

CHAP. 196. 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 introduced, together with all reservoirs, pipes, canals, tunnels, engines, buildings and machines whatsoever, and also all lands, rights and privileges as aforesaid to be by them purchased, 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.

Property vested **Penalty for injuring** **SEC. 12.** *And be it enacted,* That if any person or persons shall wilfully do, or cause to be done, any act whatever 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 shall 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 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.

Banking prohibited **Dividends directed** **Limitation** **SEC. 13.** *And be it enacted,* That it shall not be lawful for said corporation to issue any note in the nature of a bank note, nor 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 the stockholders, or those holding a majority of the shares, shall deem sufficient for maintaining and supporting the work necessary to promote or obtain the objects of this incorporation, and if the said corporation shall not carry into effect the intention of this act within five years from the passage thereof, in that case all the powers hereby vested in them shall cease and determine.

May organize on 40 shares **SEC. 14.** *And be it enacted,* That it shall and may be lawful for the said company to organize by electing

president and directors, and to proceed in accomplishing the object of this incorporation at any time after forty shares have been subscribed. **CHAP. 197.**

CHAPTER 197.

An act to amend the Constitution and Form of Government of the State of Maryland. Passed Mar. 10 1837.

SECTION 1. *Be it enacted by the General Assembly of Maryland,* That the term of office of the members of the present senate shall end and be determined whenever, and as soon as a new senate shall be elected as hereinafter provided, and a quorum of its members shall have qualified as directed by the constitution and laws of this State.

SEC. 2. *And be it enacted,* That at the December session of the General Assembly for the year of our Lord, eighteen hundred and thirty-eight, and forever thereafter, the senate shall be composed of twenty-one members, to be chosen as hereinafter provided, a majority of whom shall be a quorum for the transaction of business.

SEC. 3. *And be it enacted,* That at the time and place of holding elections in the several counties of this State, and in the city of Baltimore, for delegates to the General Assembly for the December session of the year eighteen hundred and thirty-eight, and under the direction of the same judges by whom such elections for delegates shall be held, an election shall also be held in each of the several counties of this State and in the city of Baltimore respectively, for the purpose of choosing a senator of the State of Maryland for and from such county or said city, as the case may be, whose term of office shall commence on the day fixed by law for the commencement of the regular session of the General Assembly, next succeeding such election, and continue for two, four or six years according to the classification of a quorum of its members; and at every such election for senators, every person qualified to vote at the place at which he shall offer to vote for delegates to the General Assembly, shall be entitled to vote for one person as senator; and of the persons voted

CHAP. 197. for as senator in each of the several counties and in said city, respectively, the person having the highest number of legal votes, and possessing the qualifications hereinafter mentioned, shall be declared and returned, as duly elected for said county or said city, as the case may be; and in case two persons possessing the required qualifications shall be found on the final casting of the votes given, in any one of said counties or said city, to have an equal number of votes, there shall be a new election ordered as hereinafter mentioned; and immediately after the senate shall have convened in pursuance of their election under this act, the senators shall be divided in such manner as the senate shall prescribe, into three classes; the seats of the senators of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year, and of the third class at the expiration of the sixth year, so that one-third thereof may be elected on the first Wednesday of October in every second year; and elections shall be held in the several counties and city, from which the retiring senators came, to supply the vacancies as they may occur in consequence of this classification.

Case of tie

Classification of senators

Case of vacancies

Elections conducted

Qualification of senators

Case of resignation or vacancy

Warrant of election

SEC. 4. *And be it enacted,* That such election for senators shall be conducted, and the returns thereof be made, with proper variations in the certificate to suit the case, in like manner as in cases of elections for delegates.

SEC. 5. *And be it enacted,* That the qualifications necessary in a senator shall be the same as are required in a delegate to the General Assembly, with the additional qualification that he shall be above the age of twenty-five years, and shall have resided at least three years, next preceding his election, in the county or city in and for which he shall be chosen.

