

LAWS

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MADE AND PASSED

1822-23

BY THE

GENERAL ASSEMBLY

OF THE

STATE OF MARYLAND,

AT A SESSION BEGUN AND HELD AT THE CITY OF ANNAPOLIS, ON MONDAY THE
SECOND DAY OF DECEMBER, EIGHTEEN HUNDRED AND TWENTY-TWO.

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act, heretofore made inconsistent with the provisions of this act, or repugnant thereto, be, and the same is hereby repealed.

8. *And be it enacted*, That nothing herein contained shall be construed to prevent a repeal or modification of this act at any time hereafter.

CHAPTER 168.

An act incorporating a company to introduce a copious supply of water into the town of Emmittsburg, in Frederick county.

Section 1. *Be it enacted by the General Assembly of Maryland*, That a company be, and they are hereby incorporated and made a body politic, for the purposes hereinafter mentioned, and that the said body politic shall be known and distinguished by the appellation of the President and directors of the Emmittsburg Water Company, and shall have full power and authority to do, perform and execute all and every matter and thing which a similar corporation may or rightfully can do, and shall have succession during the continuation of this act; and to that end, for perpetuating the said incorporate body, the heirs, devisees, representatives and assignees of the individual members thereof, shall be, and are hereby declared to be members thereof, and by the name aforesaid may sue and be sued, answer and be answered, in any court of law or equity in this state or elsewhere.

2. *And be it enacted*, That the capital stock of said company shall not be less than three thousand five hundred dollars, nor exceed four thousand dollars, to be divided into shares of twenty-five dollars each, and that subscriptions to the said capital stock shall be opened in the town of Emmittsburg, under the direction of Lewis Motter, James Hughes, Henry G. Waters, Robert L. Annon and Patrick Reid, or any two or more of them, on a day appointed by them for that purpose, and notified in such newspapers in Frederick as the commissioners may think proper; and on the day appointed the said commissioners shall meet for receiving subscriptions, at ten o'clock, A. M. and continue the same until three o'clock, P. M. and if the subscriptions shall exceed the capital, the commissioners shall apportion the same, according to the subscribers, by proportionate deductions, so that the whole be reduced to the proper limit; but if the said subscription shall not be filled on the first day, the commissioners aforesaid may adjourn from day to day until the whole stock is subscribed; and those who have previously subscribed shall be entitled to the stock in said company, from each of whom the said commissioners shall exact the first instalment of five dollars on each share so subscribed.

3. *And be it enacted*, That, within ten days after closing the subscriptions, two or more of the commissioners shall meet at Emmittsburg, for the purpose of holding an election for the president and directors.

4. *And be it enacted*, That the stockholders aforesaid, or such as shall be present in person, or by proxy, shall elect by ballot, out of the stockholders, five directors to serve until successors to them shall be chosen; and the said corporation shall annually thereafter, upon the same day, in each and every year, or within ten days thereafter, in like manner, elect five directors for one year, or until successors to them shall be chosen; each stockholder to have one vote for each and every share of stock; and the said directors, immediately after their appointment, and so after every subsequent appointment as aforesaid, shall choose from among the stockholders by ballot, a president to

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Incorporation.

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serve one year from the time of his appointment; and the said president, and his successors for the time being, shall always be entitled to vote as a director, and perform such duties and receive such compensation for his services as the directors shall from time to time appoint, and in case any director shall be chosen president, the remaining directors shall immediately choose by ballot, from among the stockholders, a person to supply his place; and whenever a vacancy shall happen in the office of director or president, by death, resignation, or removal from the state, or by any other means, it shall immediately be filled by ballot by the directors, from among the stockholders, until the next election in course.

Payment of subscriptions.

5 *And be it enacted*, That it shall and may be lawful for the president and directors to call and demand from the said subscribers respectively all sums of money by them subscribed, in instalments not exceeding five dollars on each share, under the pain of forfeiture of their shares, and of all previous payments made thereon, to the said president, directors and company: *Provided*, that no such demand shall be made without at least two weeks previous notice being given in any two newspapers in Frederick: *And provided also*, that no more than one such payment shall be called for or required in one month.

Qualification.

6. *And be it enacted*, That the president and directors, and subordinate agents of the said company, shall severally take an oath before some justice of the peace of said county, that they will faithfully and diligently perform the duties of their respective stations, according to the best of their skill and judgment; and the subordinate agents shall moreover give satisfactory security to the president of said company, before they shall be permitted to act as such; and the said president and directors shall have full power and authority to make all by-laws, rules and regulations, necessary for carrying into effect the provisions of this act; *Provided* they be not inconsistent with the laws of this state.

