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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 MONDAY, THE 29TH DAY OF
DECEMBER, 1845, AND ENDED ON THE 10TH DAY OF MARCH, 1846.

PUBLISHED BY AUTHORITY.

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1846.

and may likewise be called by any number of stockholders owning not less than one-fourth part of the capital stock; and at least ten days notice of the time and place of such meeting and of its objects shall be given to each stockholder personally, or by advertisement to be inserted in at least two newspapers published daily in the city of Baltimore, and in any meeting of stockholders for the transaction of any business, the owners of the major part of the capital stock present in person or by proxy, shall form a quorum; and every such meeting shall have full power and authority to provide, by ordaining by-laws, or by other vote for transacting the business of the corporation, which by-laws or vote whilst in force, shall be binding on the president and directors.

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SEC. 5. *And be it enacted*, That nothing herein contained, shall be construed to confer banking privileges on the said corporation, or the power of issuing bank notes or notes in the nature of bank notes, or paper intended to circulate as bank notes or currency.

Issues forbid.

SEC. 6. *And be it enacted*, That this act shall continue in force until the first day of January, in the year eighteen hundred and seventy, and may at any time prior to that date, be repealed at the pleasure of the General Assembly.

In force until 1870

CHAPTER 280.

An act to incorporate the Cumberland Water Company.

Passed Jan. 11, 1846.

Preamble.

WHEREAS, a number of citizens of Cumberland have petitioned this General Assembly, that an act may be passed to incorporate a company for the purpose of supplying the town with pure water; and whereas, the health and convenience of the inhabitants would be greatly promoted thereby—therefore,

SECTION I. *Be it enacted by the General Assembly of Maryland*, That a company shall be established in the town of Cumberland for said purpose, the capital stock whereof shall be twenty-five thousand dollars, divided into five hundred shares of fifty dollars each, and that subscriptions to constitute said stock, shall on the third Monday of April next be opened in said town under the superintendence of the following commissioners or a majority of them, viz: Joseph Shiver, H. R. Hazlehurst,

Incorporated

CHAP. 280. Thomas Ch. Atkinson, Thomas L. McKaig, and John G. Hoffman, and that the subscription books shall be kept open for the space of two days, and if subscriptions to the amount of one half or more of the capital be taken, then the said company shall be authorised to go into operation; and the books may be re-opened for the completion of said capital, at the pleasure of said company, upon the same terms and conditions as are prescribed to the said commissioners in taking subscriptions.

Commissioners to give two weeks notice

SEC. 2. *And be it enacted*, That the said commissioners shall give not less than two weeks notice of the time and place of opening said subscriptions, in the newspapers of said town; and that each subscriber at the time of subscribing shall pay into the hands of said commissioners the sum of one dollar on each share of stock for which he shall subscribe, to be paid over by the said commissioners to the president and directors of said company, and that the further sum of forty nine dollars shall be paid to the president and directors of said company in instalments not exceeding five dollars, at such times as said president and directors may appoint; *provided, always*, that thirty days notice shall be first given in said newspapers.

When one half of stock subscribed notice to be given

SEC. 3. *And be it enacted*, That as soon as stock not less in amount than one-half of said capital shall be subscribed, notice thereof shall be given in the newspapers of said town; and that in two weeks thereafter an election by ballot shall be held for directors of said company, at a time and place in said town to be particularly stated; which election the said commissioners shall hold, and the directors then chosen shall be capable of serving as such until the next election of directors as herein provided.

In person or by attorney

SEC. 4. *And be it enacted*, That it shall be lawful for any person or body politic, in person or by attorney, to subscribe for said stock; and in case the amount of subscriptions shall exceed the number of shares into which the said capital stock is divided; the excess then created shall be reduced to said number by a deduction from the highest subscriptions; and if after such deduction there shall be an equal number of shares, such number shall be allotted equally to the highest subscribers; but if the number of shares shall be less than the number of subscribers than the said commissioners shall ascertain the successful subscribers by lot.

Corporate powers

SEC. 5. *And be it enacted*, That all such persons as shall become subscribers in said company, their succes-

sors and assigns shall be and are hereby created and made a corporate and body politic, by the name and style of the Cumberland Water Company, and by that name are hereby made able and capable in law, to have, purchase, receive, possess, enjoy, and retain to them and their successors, all such lands, tenements, hereditaments, goods, chattels and effects of whatever kind, nature and quality soever as may be necessary to carry into effect the object and intention of this law; and the same to grant, alien and dispose of in like manner; and sue and be sued, plead and be impleaded, answer and be answered, defend and be defended in any court of record or in any other place whatever; and to make, have and use a common seal, and the same to break, alter or renew at pleasure, and also to ordain, establish and put in execution, such by-laws, ordinances and regulations as shall be proper and convenient for the government of said company, the same not being contrary to law or to the constitution, and generally to do and execute such matters and things as to their institution shall or may appertain to do, subject nevertheless to the rules, restrictions and provisions herein specified and provided.

