

## CHAPTER 109.

An act to remove certain obstructions in Deer Creek, in order that Fish may ascend said Creek.

WHEREAS, Deer Creek, in Harford county, was formerly a stream of considerable resort for herrings and other salt water fish, and would continue to be so for many miles into the interior, affording additional means of comfort and subsistence at a cheap rate to the population bordering thereon, if it were not for the artificial obstructions that have been raised by the erection of a few mill dams, which have formed insurmountable barriers against the ascent of the immense number of herrings, perch and other fish which now annually enter the mouths of the said creek, endeavoring in vain to press their way upwards, and it being practicable, at a small expense, to remedy this public inconvenience, without doing any serious injury to private rights; Therefore,

SEC. 1. *Be it enacted by the General Assembly of Maryland, That* Stevenson Archer, James W Williams, William F. Miller, Thomas Jay and Herman Stump, be, and are hereby appointed commissioners to fix upon the sites, dimensions, and grade proper for forming an artificial channel for a gradual current of water, sufficient for a free and uninterrupted passage and ascent for fish at and around one end of each dam on Deer Creek, or at as many places on the said creek, as the said commissioners upon examination may determine to be expedient, below Lauray's fork on said creek, with power and authority to contract for the execution of the same, and for the materials and labor necessary therefor, and to order, superintend and direct the same until completed, *Provided however,* that the said commissioners shall not proceed to the performance of the work until they shall have previously ascertained that the same can be accomplished at an average expense of less than one hundred and twenty-five dollars, at each dam, or of fifty dollars per each mile of creek that may be affected by the improvement hereby contemplated.

2. *And be it enacted,* That before the said commissioners shall cause the said work to be commenced, they shall ascertain by estimate as nearly as may be, the whole amount of expense and damages that may be incident thereto, and shall make out a detailed list of all proprietors of the land bounding on said creek, as will in their judgment be more or less benefitted or damaged thereby, and apportion to each name on such list the respective amount of benefit or damage which the said commissioners shall adjudge and determine to accrue to such person in consequence thereof, copies of which list shall be published by advertisement in several public places in the neighboring hundreds, at least twenty days, and be returned by the said commissioners to the levy court of Harford county, or to the clerk of said court immediately afterwards; and that every individual named on the said list, shall have the right of appealing from the judgment of the said commissioners to the levy court, *provided* written notice of intention to appeal, be filed with the clerk of said court, within twenty days after advertisement as aforesaid by the commissioners, and that the levy court at their first meeting after the expiration of the said twenty days, shall proceed to hear and determine finally all appeals as aforesaid, confirming, annulling or modifying the decisions in such cases made by the said commissioners, upon such principles as the said court shall deem just and equitable; and that in the case of every person acting as a commissioner aforesaid, the levy court shall adjudge and assess the quantum of damages or benefit.

Dec.Ses.1823

Passed Feb.  
9, 1824.

Preamble.

Commission-  
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Proceedings  
directed.