

and are hereby obliged to make every hogshead of tobacco by him or them paid away in discharge of such transfer notes, to contain nine hundred pounds of net tobacco at least; and for every such hogshead of tobacco by him or them paid away, well lined and nailed, in fit order for shipping, there shall be paid by the person receiving such hogshead the sum of five dollars, for the hogshead, packing, prizing and finding nails for lining the same; and the person demanding or receiving tobacco in discharge of transfer notes as aforesaid, shall allow the inspector or inspectors two pounds of tobacco per hundred, and so *pro rata*, for shrinkage and waste, if the said tobacco be paid at any time within two months after the date of the note or notes given for the same, and one pound of tobacco for every hundred for every month in which the same shall be unpaid after the said allowance, so as all such allowances for shrinkage and waste do not exceed, in the whole, six pounds for every hundred pounds of tobacco; and if any inspector or inspectors by whom such notes for tobacco as aforesaid shall be signed, shall refuse or delay to pay and satisfy the same when demanded, every inspector so refusing or delaying, shall forfeit and pay to the party injured double the value of the tobacco so refused or delayed to be paid, to be recovered in the county court, with costs, if the note or notes so refused or delayed to be paid exceed five hundred pounds of tobacco, and if the note or notes do not exceed five hundred pounds of tobacco, double the value shall and may be recovered before a single magistrate.

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II. AND BE IT ENACTED, That the owner of any transfer note or notes may at any time receive a note or notes for a marked hogshead or hogsheads of tobacco in satisfaction for such notes, and the inspector or inspectors, on delivering the same, shall take in his or their former notes, and be answerable for the safe keeping of every hogshead of tobacco, the note for which shall be so delivered, in the same manner that they are now for crop tobacco, but the person receiving such note shall pay to the inspector or inspectors the sum of five dollars for the cask, nails and prizing thereof; and the inspector or inspectors shall sell all transfer tobacco which shall not be so received and marked, on the second day of holding the county courts in each county respectively on each shore, if fair, if not, on the first fair day thereafter, by public auction, in single hogsheads, and not otherwise, and shall pay the money arising from such sale at the average price of the sale of tobacco belonging to each house, in satisfaction of their notes from time to time to the proprietors thereof making their demand, under the same penalty as is prescribed for not paying inspectors notes.

Owners to receive notes, &c.

III. AND BE IT ENACTED, That all transfer tobacco, when prized in hogsheads, shall be subject to the same charges for inspection and otherwise, as crop tobacco is subject to.

Transfer tobacco subject to charges, &c.

IV. AND, whereas doubts have arisen as to the legality of the inspectors permitting persons who may offer tobacco in hogsheads at the respective warehouses which may be refused, to carry the same so refused from the warehouse at which it shall have been offered, and it appearing reasonable that such indulgence should be given to every person thus circumstanced, BE IT ENACTED, That in case any person shall hereafter offer at any warehouse for inspection, any tobacco in hogsheads, and the same shall be found by the inspector to be unmerchantable, it shall and may be lawful for such inspector to permit the person owning such tobacco to take away the same from the said warehouse for the purpose of altering the condition thereof, or otherwise.

Tobacco unmerchantable may be taken away, &c.

V. AND BE IT ENACTED, That this act shall continue and be in force for the same term of the continuance of the act to which this is a further supplement; provided that nothing herein contained, so far as relates to transfer tobacco, shall extend, or be construed to extend, to Saint-Mary's county, any thing herein contained to the contrary notwithstanding.

Duration, &c.

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An ACT for introducing a copious supply of wholesome water into the city of Baltimore.

Passed January 19, 1805.

WHEREAS John M. Kim, James A. Buchanan, John Donnell, Solomon Etting, Jonathan Ellcott, James Mosher and William Cooke, together with sundry other citizens of this state, have agreed to form themselves into a company, and have associated and raised a large sum of money by subscription, in shares of fifty dollars each, for the purpose of introducing a copious supply of wholesome water into the city of Baltimore;

Preamble.

II. BE IT ENACTED, by the General Assembly of Maryland, That the said John M. Kim, James A. Buchanan, John Donnell, Solomon Etting, Jonathan Ellcott, James Mosher and William Cooke, and such other persons as have subscribed and joined, or shall hereafter subscribe or join the said association,

Persons incorporated, &c.