SEC. 6. *And be it enacted*, That the said directors shall be six in number, of whom there shall be an election by plurality of votes on the first Monday of March in each year; that the said election shall be by ballot; and each share of stock on which no instalments remain unpaid at the time, and no other, entitles its owner to one vote; and that the directors thus duly elected, shall be capable of serving as such until the next election of directors, and to fill up all vacancies in the body; and that said directors, at their first meeting, annually shall choose one of their number as president, who may be by them removed at pleasure and another appointed in his stead.

SEC. 7. *And be it enacted*, That if any instalments on stock remain unpaid for the space of sixty days from the time at which it should have been paid, the same shall thereby become forfeited to the said company, and may be disposed of by the president and directors as to them may appear to the most advantage of said company, and that during and for the term such instalments shall remain unpaid, the stock to which they relate shall not be included in any dividend or apportionment of profits that may be made for an equal period of time next after the receipt of profits shall commence.

Six Directors

Forfeiture of stock

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Mode of election

SEC. 8. *And be it enacted*, That in case it should so happen that an election should not be made upon the day when, pursuant to this act, it ought to have been made, the said company shall not for that cause be dissolved, but it shall be lawful on any other day within two weeks thereafter, to hold and make an election of directors, in such manner as shall have been regulated by the laws and ordinances of said company.

Not liable

SEC. 9. *And be it enacted*, That no subscriber, stockholder or member of said company, shall be answerable in his person or individual property, for any contract or engagement of said company.

Directors to appoint

SEC. 10. *And be it enacted*, That the said directors for the time being, shall have power and authority, to appoint such clerks, agents, superintendents and servants under them, as may be necessary for executing the business of the company, and the same to remove at pleasure, and to allow them, or any of them, and also the president, such compensation for their services as they shall deem right; and bonds with security, to take from any or either of said persons if thought necessary for the faithful discharge of their duty.

Must be a stockholder

SEC. 11. *And be it enacted*, That no person shall be a president or director, who shall not at the time be a stockholder.

Mode of transfer,

SEC. 12. *And be it enacted*, That the shares of stock shall be transferable on the books of said company, only according to such rules and regulations as shall be established by the said president and directors.

Legal capacity.

SEC. 13. *And be it enacted*, That the president and directors of said company, or a majority of them, or any person or persons authorised by a majority of them, may agree with the owner or owners of any land, earth, timber, gravel, stone or other materials or any improvements which may be wanted for the construction or repair of any of their works, and with the owner or owners of any waters or water rights which may be wanted for the supply of the same, for the purchase or use and occupation of the said land, earth, timber, gravel, stone, waters or other materials, and if they cannot agree or if the owner or owners or any of them be a feme covert, under age non compos mentis, or out of Allegany county where such lands, waters or materials shall be wanted, application may be made to any justice of the peace of said county, who shall thereupon issue his warrant under hand and seal, directed to the sheriff of said county, requiring him to summon a jury of twenty inhabitants of said county,

not related or in any wise interested to meet on the land or near to the property or materials to be valued on a day named in said warrant not less than ten nor more than twenty days after the issuing of the same, and it at said time and place any of said jurors summoned, do not attend, the said sheriff shall immediately summon as many jurors as may be necessary with the jurors in attendance, to furnish a panel of twenty jurors in attendance, and from them each party or its, his, her or their agent, and if either be not present in person or by agent, the sheriff for him, her, it or them, may strike off four jurors, and the remaining twelve shall act as the jury of inquest of damages; and before they act as such, the said sheriff shall administer to each of them on oath or affirmation as the case may be, that he will justly and impartially value the damage which the owner or owners will sustain by the use or occupation of the same required by the company, and the jury in estimating such damages shall take into the estimate, the benefit resulting to the said owner or owners from the completion of the works of said company, but only in extinguishment of the claim for damages, and the said jury shall reduce their inquisition to writing, and shall sign and seal the same, and it shall then be returned by said sheriff to the clerk of Allegany county, and by him filed in his court, and 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 said clerk at the expense of said company, but if set aside, the said court may direct another inquisition to be taken in the manner above prescribed; and such inquisition shall describe the property taken or the bounds of lands condemned, and the quantity or duration of the interest in the same, valued for the company, and such valuation when paid or tendered to the owner or owners of said property or his, her or their legal representatives, shall entitle the said company to the 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 company without costs, by the said owner or owners, or his, her or their legal representative or representatives.

SEC. 14. *And be it enacted*, That said company shall have full power and authority, to make and lay conduits or tunnels, for the conveyance of said water under and along the streets, lanes, alleys and side-pavements, or any of them, of the town of Cumberland, for the purpose

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Legal capaci-

ty.

