

THE
L A W S

OF

M A R Y L A N D,

WITH

THE CHARTER,

THE BILL OF RIGHTS,

THE CONSTITUTION OF THE STATE,

AND ITS ALTERATIONS,

THE DECLARATION OF INDEPENDENCE,

AND

THE CONSTITUTION OF THE UNITED STATES,

AND ITS AMENDMENTS;

WITH A GENERAL

I N D E X.

IN THREE VOLUMES.

30913

REVISED BY

VIRGIL MAXCY.

VOLUME III.

Baltimore,

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1811:

November,
1808.
CHAP.
LXXIX.

operation, and receive the same construction, as if the said error had not been committed, and the word "hereafter" had been inserted in the fourth section of the said engrossed bill in the place of the word "heretofore."

Vide list of acts, 1715, ch. 47.

CHAP. LXXIX.

An ACT to incorporate the president and directors of the Baltimore water company.

Preamble.

WHEREAS William Cooke, John M'Kim, James A. Buchanan, John Donnell, Solomon Etting, James Mosher, Jonathan Ellicott, John Hollins, and other citizens of this state, have formed themselves into a company, and raised a large sum of money, for the purpose of introducing a copious supply of wholesome water into the city of Baltimore, which they have nearly completed, to the great accommodation and benefit of the inhabitants of said city;

The Baltimore water company incorporated.

II. BE IT ENACTED, *by the General Assembly of Maryland,* That the said William Cooke, John M'Kim, James A. Buchanan, John Donnell, Solomon Etting, James Mosher, Jonathan Ellicott and John Hollins, and such other persons as have subscribed and joined, or shall hereafter subscribe and join, the said company, on the same terms with the original subscribers, be and they are hereby incorporated and made a body politic, for the purpose 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 perpetual succession, and to that end, and for perpetuating the said incorporated body, the individuals composing the said company, at or before the passage of this act, their heirs, executors, administrators or assigns, 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.

III. AND BE IT ENACTED, That the capital stock of the said corporation shall not exceed two hundred and fifty thousand dollars, to be divided into five 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, unless the said sum is now subscribed.

Corporation to elect six directors annually, who shall imme-

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 for one year, and until successors to them shall be chosen; and the said corporation 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, or until the next election of directors, and a successor 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 allow; 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 president or directors by death, removal from the state, or otherwise, the same shall be immediately filled by the directors until the next election, by a choice to be made from among the stockholders, by ballot.

November,
1808.
CHAP.
LXXIX.

diately after
their ap-
pointment
choose a
president.

V. AND BE IT ENACTED, That in the choosing directors, all persons or bodies politic, holding stock in the said company, shall vote agreeably to the number of shares they may hold, in the following proportion; that is to say, for one share, and not exceeding two shares, one vote each; for every two shares above two, and not exceeding ten, one vote; for every four shares above ten, and not exceeding thirty, one vote; for every six shares above thirty, and not exceeding sixty, one vote; and for every eight shares above sixty, one vote; but no person or body politic shall be entitled to more than eighty votes.

How the
stockhold-
ers are to
vote.

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.

Powers of
the presi-
dent, and
directors.

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 direct-

President
and direc-
tors may ap-
point and
remove at
pleasure all
clerks, &c.

November,
1808.
CHAP.
LXXIX.

ed, and to fix any 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.

Corporation
may hold
lands suitable
for the
erection of
the necessary
works,
&c.

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 adjudge proper, and for that purpose may direct from the usual course, at such place or places as they shall think fit, the stream called Jones Falls, or any other stream or streams which they may think suitable for the purpose, or any part or parts thereof, on the said corporation's first obtaining the consent of all persons having any right or interest in the stream or streams 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 and lay conduits or tunnels 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, for the purpose of conveying and distributing the said water, and the said conduits or tunnels from time to time to renew and repair, and for such purposes to dig, break up and open, at their own expense, all or any part of such highway, streets, lanes and alleys, and of the middle or side pavements 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, streets, lanes and alleys, and the pavements thereof, as may be at any time so dug, opened or taken up.

Establish
reservoirs,
sell privileges
of using
the water;

IX. AND BE IT ENACTED, That the 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 waters, so to be introduced, together with all reservoirs, canals, 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.

November,
1808.
CHAP.
LXXIX.

X. AND BE ENACTED, That the corporation aforesaid shall insert, or grant permission to the corporation of Baltimore to insert, and repair at the expense of the city, such a number of fire-plugs as to them shall appear necessary, into the pipes used to convey the water through the streets thereof, to be used only in case of fire, but free from any charge for a supply of water.

And grant permission to insert fire-plugs.

XI. 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 thirty days previous notice being given in the different news-papers 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 all sums subscribed to be paid in instalments.

XII. AND BE IT ENACTED, That any suit, action or complaint, by the said corporation, against any person or persons whomsoever, on account of, or grounded on, a trespass or injury done to the said works, or any tunnels, conduits, canals, water courses, mound, plug, cock, reservoir, dyke, engine, machine or thing, appertaining to the same, shall in every instance be held and deemed as transitory in its nature, and may be brought, sustained and tried, in any court in this state, having jurisdiction in such like cases.

Suits deemed transitory.

XIII. AND BE IT ENACTED, That if any person shall wilfully pollute the said water, between the pumping-house of the said company and the mill on Jones Falls, now owned and occupied by John Stricker and William Patterson, by throwing any dead animals, or other impure substances, into the same, or by swimming, bathing or washing themselves, or by washing cloaths or the skins of any dead animals or other impure things therein, or by erecting any 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 magistrate of the county or city of Baltimore, and shall be obliged to remove the said nuisance, or forfeit and pay the sum of ten dollars for every day the same shall continue, to the use of Baltimore county, to be recovered by action of debt at the suit of the state.

Penalty for polluting the water.

November,
1808.
CHAP.
LXXXI.

Corporation not to enter into negotiations, on bills, &c. or any other banking or commercial operation.

Acts repealed.

XIV. 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 object 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.

XV. AND BE IT ENACTED, That all acts of assembly heretofore passed on this subject, be, and the same are hereby declared to be, repealed, null and void.

CHAP. LXXXI.

A Further supplement to the act, * entitled, An act relating to servants and slaves.

* 1715, ch. 44.

Testimony to be received in certain criminal prosecutions.



BE IT ENACTED, *by the General Assembly of Maryland,* That in all criminal prosecutions against any negro or mulatto slave, or against any mulatto descended from a white woman, or against any negro or mulatto free or freed, the testimony of any negro or mulatto slave, or the testimony of any mulatto, descendant from a white woman, or the testimony of any negro or mulatto free or freed, may be received in evidence for or against them, any law now existing to the contrary notwithstanding.

Vide list of acts relating to negroes and slaves, 1715, ch. 44.

CHAP. XCI.

An ACT for the more effectual preservation of the breed of wild deer in Dorchester county.

Deer not to be killed in Dorchester.

BE IT ENACTED, *by the General Assembly of Maryland,* That it shall not be lawful for any person or persons whatsoever, from and after the end of this session of assembly, during the term of three years, to kill, or otherwise to destroy, any deer in Dorchester county, under the penalty of thirty dollars current money for every deer so killed or destroyed, to be recovered in the county court of the county aforesaid, by indictment.