

Dec.Ses. 1823

Proceedings,
directed.Maps and re-
cords.

may be claimed, and such owner or owners another, and these two freeholders shall select a third, which three, after being severally sworn, before any person authorised to administer oaths, faithfully and impartially to assess said damages, shall proceed to enquire into the said damages, and after having ascertained the same, by the concurrent opinion of any two, or all of the said freeholders, they shall certify the same, in writing under their hands and seals, or the hands and seals of any two of them, to the said commissioners if such damages should be assessed during the continuance of such officers, or if otherwise to the said corporation, and it shall be the duty of such commissioners, or corporation, as the case may be, to have the same recorded in the books of proceedings of the said commissioners, if the same shall be returned during the continuance of such office, or in such manner as the said corporation shall direct, should the same be returned after the expiration or abolition of said office, and the amount of such damages, thus certified, shall be paid to the owner or owners, by the said commissioners or corporation, within ten days thereafter, and proof of such payment, or of the offer of such payment, in case of the refusal to receive the same on the part of such owner or owners, shall forever discharge the said commissioner, corporation, and their agents, or other persons by them employed, and in case the amount of damages so certified by said freeholders, in any case shall fall short of the sum offered for such damages by the commissioners, corporation, or agents previously to the selection of said freeholders, then the costs of all proceedings, after such offer, shall be deducted from the amount of damages so certified, and the said commissioners or corporation, shall pay to the said owner or owners no more than the residue of said damages after the deduction of such cost, but in case the amount of damages so certified shall exceed such previous offer, then all such costs shall be paid by the said commissioners or corporation, over and above the damages so certified; and the said freeholders shall each be entitled, for his services to the sum of one dollar and fifty cents, for each assessment of damages, and if more than one day be required for the same, he shall be entitled to one dollar and fifty cents, for each and every day that his services are thus required, and if any action or suit of any description whatever should be brought against the said commissioners, corporation, their agents, or other persons employed by them, or either of them, for any act, matter or thing, done in pursuance of this act, or any of the provisions thereof, it shall be lawful for them or either of them, to plead the general issue in such action or suit, and to give this act and the special matter in evidence.

6. *And be it enacted*, That when the said canal shall have been fully completed, the said commissioners shall cause duplicate maps or plats thereof to be accurately made out in books to be provided for that purpose, on a scale sufficiently large to admit of a clear representation and description of the course and dimensions thereof, and of all other matters necessary and proper to exhibit the most distinct and perspicuous view of the whole; one of which said maps or plats, shall be deposited with the clerk of Baltimore county court, to be by him safely kept and preserved as a public record among the the land records of the said county; and the other copy thereof shall be delivered to the register of the city of Baltimore, to be by him safely kept as a public record among the records of the city; and the said maps or plats, and the books wherein shall be recorded all the