than twenty days

after the issuing

of the same,

and it at

said time and

place any of

said jurors

summoned,

do not

attend,

the said sheriff

shall immediately

summon as

many jurors

as may be

necessary with

the jurors in

attendance,

to furnish a

panel of twenty

jurors in

attendance,

and from them

each party or

its, his, her or

their agent,

and if either

be not present

in person or

by agent,

the sheriff for

him, her, it or

them, may

strike off four

jurors, and the

remaining twelve

shall act as the

jury of inquest

of damages;

and before they

act as such,

the said sheriff

shall administer

to each of them

on oath or

affirmation as

the case may

be, that he will

justly and

impartially

value the

damage which

the owner or

owners will

sustain by the

use or

occupation of

the same

required by

the company,

and the jury

in estimating

such

damages shall

take into the

estimate, the

benefit

resulting to

the said

owner or

owners from

the

completion of

the

works of

said

company,

but only in

extinguishment

of the

claim for

damages,

and the said

jury shall

reduce their

inquisition

to writing,

and shall

sign and

seal the

same,

and it shall

then be

returned

by said

sheriff to

the clerk

of

Allegany

county,

and by him

filed in

his

court,

and 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 said

clerk at

the

expense

of said

company,

but if set

aside,

the said

court may

direct

another

inquisition

to be

taken in

the

manner

above

prescribed;

and such

inquisition

shall

describe

the

property

taken or

the

bounds of

lands

condemned,

and the

quantity

or

duration

of the

interest

in the

same,

valued

for the

company,

and such

valuation

when

paid or

tendered

to the

owner

or

owners

of said

property

or his,

her or

their

legal

representatives,

shall

entitle

the

said

company

to the

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

company

without

costs,

by the

said

owner

or

owners,

or his,

her or

their

legal

representative

or

representatives.

Power of

company

CHAP. 280. of conveying and distributing said water, and the said conduits or tunnels, from time to time, to renew and repair, leaving at the same time, a sufficient passage for carriages, horses or foot passengers, as the case may be, and forthwith restoring to their former condition, all such streets, lanes, alleys and side-pavements as may at any time be dug, opened, or taken up.

Power of company
SEC. 15. *And be it enacted*, That the said company shall have full power to establish reservoirs and public fountains, in such parts of the said streets and squares of the said town, as they may think proper, and to grant to all persons whomsoever, and to all bodies corporate and politic, the privilege of using said water, to be introduced as aforesaid, in such manner and upon such terms as they shall think fit.

Punishment
SEC. 16. *And be it enacted*, That if any persons shall wilfully pollute the said water, thus to be introduced, by throwing any dead animals or other impure substances into the same, or by washing themselves or clothes, or the skins of dead animals or other impure things therein, or by erecting a necessary or other nuisance, so near the said water as to pollute the same, the person or persons so offending, shall forfeit and pay to the said company, a sum not exceeding twenty dollars, for every such offence, to be recovered by warrant, before any justice of the peace of the town of Cumberland, to be issued against the person so offending, if a freeman, otherwise, against the husband, father, or master of the person offending, as the case may be, who shall be held answerable accordingly.

Fine, &c
SEC. 17. *And be it enacted*, That if any inhabitants of said town, or other person, such other person being first duly cautioned, shall use, or in anywise meddle with the water thus introduced, whether obtained from hydrants or otherwise, such inhabitants or person, not being a water renter at the time, or licensed by the said president and directors, shall forfeit and pay for every such offence, a sum not exceeding six dollars, to be recovered by the said president and directors by warrant, as above stated.

May increase subscription
SEC. 18. *And be it enacted*, That if it shall be found that the said capital be inefficient to effect the object intended, the said president and directors, are and shall be authorised, to increase the same, by subscription in the manner and upon the terms hereinbefore prescribed for the reception of subscriptions; *provided*, that the said capital shall not be increased, so as to exceed forty thousand dollars.

SEC. 19. *And be it enacted*, That there shall be a semi-annual dividend of profits upon shares of stock; and the first shall be made on the first Monday of January, eighteen hundred and forty-eight, if the sum then received shall be deemed sufficient for that purpose, and semi-annually thereafter. CHAP. 281.

SEC. 20. *And be it enacted*, That a majority of said directors shall be competent to transact all the business, and discharge all the duties authorised and directed by this act. Majority of directors may transact business.

SEC. 21. *And be it enacted*, That if subscriptions shall not be received by said commissioners to the amount of one-half of the capital, as aforesaid, in that case, the said commissioners, or a majority of them, shall be and are authorised to re-open the books of subscription from time to time, until one-half of said capital shall be subscribed; *provided*, that the same notice be given of such re-opening as directed in the first instance. May re-open. Proviso.

SEC. 22. *And be it enacted*, That nothing in this act shall be so taken or construed, as to allow the said corporation, to issue any token, scrip, or device, to be used as a currency; and that the legislature hereby reserves to itself the right to alter or annul this act of incorporation at pleasure. Issues forbid.

CHAPTER 281.

An act to prevent unlawful dealings with Negroes, and the reception of Stolen Goods, in Calvert County. Passed Mar. 7, 1816.

SECTION 1. *Be it enacted by the General Assembly of Maryland*, That from and after the passage of this act, it may be lawful for any three creditable inhabitants of the county, to go before the county court of Calvert county, or if such court be not in session, to any judge thereof, and make oath, that they verily suspect or believe that any person having a license to sell or trade in said county, deals unlawfully with negroes or mulattoes, or is in the habit of receiving stolen goods; and upon the receipt of said oaths by the court or judge, the said court or judge, shall issue a summons returnable upon a certain day, to such person so authorised to trade or sell, directing him to appear and answer the charges in the said affidavits contained; and upon the return day of the