

CHAP. 327.

ment, has the right in the course of its rail road, to construct bridges across navigable streams; and *whereas*, it is proper that while such right is declared, a more enlarged provision should be made for satisfaction of damages arising from the exercise of it, than said act contemplates:—Therefore,

Lawful to erect bridges

SECTION 1. *Be it enacted by the General Assembly of Maryland*, That it shall and may be lawful for the Baltimore and Port Deposit Rail Road company, for the passage of their rail road, to erect pile bridges over the navigable streams of Bush and Gunpowder rivers, and other navigable streams, except the Susquehanna river, in the course of their present or any future location of said road; *Provided, however*, that the piles of said bridges shall be at least ten feet apart transversely to the streams, and said bridges shall each contain a draw, twenty-five feet wide, to be kept open at the proper cost and charge of said company without delay, whenever it shall be the wish of any one navigating any vessel, that she shall pass up or down said streams through said draw; *and provided also*, that it shall be the duty of said company to establish said draws over that portions of said streams, best calculated to secure the speedy and safe navigation of said river through said draws.

Provide

Provide

Commissioners to decide damages

SEC. 2. *And be it enacted*, That James Pannell, Thomas A. Hays, and Stephen Waters, of Harford county and William Jenkins and David Ridgely, of Baltimore county, shall be and they are hereby appointed commissioners with authority to them or a majority of them, and whose duty it shall be to decide and declare in writing, what damages, whether they be direct or consequential, and whether the same be from impairing or injuring fishries or navigation or from other causes, the proprietor of any land lying on the Gunpowder River or Bush River, or any part thereof, may have actually sustained, or will in the opinion of said commissioners suffer by reason of the construction of any bridge which the said company shall have built, or may hereafter build, a cross either of the said Rivers; and that they shall make such decision and declaration in each case within sixty days next

In six months