SEC. 6. *And be it enacted,* That in case any person who shall have been chosen as a senator, shall refuse to act, remove from the county or city, as the case may be, for which he shall have been elected, die, resign or be removed for cause, or in case of a tie between two or more qualified persons in any one of the counties or in the city of Baltimore, a warrant of election shall be issued by the President of the Senate for the time being, for the election of a senator to supply the va-

cancy, of which ten days notice at the least, excluding the day of notice and the day of election, shall be given.

SEC. 7. *And be it enacted,* That so much of the thirty-seventh article of the constitution as provides that no senator or delegate to the General Assembly, if he shall qualify as such, shall hold or execute any office of profit during the time for which he shall be elected, shall be and the same is hereby repealed.

SEC. 8. *And be it enacted,* That no senator or delegate to the General Assembly, shall during the time for which he was elected, be appointed to any civil office under the constitution and laws of this State, which shall have been created, or the emoluments thereof shall have been increased during such time; and no senator or delegate, during the time he shall continue to act as such, shall be eligible to any civil office whatever.

SEC. 9. *And be it enacted,* That at the election for delegates to the General Assembly, for the December session of the year of our Lord eighteen hundred and thirty-eight, and at each succeeding election for delegates, until after the next census shall have been taken and officially promulgated, five delegates shall be elected in and for Baltimore city, and one delegate in and for the city of Annapolis, until the promulgating of the census for the year eighteen hundred and forty, when the city of Annapolis shall be deemed and taken as a part of Anne Arundel county, and her right to a separate delegation shall cease; five delegates in and for Baltimore county; five delegates in and for Frederick county, and four delegates in and for Anne Arundel county, and four delegates in and for each of the several counties respectively, hereinafter mentioned, to wit: Dorchester, Somerset, Worcester, Prince George's, Harford, Montgomery, Carroll and Washington; and three delegates in and for each of the several counties respectively, hereinafter next mentioned, to wit: Cecil, Kent, Queen Ann's, Caroline, Talbot, Saint Mary's, Charles, Calvert and Allegany.

SEC. 10. *And be it enacted,* That from and after the period when the next census shall have been taken and officially promulgated, and from and after the official promulgation of every second census thereafter, the

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Notice

Disqualification repealed

Disqualified to hold any civil office, &c.

Election of Delegates until 1840

Five from city of Baltimore;

Five delegates from

Four delegates from

Three delegates from

Ratio of delegates after census of 1840

CHAP. 197. representation in the House of Delegates from the several counties and from the city of Baltimore, shall be graduated and established on the following basis, that is to say, every county which shall have by the said census, a population of less than fifteen thousand souls, federal numbers, shall be entitled to elect three delegates; every county having a population by the said census of fifteen thousand souls, and less than twenty-five thousand souls, federal numbers, shall be entitled to elect four delegates; and every county having by the said census a population of twenty-five thousand, and less than thirty five thousand souls, federal numbers, shall be entitled to elect five delegates; and every county having a population of upwards of thirty-five thousand souls, federal numbers, shall be entitled to elect six delegates; and the city of Baltimore shall be entitled to elect as many delegates as the county which shall have the largest representation, on the basis aforesaid, may be entitled to elect; *provided*, and it is hereby enacted, that if any of the several counties hereinbefore mentioned, shall not, after the said census for the year eighteen hundred and forty shall have been taken, be entitled by the graduation on the basis aforesaid to a representation in the House of Delegates equal to that allowed to such county by the ninth section of this act, at the election of delegates for the December session of the year eighteen hundred and thirty-eight, such county shall, nevertheless, after said census for the year eighteen hundred and forty, or any future census, and forever thereafter, be entitled to elect the number of delegates allowed by the provisions of said section for the said session, but nothing in the proviso contained, shall be construed to include in the representation of Anne Arundel county, the delegate allowed to the city of Annapolis in the said ninth section of this act.

Ratio of delegates

City of Baltimore

No county less than three delegates

Anne Arundel and Annapolis

Annapolis a part of A. A. co. for electing senator

Judges, time, place, manner of election and election dis-

SEC. 11. *And be it enacted*, That in all elections for senators, to be held after the election for delegates, for the December session eighteen hundred and thirty seven, the city of Annapolis, shall be deemed and taken as part of Anne Arundel county.