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on the same terms with original subscribers, be and they are hereby incorporated and made a body politic, for the purposes herein after declared; and that the said body politic shall be known and distinguished by the appellation of The President and Directors of the Baltimore Water Company, and shall have full and ample power and authority to do, perform and execute, all and every matter and thing which any similar corporation may or rightfully can do, and shall have succession during the continuance of this act, and to that end, and for perpetuating the said incorporate body, the heirs, devisees, legal representatives, and the assignees of the individual members thereof, *ad infinitum*, 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.

Capital stock,  
&c.

III. AND BE IT ENACTED, That the capital stock of the said corporation shall not exceed five hundred thousand dollars, to be divided into ten thousand shares, of fifty dollars each, and that subscriptions to the said capital stock shall be opened, and kept open, under the direction of the said president and directors, until the aforesaid number of shares shall be subscribed.

Corporation  
to meet, &c.

IV. AND BE IT ENACTED, That the said corporation shall meet on the first Monday in May next, in the city of Baltimore, and as often thereafter as the said corporation may adjudge convenient and necessary; and the said corporation, or such as shall be present in person, or by their proxy, shall elect, by ballot, out of the members of the said corporation, six directors, to serve until successors to them shall be chosen; and the said corporation as aforesaid shall, annually thereafter, on the first Monday in May, or within ten days thereafter, in like manner elect six directors, to serve for one year, and until successors to them shall be chosen, 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 serve for one year from the time of his appointment, and until a new election of directors shall take place, and a successor to him shall be appointed; and the said president, and his successor, for the time being, shall always be entitled to vote as a director, and shall perform such duties, and receive such compensation for his services, as the president and 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, removal from the state, or by any other means, it shall be immediately filled, by ballot, by the directors, from among the stockholders, till the next election in course.

No person to  
have more than  
20 votes, &c.

V. AND BE IT ENACTED, That in choosing directors no person or body politic shall have more than twenty votes, and that each person holding one or more shares under the said number of twenty, shall have one vote for every share so held.

President, &c.  
may make by-  
laws, &c.

VI. 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 of 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 thousand shares, or their proxies, and that four weeks previous notice be given in two news-papers printed in the city of Baltimore of such meeting, and of the alteration or repeal intended to be proposed thereat.

And appoint  
clerks, &c.

VII. AND BE IT ENACTED, That the said president and directors shall have power to appoint and remove at their pleasure, all clerks, superintendents, agents, or other officers necessary for carrying on the business of the said company, to dispose of its funds or property in the manner herein after directed, and to fix and pay out of the funds of the said company the compensation of all such agents, superintendents, clerks or officers, to make such contracts, purchases or agreements, of all such matters and things, in behalf of the said company, and of all such privileges, permissions, rights and advantages, of every kind and nature whatever, as they shall judge necessary for completing, in an effectual and proper manner, the introduction, distribution and supply, of water, to the city of Baltimore, with any individual, companies, firms or corporations, and to use and dispose of any surplus water to the best interest and advantage of the said company, and all such contracts to rescind, alter, abridge or enlarge, with consent of the parties thereto respectively, and to lease, sell, convey, transfer and bind, by their contracts, deeds and writings, under the hand of the president and the seal of the company, all the property, estate, common stock and joint funds of the said company, subject to the ratification of the stockholders, or a majority of them, at some general meeting, if the value of the matter in question shall exceed ten thousand dollars, but not the persons or separate property of themselves or any of the stockholders.

VIII. 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, the stream of Jones's Falls, or any other 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 highway, or any street or streets, lane or lanes, alley or alleys, of the county or city of Baltimore, 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 expence, all or any part of such highway, or of such streets, lanes 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 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.

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Corporation  
may purchase  
land, &c.

IX. 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 city 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, for ever, as their sole and exclusive property.

And establish  
reservoirs, &c.

X. AND BE IT ENACTED, That it shall and may be lawful for the said president and directors to call and demand from the said subscribers respectively, all such sums of money by them subscribed, in instalments not exceeding ten dollars each, under pain of forfeiture of their shares, and of all previous payments thereon, to the said president, directors and company, provided that no such demand shall be made without two months previous notice being given in the different newspapers of the city of Baltimore; and provided also, that not more than one such payment shall be called for or required in any term of four months.

President, &c.  
may call for  
money sub-  
scribed, &c.

XI. 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, cock, 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 the 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 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 in-  
juring the  
works, &c.

XII. 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 operation, other than to vest their capital in stocks of chartered companies, or in public securities, or to borrow money, as may be found necessary for the carrying on the works proposed; 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 attain 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.

Corporation  
not to enter in-  
to negotiations,  
&c.

XIII. AND BE IT ENACTED, That this act shall continue and be in force during the full term of twenty years, and to the end of the next session of the general assembly which shall be thereafter.

Duration.