Corporate powers.

7. *And be it enacted*, That the said president and directors shall have full power and authority to make all by-laws, rules and regulations, for the well ordering and conducting the business of the company, and such by-laws, rules and regulations to alter, change and annul at their pleasure; but every such by-law, rule, or regulation, may be altered or repealed by the stockholders, at a general meeting, to be called for that purpose by any ten or more stockholders; *Provided*, that there be present at such meeting, stockholders holding one hundred shares, or their proxies, and that four weeks previous notice be given in the newspapers printed in Frederick, of such meeting, and of the alteration or repeal intended to be proposed thereat.

Incidental powers.

8. *And be it enacted*, That the said corporation may purchase and hold, in fee simple or otherwise, all such lands and real estates suitable for the erection of the necessary works, and that may be necessary in whole or in part, for the proper accomplishment of their undertaking, as they shall judge proper, and may divert from the usual bed and course, for the purpose aforesaid, at such place or places as they shall think fit, any stream or streams which they may think suitable for the purpose, or any part or parts thereof, they obtaining the consent of all persons having any right, interest or property, in the stream or streams, respectively, so to be diverted in whole or in part, or in the lands through which such stream or streams may be intended to pass, after being so diverted; and the said corporation shall have full power and authority to make a canal and tunnel, or either of them, for the conveyance of the said water, under and along any public

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highway, or any street or streets, lane or lanes, alley or alleys, in the town of Emmittsburg, and to lay a pipe or pipes in such highway, or in any of the said streets, lanes or alleys, for the purpose of conveying and distributing the said water, and the said pipes, from time to time to renew and repair, and for those purposes to dig, break up and open, at their own expense, all or any part of such highway, -or of such streets and alleys, and of the pavements and footways thereof, leaving at all times a sufficient passage way for carriages, horses and foot passengers, and restoring forthwith to their former condition of all such highways, or all such of the said streets, lanes and alleys, pavements and footways, as shall from time to time, and at any time, be so dug, opened, or taken up.

9. *And be it enacted*, That the said corporation shall have full power and authority to establish reservoirs and public fountains in such parts of the streets and squares of the said town, as they may think proper; and to grant to all persons whomsoever, and to all bodies politic and corporate, the privilege of using the said water so to be introduced, in such manner, and on such terms and conditions, and in such quantities respectively, as they shall think fit; and the said water, so to be introduced, together with all the reservoirs, pipes, canals and tunnels, engines, buildings and machines whatsoever, to be by them made and used for the purpose of introducing, raising and distributing the said water, to hold to them, their successors and grantees, as their sole and exclusive property.

Further powers.]

10. *And be it enacted*, That if any person or persons shall wilfully do, or cause to be done, any act whatsoever, whereby the said works, or any pipe, conduit, canal, water course, mound, plug, cork, reservoir, dyke, or any engine, machine, or structure, or any matter or thing appertaining to the same, shall be stopped, obstructed, impaired, weakened or injured, or wilfully pollute the said water, by throwing any dead animals, or other impure substance, into the same, or by swimming, bathing, or washing therein, the person or persons, so offending shall forfeit and pay to the said company, treble the amount of the damages sustained by means of such offence or injury, to be recovered by such company, with costs of suit, by action of debt, or action on the case, in any court of judicature of this state, or by any warrant before any magistrate thereof, which action shall in every instance be considered as transitory in its nature, and shall and may be triable in any county in this state.

Penalty for offences.]

11. *And be it enacted*, That it shall not be lawful for the said corporation to enter into any negotiations on bills or notes, nor to deal in exchange, discount or other commercial or banking operations; and dividends of the profits of the stock shall be annually made, reserving only, at the discretion of the directors, such proportion as they or a majority of stockholders shall deem sufficient, for maintaining and supporting the works necessary to promote or obtain the objects of this incorporation; and if the said corporation shall not carry into effect the intentions of this act, within five years from the passage thereof, in that case all the powers hereby vested in them shall cease and determine.

Prohibitions and limits.

CHAPTER 169.

A supplement to an act, entitled, An act for the more effectual preventing of forgery, and to make it felony to steal bonds, notes, or other securities for the payment of money.

Passed Feb. 20, 1823.

Section 1. *Be it enacted by the General Assembly of Maryland*, That if any person shall falsely make, alter, forge or counterfeit, or cause

Forgery of orders, &c. made felony.