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51.

# LAWS

MADE AND PASSED

BY THE

## GENERAL ASSEMBLY

OF THE

### STATE OF MARYLAND,

AT A SESSION BEGUN AND HELD AT THE CITY OF ANNAPOLIS, ON MON-  
DAY THE SECOND DAY OF DECEMBER, EIGHTEEN  
HUNDRED AND SIXTEEN.

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Published by Authority.

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1817.

2. *And be it enacted*, That it shall and may be lawful for any person to cause a warrant to be issued against the owner or owners of any swine, that at any time after the first day of May, eighteen hundred and nineteen, may be found running at large at said point, and the said owner or owners thereof shall be subject to a fine of one dollar in each and every case that may occur, to be recovered before any single magistrate in the county of Talbot, which said fine shall be paid over to the informer in every instance.

CHAP. 165.  
Owners of swine running at large may be warrantd and fined.

CHAPTER 166.

A Supplement to the act, entitled, An act for the speedy recovery of small debts out of Court, and to repeal the Acts of Assembly therein mentioned.

Passed Feb 12 1810

Sec. 1. *Be it enacted, by the General Assembly of Maryland*, That from henceforth, in any case of appeal from the decision of a justice of the peace to the county court, where two summonses against the appellee shall be returned *non est*, or one attachment returned *non est*, and the said appellee shall not appear according to the tenor of the second summons, the court may proceed to hear and determine such case, in the same manner as if the appellee had regularly appeared, any law to the contrary notwithstanding.

In appeals from a justice of the peace, &c. county courts may proceed to hear and determine cases &c.

2. *And be it enacted*, That if any justice of the peace in this state shall be convicted in the court of the county where the fact may be committed, of granting hereafter blank warrants or executions, under his hand, to any constable or party, he shall be fined by the court a sum not less than one hundred dollars, and not exceeding four hundred.

Penalty on justice granting blank warrants or executions, &c.

3. *And be it enacted*, That from and after the passage of this act, no appeal, from the judgment of a justice of the peace to the county court, shall be dismissed, because the same had not been prayed to the county court next after the rendition of such judgment, unless the court shall be satisfied that the appellant had notice of such judgment at least ten days before the sitting of the said county court.

Appeals from a justice not to be dismissed because the same had not been prayed to court next after rendition of judgment.

4. *And be it enacted*, That the provisions of the second section of this act shall not commence or take effect until the first day of June next.

Provisions of second section not to commence until first of June next.

CHAPTER 167.

An act for introducing a copious supply of Water into the Town of Williamsport.

Passed Feb 12 1810

Sec. 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 Williamsport Water Company, and shall have full and ample 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.

Company incorporated.

## CHAP. 167.

Capital stock—  
Subscriptions to  
be opened.

2. *And be it enacted,* That the capital stock of said corporation shall not exceed ten thousand dollars, to be divided into five hundred shares of twenty dollars each, and that subscriptions to the said capital stock shall be opened in the town of Williamsport, under the direction of Jacob T. Towson, Michael A. Finley, Edward G. Williams, Edmund H. Turner, and Milton H. Sackett, or any two or more of them, on a day appointed by them for that purpose, and notified in the papers published in Hagers-town, at least three weeks previous thereto, who shall meet on the day appointed for receiving subscriptions, at ten o'clock A. M. and continue the same open until five 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 subscriptions 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 two dollars and fifty cents on each share so subscribed.

After closing sub-  
scriptions commis-  
sioners to meet to  
hold election for  
president and di-  
rectors.

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

Five directors to  
be annually elect-  
ed—to choose, by  
ballot, a president

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; 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 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 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.

No person or body  
politie to have  
more than 20 votes

5. *And be it enacted,* That in choosing directors no person or body politic shall have more than twenty votes, and that each person having one or more shares under the said number of twenty, shall have one vote for every share so held.

Subscriptions,  
how to be paid.

6. *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 sums of money by them subscribed, in instalments not exceeding two dollars and fifty cents on each share, under 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 one months previous notice being given in two of the newspapers published in Hagers-town; *And provided also*, that no more than one such payment shall be called for or required in the term of three months.

CHAP. 167.

Proviso.

7. *And be it enacted*, That the subordinate agents shall give satisfactory security to the president of said company before they shall be permitted to act as such.

Subordinate agents to give security.

8. *And be it enacted*, That the said president and directors shall have full power and authority to make all by-laws, and regulations, for the well ordering and conducting of the business of the company, and such by-laws, rules and regulations, to alter, and 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 two of the Hagers-town newspapers, of such meeting, and of the alteration or repeal intended to be proposed thereat.

