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L A W S

OF THE

STATE OF MARYLAND,

M A D E A N D P A S S E D

At a Session of the General Assembly begun and held at the City of Annapolis on the sixth day of January, 1864, and ended on the tenth day of March, 1864.

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CHAPTER 121.

AN ACT to repeal sections twenty-three, thirty-one, thirty-two, thirty-three, thirty-five, fifty-three, and fifty-four, of the first Article of the Code of Public Local Laws and to re-enact the same with amendments and insert additional sections, relating to the Charter of the city of Cumberland.

Passed Mar-
5, 1864.

SECTION 1. *Be it enacted by the General Assembly of Maryland,* That sections numbers twenty-three, thirty-one, thirty-two, thirty-three, thirty-five, fifty-three and fifty-four, of article first of the Code of Public Local Laws relating to Allegany county, be and the same are hereby repealed, and the following are enacted in their stead.

Repealed.

Sec. 1. *And be it enacted,* That the survey made under the authority of the Mayor and City Councilmen of the town of Cumberland, and entered upon the record of their proceedings and recorded in the office of the clerk of the Circuit Court for Allegany county, shall constitute the bounds and limits of said city; *provided,* however, that for all sanitary and police purpose the Mayor and Councilmen of said city shall have and exercise full authority and control for one half mile in every direction beyond the bounds and limits above mentioned.

Limits.

Proviso.

Sec. 2. *And be it enacted,* That the Mayor and Councilmen may provide, by ordinance, for the appointment of a Clerk and such other officers as to them may seem fit for the proper execution and performance of the powers and duties conferred on them by the laws of the State, and their act of incorporation.

Officers to be
appointed.

Sec. 3. *And be it enacted,* That the Mayor shall be allowed salary, not exceeding two hundred [hundred] dollars, the Councilmen shall be allowed a per diem not exceeding two dollars per day for each day of service, but the total per diem of any councilman shall not exceed forty dollars per annum, and the salaries of all other officers ap-

Salary.

pointed by said Mayor and Councilmen shall be fixed by ordinance at such reasonable and economical rates as to them may seem just and proper.

Power to pass
by-laws and
ordinances,
&c.

Sec. 4. *And be it enacted*, That the Mayor and Councilmen may pass all such ordinances not contrary to the Constitution and laws of this State, as they may deem necessary for the good government of said city, they shall have power to remove all nuisances and obstructions from the streets, lanes and alleys, and from any lots adjoining thereto, they shall have power to remove or cause to be removed any houses or other buildings that may become dangerous on any account, they shall have power to cause the streets, lanes, alleys and sidewalks to be paved, repaired and improved, they shall have power to establish markets, to regulate the hours and limits thereof, and to regulate the mode of dealings thereat, they shall have the same power over the public grounds as over other parts of the city, but shall not interfere with the title thereof, they shall have power to ordain all such rules and regulations as they may deem necessary for the protection and preservation of the health of the city and its inhabitants; they shall have power to establish and regulate a city prison for the confinement of offenders against the laws and ordinances of said city; they may from time to time cause an assessment to be made of all property in the city real and personal, by a person or persons appointed by them, and may levy thereon a tax not exceeding in any one year fifty cents in every hundred dollars worth of assessable property, they shall have power to prevent all nuisances and annoyances in said city, and may impose such reasonable fines, forfeitures or imprisonments as to them may appear necessary for the violation of any ordinance of the said city; they may pass ordinances to prohibit or restrain the keeping of bawdy houses or houses of ill-fame within the limits of the city; to restrain and prohibit all loose and suspected persons from resorting to, frequenting or living in any such bawdy house or house of ill-fame, and to provide for punishing all persons who shall keep, authorise, or suffer to be kept any such bawdy house or house of ill-fame, and all loose and suspected persons who shall live, reside in or resort to any such bawdy house or

house of ill-fame; by fine and imprisonment, such fine not to exceed fifty dollars and imprisonment not to exceed twenty days, and may pass all such other ordinances as they may deem proper for the welfare of said city; *provided*, that they shall not have power to close or alienate any public street or alley, or pledge the credit and faith of said city for any sum exceeding ten thousand dollars, without first submitting the question to the voters of said city, after twenty days public notice, and a majority of the legal voters assenting thereto.

Proviso.

Sec. 5. *And be it enacted*, That for the purpose of introducing a supply of good soft water into the said city, the Mayor and Councilmen are hereby authorised to issue bonds of said city to an amount not exceeding sixty thousand dollars to be denominated Cumberland Water Bonds at an interest not exceeding six per cent. per annum, and to levy and collect a tax on the assessable property of said city to pay the interest on said bonds, and to provide a sinking fund for the redemption thereof.

Power to levy tax.

Sec. 6. *And be it enacted*, That for the purpose of putting said water works into operation, Joseph Shriver, V. A. Buckey, Alpheus Beall, Hopewell Hebb, and J. B. H. Campbell, be and they or a majority of them are hereby appointed Commissioners with power from time to time to contract for, purchase, lease and hold for said corporation 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 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, pass through from time to time as occasion may require, and to use and occupy the said lands 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; in the event of the death, resignation, removal or refusal to act of any or either of the said Commissioners, the Mayor and Councilmen of said city are hereby authorized and required to fill such vacancy or vacancies.

