

Passed 31st of
Dec. 1801.

An ACT for draining part of a branch called The Unicorn Branch, lying in the upper part of Queen-Anne's county.

Preamble.

WHEREAS it is represented to the general assembly of Maryland, by the petition of Nathan Bailey, John Clawson, John Roberts, James Dudley, William Hay, John Boots, William Walker, John Fogwell, and others, that they are possessed of part of a valuable branch called Unicorn Branch, lying in Queen-Anne's county, and as there is good foundation to believe that very great advantage might be derived as well to the public as the proprietors of the said branch, if the same could be effectually drained; and as it cannot be well accomplished without the aid of the legislature, by passing an act to secure the joint exertions of all the said proprietors: And whereas it appears to this general assembly, that it will be of public utility to extend the aid of the legislature in order to accomplish so good an object, therefore,

Proprietors to meet, &c.

II. BE IT ENACTED, *by the General Assembly of Maryland*, That it shall and may be lawful for the proprietors of the lands lying on the Unicorn Branch, extending from a tract of land called Cleave's Rambles, inclusive, down to a tract of land called William's Lot, to meet on the first Monday of March in each and every year herein after, at Henry Dixon's tavern, or any other place which a majority of the proprietors shall appoint, in Queen-Anne's county, and for such proprietors, or a majority of those who shall attend at the said meeting, then and there annually to elect, by ballot, three of the said proprietors for directors, who, when so elected and chosen, are hereby authorised and empowered, or any two of them, to make and open a drain or ditch down said branch, from Cleave's Rambles to William's Lot aforesaid, in such direction, and of such width and depth, as they, or the majority of them, may judge most proper to carry off the water from the said branch, and reduce the same to dry land; and the power and authority of the said directors so to be chosen, shall continue and be in force until the next annual election of directors.

Cost to be paid by proprietors, &c.

III. AND BE IT ENACTED, That the cost, charges and expences, of cutting and opening the said ditch or drain, shall be paid by the respective proprietors of the same, each paying for the cutting and opening the said drain or ditch through his own land, except where it shall so happen that two or more of the said proprietors held parts of the said branch through which the said ditch or drain shall be made, adjoining each other, part on one side thereof, and part on the other, in which case each shall pay in proportion to the part he shall or may hold.

Directors to cut and open the drain, &c.

IV. AND BE IT ENACTED, That the said directors, or any two of them, shall have full power and authority, at any time thereafter, to cut, open and complete, the said drain or ditch, and also from time to time to repair, cleanse, and keep open and in good order, the said ditch or drain so to be opened and cut in virtue of this act, at the expence of the said proprietors, in the same proportion that the expences of cutting and opening the said ditch or drain are to be paid; and for the purpose of cutting and opening the said ditch or drain in the first instance, and of repairing and cleansing the same when cut and opened, the said directors, or any two of them, are hereby authorised to apportion what they may conceive the expence thereof will amount to, and demand and receive such proportions respectively from the said proprietors, before or at any time after the commencement of the said work, or after the same is finished; provided always, that in as much as it may be inconvenient for some of the proprietors through whose lands said ditch or drain shall pass, to satisfy and answer all the expences of cutting and opening said ditch or drain at one time, the said directors, or any two of them, may make an estimate of the expence of cutting the said ditch or drain through that part of the branch in which said ditch or drain shall pass, and apportion the same as above directed, and that the same be paid by the proprietors respectively of that particular part of the said branch unto the said directors, at three annual payments, one third of which to be discharged on or before the first day of March, eighteen hundred and four, one other third on or before the first day of March, eighteen hundred and five, and the remaining third on or before the first day of March, eighteen hundred and six.

Proprietors not to obstruct the drain, &c.

V. AND BE IT ENACTED, That the proprietors of said branch, or any of them, shall not, at any time after the said ditch or drain is cut and opened, permit or suffer any of his, her or their horses, cattle or hogs, to go into the same, or to make water-holes in the said ditch or drain, or put fences or other obstructions across or in the same; and the said directors, or any two of them, in the case of horses, hogs or cattle, of the said proprietors, or any of them, being permitted to go into the ditch or drain aforesaid, may take and impound them as for damage feasant, in which case the usual proceeding in such distresses shall be observed; and if any of the said proprietors shall