

CHAP. 108. compensation as may be assessed in the mode pointed out by the legislature: And whereas it is deemed expedient to give proper encouragement to undertakings of the nature contemplated by the petition; therefore,

*May cut a canal or head race* Sec. 1. *Be it enacted by the General Assembly of Maryland,* That it shall and may be lawful for the said Samuel R. Turner, his heirs or assigns, to cut a canal, or head-race, and to erect said dams, as may be necessary for the object contemplated in the foregoing preamble, through and on any of the lands therein mentioned, or referred to, provided that the said canal, or head-race, shall not exceed thirty-three feet width; and that the said dams shall not be raised any higher than necessary to increase the water, more than two feet above the ordinary current of the said streams; and to use and enjoy the said canal, or head-race, and the said dams, for the purposes aforesaid.

*To keep in repair said canal* Sec. 2. *And be it enacted,* That it shall be the duty of the said Samuel R. Turner, his heirs and assigns, at his or their own proper cost, at all times hereafter to keep in good order and repair, the said canal or head-race, and the said dams, whenever and as often as the same shall need to be repaired; and for such purpose he or they, as the case may be, shall have free ingress and egress through the lands aforesaid, with the necessary labourers and implements.

*Fee simple vested in him* Sec. 3. *And be it enacted,* That first upon the payment of, or the securing to be paid, the several sums hereinafter provided to be paid, and then upon the cutting, erecting, and completion of the said canal or head-race, and the said dams, by the said Samuel R. Turner, his heirs or assigns, an absolute estate in fee simple in the said canal, or head-race, and the land covered by the waters thereof, and the said dams, with the necessary privileges, shall be vested in the said Samuel R. Turner, his heirs and assigns, forever.

*Proprietors may erect fences, &c* Sec. 4. *And be it enacted,* That it shall and may be lawful for the said proprietors, or any of them, or any of their heirs or assigns, through whose land or lands the said canal or head-race may be cut, or the said dams be created, to erect such fence or fences across the same, as may be necessary to secure the several fields belonging to their farms respectively, so that the said fence or fences shall not obstruct the free passage of the said waters down the canal or head-race as aforesaid.

*Rights and privileges to be estimated, &c* Sec. 5. *And be it enacted,* That the orphans court of Kent county shall, upon the application of the said Samuel R. Turner, his heirs or assigns, appoint three persons of sound judgment and discretion, as commissioners, and the said orphans court shall have full power to fill any vacancies that may occur among the said commissioners, who shall view the land, and estimate the sum or sums proper to be paid to the said proprietors or minors, as aforesaid, for the