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MADE AND PASSED

BY THE

GENERAL ASSEMBLY

OF THE

STATE OF MARYLAND,

AT A SESSION BEGUN AND HELD AT ANNAPOLIS, ON WEDNESDAY,
THE 5th DAY OF JANUARY, 1853, AND ENDED ON TUESDAY,
THE 31st OF MAY, 1853.

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1853.

CHAPTER 376.

AN ACT for supplying the city of Baltimore with pure water. Passed May 27, 1853.

WHEREAS, The conveying of water into the city of Baltimore, from the neighboring springs or streams would greatly contribute to the security of the said city from fire, and to the health and convenience of the inhabitants thereof;

SECTION 1. *Be it enacted by the General Assembly of Maryland,* That the mayor and city council of Baltimore, may, from time to time, and at all times hereafter contract for, purchase, lease and hold to them and their successors, in fee simple, or for a term of years, any land, real estate, spring, brook, water and water course, and also the right to use and occupy forever or for a term of years, any land, real estate, spring, brook, water or water course which they may conceive expedient and necessary for the purpose of conveying water into the said city, for the use of the said city, and for the health and convenience of the inhabitants thereof, and also the right to enter or pass through, from time to time as occasion may require, and to use and occupy the said woods and grounds through which they may deem it necessary to convey the said water, and they are hereby invested with all the rights and powers necessary for the introduction of water into said city, and to enact and pass all ordinances, from time to time which shall be deemed necessary and proper to exercise the powers and effect the objects above specified.

SEC. 2. *And be it enacted,* That the mayor and city council of Baltimore, or any agent by them authorised, may agree with the owner or owners of any land, real estate, spring, brook, water or water course as aforesaid, earth, timber, stone or other materials which the said mayor and city council of Baltimore may conceive expedient or necessary, to purchase and hold for the purpose of introducing water into the said city, and if they cannot agree, or if there be any incapacity or disability to contract with the owner or owners of such land or real estate, spring, brook, water or water course as aforesaid, earth, timber, stone or other materials, or with the owner or owners of such ground through which the said mayor and city council of Baltimore may find it necessary to have a right of entry and passage, for the purpose of conveying the said water into the said city aforesaid, or if such owner or owners shall be absent, out of the State, or unknown, it shall and may be lawful, on

Preamble.

Power to contract for land, &c.

Mayor and city council of Balt. may agree with owners of land, &c.

In case of disagreement, sheriff to summon jury of inquest.

the application of the mayor and city council of Baltimore, for any justice of the peace of the county in which such lands, earth, or other property or materials as aforesaid are situated, to issue his warrant to the sheriff of said county, commanding him to direct and summon from the said county a jury of twenty free holders, inhabitants of said county, not related to the owner or owners or persons interested, as aforesaid, in the said real estate or other property, to meet on the premises which is to be valued, on some certain day to be named in said warrant, of which said warrant and the day therein named for the meeting of the jury, twenty days notice shall be given previous to such day by the mayor and city council of Baltimore to every owner or person interested as aforesaid, or any infant or lunatic, or feme covert, to his or her guardian or husband, or in either case, are left at his or her place of abode, or if out of the State or unknown, such notice shall be published not less than eight weeks successively in some one or more of the daily newspapers of Baltimore city, and in one or more of the newspapers of the county in which such property may be located, if any newspaper be published such county, and from the list of jurors so returned and attending it may be lawful for the person, the condemnation of whose property may be desired, to strike four, and for the said mayor and city council of Baltimore to strike four, so that the number of jurors be reduced to twelve, and in case either party shall neglect or refuse to strike off the names of jurors, then it shall be the duty of the sheriff or his deputy, who shall attend, as hereinafter directed, to strike off jurors for the party so refusing or neglecting, so that the number of jurors be reduced to twelve, as aforesaid, and it shall be the duty of the twelve jurors so remaining to inquire into, assess, and ascertain the sum or sums of money to be paid by the said mayor and city council of Baltimore for the land, spring, brook, water rights or other property which they may deem necessary to purchase and hold or use for the purpose; and before the said jury act as such, the said sheriff or his deputy shall administer to each of them an oath or affirmation, as the case may be, that he would justly and impartially value the damages which the owners or parties holding an interest therein will sustain by the use and occupation of said property by the mayor and city council of Baltimore; and the said jury shall reduce their inquisition to writing, and shall sign and seal the same, and it shall then be returned by the said sheriff to the clerk of the circuit court of said county, and by such clerk filed in his office, and

