessary for the purpose aforesaid, not exceeding ten acres, cannot agree for the same, or in case the title of such land, or any part thereof, as may be deemed most convenient for the purposes aforesaid, shall be vested in a feme-~~govert~~, infant, idiot, lunatic, person non compos mentis, or absent from this state, that then it shall be lawful for the said mayor to apply to any one justice of the peace for the county in which such land shall lie, for his warrant to the sheriff of said county, thereby commanding the said sheriff to summon, or cause to be summoned, a jury of twelve honest and disinterested freeholders of his county, to meet on the land to be valued, on a certain day in the said warrant to be named, describing the land in his warrant; and the said justice is hereby empowered and required, on such application being made to him as aforesaid, to issue his warrant, under his hand and seal, directed to the sheriff of his county, requiring and commanding him to summon twelve honest and disinterested freeholders as aforesaid of his county, who shall stand indifferent between the parties, to meet on the land to be value, on a certain day, of which the parties interested shall have due notice, and the said sheriff, upon the receiving said warrant, shall immediately comply therewith; and the jurors, when met together on the land, shall take the following oath of affirmation, to be administered by the said sheriff to each of them separately, to wit: "You, A.B. do swear, or solemnly affirm, that you will make a just, true and honest valuation of this land, and of all damages that shall be sustained by the proprietor or proprietors of the land now to be valued and shewn to you, according to the best of your skill and judgment; so help you God;" and the said jury shall then proceed to inquire into and ascertain the value of said land and damages as aforesaid, and the inquisition so made and taken shall be signed by the sheriff and the jury, and returned by the sheriff to the clerk of Baltimore county, which shall be by him filed and recorded among

the land records of said county, and the valuation so made by the jurors shall be binding and conclusive on all parties, and shall be paid by the said mayor and city council to the owner or owners of the land, or his legal representative, as a full competence therefor; and the said mayor and city council, or their successors, on payment of the said money, shall have as good, sure and indefeasible title, in fee-simple, to said land, as if the same had been conveyed by the owner to the said mayor and city council, and their successors, by fine, feoffment, deed of bargain and sale, or any other mode of conveyance.

III. AND BE IT ENACTED, That the said mayor and city council, and their successors, on payment of the said money, shall hold the said land, and every part thereof, clear of all liens or incumbrances whatsoever. May hold land, &c.

IV. AND BE IT ENACTED, That the mayor and city council or any of them, or any person or persons by them, or either of them, authorised, may enter upon and survey any lands, to determine, ascertain and lay out, the said ten acres of land, and the same when determined on, shall lay off and fix by certain boundaries. And enter and lands, &c.

V. AND BE IT ENACTED, That not more than ten acres of land in the whole shall be condemned for the purposes aforesaid.

1801

In 1801 the Legislature authorized the building of a Lazaretto, which was accordingly put up by the corporation on the point opposite Fort McHenry, which had become one of the bounds of the city eastward.