

CHAP. 140. bridge over Great Choptank river, at or near Dover ferry: And whereas, the citizens of Caroline county generally were not apprised of any such application to the legislature for such authority: And whereas, by the representation of a number of citizens of Caroline and Talbot counties, to this general assembly, that in consequence of the improper position of the draw of said bridge, through which all vessels of burthen must pass in navigating the said river, that great inconvenience results, and in a number of instances considerable damage has been sustained; and it being the duty of the legislature in authorising partial obstructions on great public highways for public convenience, to guard individual rights, therefore,

Levy courts to appoint persons to examine bridge

1. BE IT ENACTED, by the General Assembly of Maryland, That the levy courts of Talbot and Caroline counties be and they are hereby authorised and directed, at their first session in the year of eighteen hundred and thirteen, or as soon thereafter as they may have notice of this act, each to appoint three persons of the most wisdom and experience in their respective counties, whose duty it shall be to meet at the said bridge on the first Monday in May next, or as soon thereafter as a majority of the said persons shall appoint, giving ten days previous notice to the president or some officer of the said bridge company, of the day on which they intend meeting, and after taking the following oath or affirmation, (as the case may be,) "I, A. B. do swear, or solemnly and sincerely declare and affirm, that I will proceed to examine the bridge over Choptank river at Dover ferry, and after a full and fair examination of the same, determine according to the best of my skill and judgment, whether the inconveniences complained of really exist, and if they do exist, what is proper to be done by the president, directors and company, of the said bridge, to obviate or remove the same, and return certificates of the same as directed by this act," shall proceed to examine the draw of the said bridge through which vessels navigating the river must pass; and after a full and fair examination as aforesaid, taking into view the subject matter of the parties interested in the premises aforesaid, to award and determine whether the act authorising the erecting said bridge has been so carried into effect as that the rights of individuals, who have a right in common in all public highways, have been by said company sufficiently guarded and protected.

If they should be of opinion that powers vested in company have been abused, to make out certificates stating their opinion

2. AND BE IT ENACTED, That if the persons so appointed, or a majority of them, shall be of opinion that the powers vested in the said company have been abused by neglecting to provide such facilities for the safe and speedy navigation of the river aforesaid, as was contemplated by the law authorising the erecting said bridge, or that the draw is not sufficiently wide and spacious, or not in such part of the bridge as is calculated to afford a safe and speedy navigation as aforesaid, that in such case the persons so as aforesaid appointed, or a majority of them, shall make out three certificates, by them signed and sealed, stating their opinion of the inconvenience, (if any,) resulting to navigators, and the cause or causes of such inconvenience, and the remedy to obviate the same, and return one of the said certificates to the clerk of Talbot county, one to the clerk of Caroline county, and one to the president of the aforesaid bridge company.