

quith street." The interposition of the court is asked upon the ground that the commissioners in imposing the tax, have acted in disregard of the acts of Assembly, the ordinance of the Mayor and City Council in the premises, and especially in violation of those provisions of the laws and ordinances which exempt this property of the complainants from taxation. The injunction was ordered, and after answer filed, the proceedings were transferred to this court, in which the motion to dissolve has been argued by the solicitors for the parties.

The bill alleges that upon the lot of ground upon which the tax has been assessed, there is erected a building regularly used as a place of public worship; and it is contended that such property is, by the laws of this state, and the ordinances of this city, exempt from taxation for any purpose.

The answer denies the allegation as to the use of the building, and some proof has been taken in regard to the character of the building and its use, as a place of public worship. And the answer also insists, that by the ordinances of the city, upon the subject of opening and widening streets, an appeal to Baltimore City Court is allowed to all persons improperly assessed by the street commissioners, and that in that court, and not here, the case made by the bill is cognizable, and, therefore, the jurisdiction of the Chancery Court is denied.

The Chancellor concurs in this view of the subject, and for that reason forbears to express an opinion upon the other questions which have been argued by the counsel.

It was said by the Court of Appeals, in the case of *Gott & Wilson vs. Carr*, 6 *Gill & Johns.*, 312, that it is a salutary principle of law, that every person is bound to take care of and protect his own rights and interests, and to vindicate them in due season and in the proper place. And because the complainant in that case did not vindicate his rights in due season and in the proper place, the interposition of the Chancery Court in his favor was refused. I think the principle of that case applies to this. The act of 1838, ch. 226, which gives to the corporate authorities of Baltimore, the power to lay out, and open and widen streets, &c., directs, among other things, that