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Inquisition to be reduced to writing and recorded by clerk of Circuit court.

shall be confirmed by said court at its next session, if no sufficient cause to the contrary be shewn, and when confirmed shall be recorded by the said clerk at the expense of the mayor and city council of Baltimore; but if not confirmed, the said court may direct another inquisition in the manner above described, and such inquisition shall describe the property taken, or the bounds of the land condemned, and the quantity or duration of the interest in the same, valued to the mayor and city council of Baltimore, and such valuation, when paid or tendered to the owner or owners of said property, or his, her or their legal representative, shall entitle the said mayor and city council of Baltimore to the use, estate and interest in the same thus valued as fully as if it had been conveyed by the owner or owners of the same, and the valuation, if not received when tendered, may at any time thereafter be received from the mayor and city council of Baltimore without interest by the said owner or owners, or his, her or their legal representative or representatives, and if the twenty jurors summoned as aforesaid shall not appear at the time and place appointed as aforesaid, the sheriff or his deputy, as the case may be, shall forthwith summon other free holders of the county, from the by-standers or others qualified as aforesaid, to make up the said jury to the number of twelve; and the jurors so summoned shall be allowed the same compensation as is allowed to the jurors in the circuit court of the county, and the sheriff shall be allowed similar fees as is by law allowed for the summoning jurors to attend the circuit court of the county, and also a per diem of two dollars for every day he or his deputy shall be in attendance upon an inquisition under this act, and such expenses shall be paid by the said mayor and city council of Baltimore, except in cases of objections to the confirmation of inquisition before the circuit court, when the costs in said court may be awarded in the discretion of the court.

If set aside, court may direct another inquisition.

Compensation.

SEC. 3. *And be it enacted*, That for the purpose of defraying all the expenses and cost of said lands, waters, and water rights, as shall be taken or purchased for the purposes of this act, and of constructing all works necessary to the accomplishment of said purposes, and all expenses incident thereto, the said mayor and city council of Baltimore, shall have authority, in the name of the said city, to issue certificates of debt to be denominated on the face "Baltimore water stock," to an amount not exceeding two millions of dollars, and bearing interest not exceeding six per cent. per annum, and to provide by ordinance for the redemption of the same, at a certain time and under such provi-

Authority to issue certificates of debt.

sions as the mayor and city council may deem expedient and proper.

Authority to purchase property of any other company.

SEC. 4. *And be it enacted*, That the mayor and city council of Baltimore, be and they are hereby authorised to purchase all the property, estates, rights and privileges of any chartered company authorised to introduce, or which may hereafter be authorised to introduce water into said city, upon such terms as may be agreed upon by the mayor and city council of Baltimore, and such corporation or corporations in the manner prescribed in their respective charters, or in the absence of such provision as shall be agreed upon by the said mayor and city council of Baltimore, and such corporation or corporations, and that such corporation was hereby authorised to execute conveyance or conveyances to the said mayor and city council of Baltimore, of all the franchises and property of said corporation, and all such rights, privileges and franchises shall be vested in the mayor and city council of Baltimore, to be held, exercised and enjoyed by the said mayor and city council of Baltimore, as fully in every respect as might or could have been done by any such corporation or corporations under their respective charters.

Not lawful to submerge land to distance of more than 80 feet.

SEC. 5. *And be it enacted*, That it shall not be lawful in making or constructing any dam at Raven's Rocks, to submerge any land to the distance of more than eighty feet from the present banks of the Gunpowder Falls, or of its tributaries, unless with the consent of the owner of the land that shall be submerged.

In force.

SEC. 6. *And be it enacted*, That this act shall go into effect from the day of its passage.

CHAPTER 377.

Passed May 26, 1853.

AN ACT to authorise the closing of an Alley in Cumberland.

Authority to vacate and close up alley.

SECTION 1. *Be it enacted by the General Assembly of Maryland*, That Bernard Hafkensheid, Patrick A. Healey, and the German Catholic congregation of Cumberland, in Allegany county, be, and they are hereby authorised to vacate and close up that part of Plum alley, in the town of Cumberland, which extends from Fayette street to Cumberland street, in said town; *Provided*,

Proviso.