President and directors to make by-laws, &c.

Proviso.

9. *And be it enacted*, That the said president and directors shall have power to appoint and remove at their pleasure all clerks, superintendants, agents or other officers, necessary for carrying on the business of the said company; to dispose of its funds or property in the manner hereinafter directed, and to fix and pay, out of the funds of the said company, the compensation of all such agents, superintendants, 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 whatsoever, as they shall judge necessary for completing, in an effectual and proper manner, the introduction, distribution, and supply of water, to the town of Williamsport, 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 writing, under the hands of the president and 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 five hundred dollars, but not the persons or separate property of themselves or any of the stockholders.

Powers of president and directors

10. *And be it enacted*, That the said corporation may purchase and hold, in fee simple or otherwise, all such land 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 di-

Corporation may purchase and hold lands and real estate suitable for the erection of necessary works, &c

## CHAP. 167.

verted 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 town of Williamsport, 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 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.

To establish reservoirs and public fountains, and grant privilege of using water, &c.

11. *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.

Penalty for injuring any parts of said works, &c.

12. *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 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 for every such offence, a sum not exceeding twenty dollars, to be recovered by such company, with costs of suit, by action of debt, or action on the case, or by a warrant before any magistrate.

Not to enter into negotiation on bills or notes, nor deal in exchange, &c.

13. *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.

No subscriptions to be made by proxy, &c.

14. *And be it enacted*. That no subscriptions for stock shall be made by proxy, nor by any person resident out of the town of Wil-

liamsport, who does not own a lot or lots in said town, on the day that the books are first opened. CHAP. 167.

15. *And be it enacted*, That any individual through whose land water is intended to be brought for the purposes aforesaid, may on the first day that the books aforesaid are opened, have the right of subscribing for stock to the amount of fifty shares, or to the whole or any part of the amount which he may be entitled to receive as a compensation for the privileges granted to the said company, any thing in this act contained to the contrary notwithstanding.

Individuals holding lands, through which water is brought, to have the right of subscribing amount he may be entitled to, on first day.

CHAPTER 168.

**A Supplement to the act, entitled, An act to incorporate a Company to make a Turnpike Road from the Frederick and Baltimore Turnpike Road, commencing at the west end of Frederick-Town, to Harper's Ferry on the Potomac River.** Passed Feb 11 1819

Sec. 1. *Be it enacted by the General Assembly of Maryland*, That the fifteenth section of the act to which this is a supplement be and the same is hereby repealed. Fifteenth section of act repealed.

2. *And be it enacted*, That so much of the proviso, contained in the seventh section of the said act, as exempts from toll militia-men on days of training, and voters on days of election, attending the polls, going to and returning from the same, be and the same is hereby repealed. Proviso in seventh section repealed.

CHAPTER 169.

**An act relating to Vagrants in the City of Baltimore.** Passed Feb 11 1819

Sec. 1. *Be it enacted, by the General Assembly of Maryland*, That the act, entitled, An act relating to vagrants in the city of Baltimore, passed at November session eighteen hundred and eleven, be and the same is hereby repealed, annulled, and made void. Act repealed.

2. *And be it enacted*, That the act, entitled, An act relating to vagrants in the city of Baltimore, passed at November session eighteen hundred and four, be and the same is hereby revived and declared to be in full force and virtue in law, any thing in any statute to the contrary notwithstanding. Act revived.

CHAPTER 170.

**An act to regulate the manner of granting Licenses to Retailers of Spirituous Liquors and to prevent persons from dealing with Free Negroes after sun-set, in Kent county.** Passed Feb 9 1819.

Sec. 1. *Be it enacted by the General Assembly of Maryland*, That from and after the twentieth day of March next, it shall not be lawful for the judges of Kent county court, nor any of them, to grant a license to any person to retail spirituous liquors, strong beer or cider, in Kent county, unless the person applying for such license shall, at the time of his or her application, exhibit to the said court or judge the consent and approbation in writing of fifty of the free white male inhabitants of the said county, above the age of twenty-one years, who shall be residents in the election district of said county in which such applicant proposes to retail, and twenty of whom shall reside within eight miles of the said place, which consent shall express the name of the person to be licensed, and the place at which the applicant proposes to retail. Judges not to grant license to retail spirituous liquors without person applying exhibits consent of 50 of the inhabitants, &c.