

Dec. Ses. 1823

Mayor and
corporation
authorised to
make canal.

SEC. 1. *Be it enacted by the General Assembly of Maryland,* That the Mayor and City Council of Baltimore, shall be, and they are hereby invested with full power and authority to make, excavate and construct a Canal from the Basin of the city of Baltimore, along the nearest, most practicable and best route, to the most suitable point on or near the margin of the River Susquehanna, above or in the vicinity of Havre-de-Grace, and thence by the most convenient and best route along and near the margin of the River Susquehanna, unto the line between this state and the state of Pennsylvania; and the land over which the said Canal shall pass, together with so much on each side thereof as may be designated on the plat of the same, and which may be necessary for the free and convenient uses thereof, shall become the right, and be vested in the city of Baltimore in fee simple, and full power and authority is hereby granted to the said corporation, to make and erect aqueducts over any of the public rivers, bays or creeks, which may intersect the route of the proposed Canal between the city of Baltimore and Havre-de-Grace, of such materials and in such manner as may be deemed best; and also to make a communication between the said Canal by locks or otherwise into the river Susquehanna at or near Havre-de-Grace, and the said Canal shall be designated and known by the name of the Baltimore Canal.

Commission-
ers, property
vested, &c.

3. *And be it enacted,* That the first and second Branches of the City Council of the city of Baltimore, shall so soon as convenient after the passage and adoption of this act, in the manner herein after prescribed, meet together, and by an open vote appoint not less than three nor more than five persons as Commissioners of the Baltimore Canal, and the votes of each member of the City Council, together with the names of the persons voted for, shall be recorded in the Journals of each Branch, to the end that they may be readily seen and referred to by their constituents, and a majority of the City Council shall be necessary to constitute a choice; and the said commissioners shall have power and authority to employ such engineers, superintendants, agents and labourers, as they may think proper for laying out, making, excavating and constructing the said Canal, or any part thereof, and the said corporation may from time to time fix the salary or compensation to be allowed to each of the said commissioners, and assign to them such powers, authorities, duties and trusts in relation to the Baltimore Canal, as they may deem needful and proper; and after the said Canal shall have been finally completed the offices of the said commissioners may be discontinued, and the powers and duties vested in or required of them, may, if necessary, be transferred by the said corporation to any other officer, or required to be performed in any other manner: *Provided,* that in the case of death, resignation or disqualification of any of the said commissioners, the first and second Branch of the said City Council shall fill up such vacancy in the manner herein before prescribed for appointing said commissioners: *And provided also,* that the said commissioners, or any of them, may at any time be removed from office by the open vote of the said first and second Branches of the City Council, provided that two-thirds of the whole number of the members thereof concur therein.

Proviso's.

Authority &
proceedings
directed.

4. *And be it enacted,* That it shall and may be lawful for the said commissioners, and each of them by themselves and by any and every superintendant, agent and engineer employed by them, to enter upon and take possession of, and use all and singular any lands, waters and streams, necessary for the prosecution of the improvements in-