Appointment of Commissioner.

Authorized to
purchase real
estate, &c.

Sec. 7. *Be it enacted*, That the said Commissioners, or a majority of them, be and they are hereby authorized to 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 Commissioners may conceive expedient or necessary to purchase and hold for the purpose of introducing water into the said city.

Jury to be
summoned.

Sec. 8. *Be it enacted*, That if they, or a majority of them, 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 lands through which the said Commissioners, or a majority of them, may find it necessary to have a right of entry and passage for the purpose of conveying the said water into the said city, or if such owner or owners shall be absent out of the State, or unknown, it shall be lawful for the said Commissioners, or a majority of them, or the Mayor and Councilmen, to apply to any Justice of the Peace for Allegany county, who shall thereupon issue his summons, under his hand and seal, directed to the Sheriff of said county, requiring him to summon a jury of twenty inhabitants of said county not interested in the property to be valued, to meet on the land or near the other property to be valued, on a day named in said summons, not less than nor more than twenty days after the issuing of the same.

Sheriff may
strike off.

Sec. 9. *Be it enacted*, That if at the time named in said summons any of said jurors summoned do not attend, the Sheriff shall immediately summon as many jurors as may be necessary with the jurors in attendance, and from them each party or his agent, or if either be not present in person or by agent, the Sheriff for him may strike off four jurors, and the remaining jurors shall act as the jury of inquest of damages.

Oath to be
administered.

Sec. 10. *Be it enacted*, That the Sheriff shall, before the said jury shall proceed to act, administer to each of them an oath that they will justly and impartially value the damages which the ow-

ner will sustain by the use or occupation of the property required by the said corporation.

Sec. 11. *Be it enacted*, That the jury shall summon such witnesses as the parties may require, and examine them on oath in relation to the value of the property to be condemned, and they shall reduce the testimony, if any is taken by them, to writing, and after the testimony is closed, and without any unnecessary delay, and before proceeding to the examination of any other claim, they shall ascertain and determine the compensation which ought to be made by said corporation to the party owning or being interested in the property to be condemned.

Jury to summon witnesses.

Sec. 12. *Be it enacted*, That the jury shall reduce their inquisition to writing, and shall sign and seal the same, and it shall then be returned by the Sheriff to the Clerk of the Circuit Court for Allegany county, and shall be filed by the said Clerk in said court.

Inquisition to be filed.

Sec. 13. *Be it enacted*, That the said inquisition shall be confirmed by the said court, if no sufficient cause to the contrary be shown, and when confirmed shall be recorded by said clerk at the expense of the corporation.

To be recorded.

Sec. 14. *Be it enacted*, That if the said inquisition be set aside, the said court may direct another inquisition in the manner hereinafter prescribed.

If set aside, court may direct another inquisition.

Sec. 15. *Be it enacted*, That every such inquisition shall describe the property taken, and the bounds of the land condemned, and the quantity or duration of the interest in the same condemned for the corporation, and such valuation when paid or tendered to the owner of said property, or his attorney, shall entitle said corporation to the estate and property so valued as fully as if the same had been conveyed by the owner thereof.

Title to be valid.

Sec. 16. *Be it enacted*, That if any person shall willfully pollute said water by throwing any dead animal or other impure substance into the same, or by swimming, bathing, or washing themselves, or by washing clothes or the skins of dead animals, or any other impure things therein, or by erecting any necessary or other nuisance so near the said water as to pollute the same, he shall for-

Penalty for polluting water.

feit the said city a sum not exceeding twenty dollars for each offence, to be recovered by summons before any Justice of the Peace for Allegany county, to be issued against the person so offending, if a free man, otherwise against the husband, father or master of the person so offending, who shall be answerable therefor; and the person so offending shall be obliged to remove such nuisance, to pay the sum of ten dollars for every day the same shall continue, to be recovered as aforesaid for the use of said city.

Not to obstruct passage of water.

Sec. 17. *Be it enacted*, That any person who shall designedly injure the said water works, or any part thereof, or obstruct the passage of the water therein, shall for every offence forfeit the sum of twenty dollars, to be recovered in the manner and for the use mentioned in the preceding section.

Non water renters.

Sec. 18. *Be it enacted*, That if any person, being first duly cautioned, shall use or in any manner meddle with the water in said water works, whether obtained from hydrants or otherwise, such person not being a water renter at the time, or licensed by said city, he shall forfeit the sum of six dollars, to be recovered and applied as directed in the two preceding sections.

Invested with power.

Sec. 19. *And be it enacted*, That the Mayor and Councilmen of Cumberland are hereby invested with the power and authority to enact and pass all ordinances which, from time to time, they may deem necessary and proper to effect the objects herein specified, and to regulate the introduction and use of said water, and for the protection and preservation of its works in said city.