

C H A P.
XXIII.

bert Young, Stokes, Benedict Edward Hall, William Smith, Aquila Hall, John Churchman, Daniel Durbin, James White Hall, Francis Holland, Gabriel Christie, Ridley and Pringle, Thomas Peters, Richard Ridgely, John Davidson, Wallace, Johnson and Muir, Josias Carvil Hall, Richard Potts, Daniel Hughes, Jeremiah Townley Chase, John Rogers, Charles Carroll, of Carrollton, Edward Lloyd, James Murray, Otho Holland Williams and Henry Lee, junior, be and they are hereby incorporated and made a body politic, for the purposes herein after declared; and the said body politic shall be known and distinguished by the appellation of The Proprietors of the Susquehanna Canal; and the said incorporate body shall be able and capable to sue and be sued, in and by the name of The Proprietors of the Susquehanna Canal, and shall have full and ample power and authority to do, perform and execute, all and every matter and thing which any corporation may, or rightfully can do, and shall have succession for ever, and to that end, and for perpetuating the said incorporate body, the heirs, devisees, legal representatives, and the assignees of the individual members thereof, *ad infinitum*, shall be and are hereby declared to be members.

To elect a go-
vernor, &c.

III. BE IT ENACTED, That the said corporation shall meet on the third Tuesday in February, in the year of our Lord one thousand seven hundred and eighty-four, at Havre-de-Grace, and when and as often thereafter as the said corporation may adjudge convenient and necessary; and the said corporation, or a majority of them, when they first assemble, shall elect out of the members of the said corporation, a governor and three directors, a treasurer and secretary, for the year.

May cut a ca-
nal, &c.

IV. BE IT ENACTED, That it shall and may be lawful for the said corporation, or a majority of them, to cut and take out a canal at Love Island, and continue the same to tide water in Susquehanna river, and make the said canal not less than thirty feet wide, and three feet deep, with a sufficient number of locks, large enough to admit of a passage for boats of eighty feet keel, and twelve feet beam, and that the said canal, when completed, shall be kept in good repair by the said corporation, for the use of the public.

To expend mo-
ney, &c.

V. BE IT ENACTED, That the said corporation shall expend the sum of twenty thousand pounds current money of Maryland in cutting, making and completing, the said canal, with a sufficient number of locks, in manner aforesaid, and that the said sum shall be divided into twenty shares, (a) and raised by subscription, but no person shall be allowed to subscribe more than one share, nor less than one fifth of a share.

(a) By 1790, ch. 36, the number of shares may be increased to thirty, and foreigners may hold shares in the same manner as citizens. By 1797, ch. 99, an ordinance passed by the corporation for ten additional shares, is confirmed.

To purchase
land, &c.

VI. AND, whereas it is necessary for the making the said canal, and erecting grist mills and other waterworks thereon, that a provision should be made for condemning a quantity of land, not exceeding two hundred acres, BE IT ENACTED, That it shall and may be lawful for the said corporation, or a majority of them, to agree with the owners of the lands through which the said canal may pass, and the owners of the lands adjoining thereto, for the purchase thereof; and in case it should so happen, that the corporation and owners of the said land, or any of them, could not agree on the value of the same, that then it shall be lawful for the said corporation to apply to any two of the justices of the peace for the county of Cecil, to cause the sheriff of said county to summon a jury of twelve honest and lawful men of his county, to meet on the land to be valued; and the said justices are hereby empowered and required, on such application being made to them as aforesaid, to issue their warrant, under their hands and seals, directed to the sheriff of their county, requiring and commanding him to summon twelve honest and lawful men of his bailiwick, who shall stand indifferent between the said parties, to meet on the land to be valued, describing the same in their warrant; and the said sheriff, upon recovering the said warrant, shall immediately comply therewith; and the jury, when met together on the land, shall take the following oath, or affirmation, to be administered by the said sheriff to each of them separately, to wit: "You ——— do swear, or solemnly affirm, that you will make a just, true and honest valuation of this land, and of all damages that shall be sustained by the proprietors of the land through which the aforesaid canal shall pass by means of said canal, (mentioning the same as described in the warrant,) according to the best of your skill and judgment;" and the said jury shall then proceed to inquire into and ascertain the value of the said land and damages, as aforesaid, and the inquisition so made and taken shall be signed by the sheriff and the jury, and returned by the sheriff to the clerk of Cecil county court, and be by him filed and recorded among the records of said court; and the valuation so made by the jury shall be binding and conclusive on all parties, and shall be paid by the said corporation to the owner of the land, or his legal representative, as a full recompence therefor; and the said corporation, on payment of the said money, shall have as good, sure and indefeasible title in fee-simple to said land, as if the same had been