

shall prescribe, to act impartially and faithfully in the premises, shall be charged by the said court, to ascertain and assess the damages which the said proprietors or company sustain by reason of this act, and the verdict of the said jury shall be conclusive upon the said company or proprietors, and no appeal shall be had from the same; or the proceedings of the court in the premises.

*And be it enacted,* That the amount so ascertained and assessed, shall be paid for in a certificate or certificates of stock, to be issued by the corporation of the city of Baltimore, giving and granting to the said proprietors, an interest in the canal authorised by this act, equal to the damages so assessed and ascertained, and specifying in the said certificates that the holders thereof, shall receive a rateable proportion of the dividends of the tolls received from the said canal, in the same manner, that such dividends may be declared and paid to the other holders of capital expended in making said canal; Provided, that the damages may in the option of the said mayor and city council of Baltimore, be at any time paid to the said proprietors, and the certificates thereof redeemed upon giving not less than sixty days notice.

Mr. McHenry offered the following as a substitute.

"And whereas the Canal hereby authorised, if the same shall be made, will be highly injurious to the proprietors of the Susquehanna Canal heretofore chartered by the state, and the proprietors of the said canal by their memorial to this general assembly have offered on payment of a reasonable and moderate price, to wit: the sum of one hundred and fifty thousand dollars to surrender their interest in the said canal. *Therefore be it enacted,* That whenever the governor and directors of the Susquehanna Canal Company, shall have declared its assent to the provisions of this act of incorporation, it shall be lawful for the said company to surrender its charter, and convey in due form of law to the Mayor and City Council of Baltimore, all the property, rights and privileges by them owned, possessed and enjoyed under the same, and thereupon it shall be lawful to and for the said Mayor and City Council, to accept such surrender and transfer, and to hold, possess, use and occupy all the said property, right and privileges in the same manner, and to the same effect as the said Susquehanna Company now hold, possess, and occupy the same by law, and thereupon the charter of the said Susquehanna Company, and all the rights and privileges granted to the same by the several acts of assembly heretofore passed in favor of the said company, shall be hereby vested in the Mayor and City Council of Baltimore, and it shall be the duty of the said Mayor and City Council, until the canal contemplated by this act shall be completed so as to be used and enjoyed for the purposes of navigation to keep the corresponding part of the river in a proper state for navigation, and in as good order as the same now is, and in default thereof they shall be in all things responsible in the same manner as the Susquehanna Company now is, and that until the proprietors of the said Susquehanna Canal Company, shall have assented to those provisions of this act, which in any manner affect their interest, it shall not be lawful for the said Mayor and City Council, their agents or servants, or any person authorised by or under them to commence the digging, excavating, constructing or making the said Baltimore Canal along or near the margin of the River Susquehanna, as herein before authorised, any thing herein contained to the contrary notwithstanding.

On motion by Mr. Semmes, the words "Baltimore County" were stricken out of Mr. W. Stewart's amendment, wherever they occurred, and "Anne Arundel County," inserted.

On motion by Mr. Merrick the question was put, that the 3d section of the amendment proposed by Mr. W. Stewart be stricken out. Resolved in the affirmative.

On motion by Mr. Chesley the question was put, that the following be added to Mr. McHenry's substitute.

*Provided always,* That if the corporation of the city of Baltimore shall pay, deliver, or tender to the said proprietors of the Susquehanna Canal Company, either money or stock of the said corporation of the City of Baltimore, by transferrable certificates of stock bearing interest of six per cent per annum payable half yearly, and redeemable in not less than twenty years nor more than twenty-five years from the date thereof; then the said Susquehanna Canal Company shall immediately thereupon surrender its charter, and convey in due form of law to the Mayor and City Council of Baltimore, all the property, rights and privileges by them owned, possessed and enjoyed under the same, and in default thereof, it shall and may be lawful for the said commissioners, and each of them, by themselves, and by any and every superintendent, agent, and engineer employed by them, to enter upon and take possession of and to hold, possess, use and occupy all, and singular the property, rights and privileges of the said Susquehanna Company, in the same manner, and to the same extent of the said Susquehanna Canal Company now hold, possess and occupy them.

Determined in the negative. The question was then put, on Mr. McHenry's substitute — Determined in the negative. The question was then put that the house assent to the amendment proposed by Mr. W. Stewart. Resolved in the affirmative.

On motion by Mr. Semmes, the question was put, that the following be added to the bill:

*And be it enacted,* That if the canal authorised by this act, be not completed within 15 years from the date hereof, then this act shall be considered as repealed and abrogated. Resolved in the affirmative.

The question was then put shall the said bill pass. The yeas and nays being required appeared as follow:

AFFIRMATIVE—Messrs. Speaker, Leigh, Gough, Millard, Coburn, Hodges, Howard, Linthcum, Iglehart, Chesley, Dalrymple, Weems, Edelin, Rogerson, Garner, J. T. H. Worthington, Johnson, Lockerman, Lloyd, Martin, Spencer, Jones, Dashiell, Pitt, Lake, Willis,