SEC. 12. *And be it enacted*, That the General Assembly shall have power from time to time to regulate all matters relating to the judges, time, place and manner

of holding elections for senators and delegates, and of making returns thereof, and to divide the several counties into election districts, for the more convenient holding of elections, not affecting their terms or tenure of office.

CHAP. 197. tracts to be regulated by law

SEC. 13. *And be it enacted*, That so much of the constitution and form of government, as relates to the Council to the Governor, and to the clerk of the council, be abrogated, abolished and annulled, and that the whole executive power of the government of this State, shall be vested exclusively in the Governor, subject nevertheless to the checks, limitations and provisions herein after specified and mentioned.

Executive Council abolished

Executive power vested

SEC. 14. *And be it enacted*, That the governor shall nominate, and by and with the advice and consent of the Senate, shall appoint all officers of the State whose officers are or may be created by law, and whose appointment shall not be otherwise provided for by the constitution and form of government, or by any laws consistent with the constitution and form of government; *provided*, that this act shall not be deemed or construed to impair in any manner, the validity of the commissions of such persons as shall be in office under previous executive appointment, when this act shall go into operation, or alter, abridge, or change, the tenure, quality, or duration of the same, or of any of them.

Governor to nominate and appoint officers

Present officers

SEC. 15. *And be it enacted*, That the Governor shall have power to fill any vacancy that may occur in any such offices during the recess of the senate, by granting commissions which shall expire upon the appointment of the same person, or any other person, by and with the advice and consent of the senate to the same office, or at the expiration of one calendar month, ensuing the commencement of the next regular session of the Senate, whichever shall first occur.

Appointment in case of vacancy during recess

To expire

SEC. 16. *And be it enacted*, That the same person, shall in no case be nominated by the governor, a second time during the same session, for the same office, in case he shall have been rejected by the senate, unless after such rejection, the senate shall inform the governor by message, of their willingness to receive again the nomination of such rejected person, for further consideration, and in case any person nominated by the governor for any office, shall have been rejected by the

Not to be re-nominated after rejection

CHAP. 197. senate, it shall not be lawful for the governor at any time afterwards, during the recess of the senate, in case of vacancy in the same office, to appoint such rejected person to fill said vacancy.

SEC. 17. *And be it enacted,* That it shall be the duty of the governor, within the period of one calendar month next after this act shall go into operation, and in the same session in which the same shall be confirmed, if it be confirmed, and annually thereafter during the regular session of the senate, and on such particular day, if any, or within such particular period as may be prescribed by law, to nominate, and by and with the advice and consent of the senate, to appoint a Secretary of State, who shall hold his office until a successor shall be appointed, and who shall discharge such duties, and receive such compensation, as shall be prescribed by law.

SEC. 18. *And be it enacted,* That in case a vacancy shall occur in the office of Governor at any time after this act shall go into operation, the General Assembly, if in session, or if in the recess, at their next session, shall proceed to elect by joint ballot of the two houses, some person, being a qualified resident of the gubernatorial district from which the Governor for said term is to be taken, to be Governor for the residue of said term in place of the person originally chosen; and in every case of vacancy until the election and qualification of the person succeeding, the Secretary of State, by virtue of his said office, shall be clothed, *ad interim*, with the executive powers of government; and in case there shall be no Secretary of State, or in case he shall refuse to act, remove from the State, die, resign, or be removed for cause, the person filling the office of president of the senate shall, by virtue of his said office, be clothed, *ad interim*, with the executive powers of government; and in case there shall be no president of the senate, or in case he shall refuse to act, remove from the State, die, resign, or be removed for cause, the person filling the office of Speaker of the house of delegates shall, by virtue of his said office, be clothed, *ad interim*, with the executive powers of government.

SEC. 19. *And be it enacted,* That the term of office of the Governor, who shall be chosen on the first Monday

Governor annually to appoint a Secretary of State

His duties, &c.

Vacancy of Governor

Elect by joint ballot

Secretary of State

Governor *ad interim*

President of Senate

Speaker of the H. of Delegates

Term of Governor, chosen 1838

of January next, shall continue for the term of one year, and until the election and qualification of a successor, to be chosen as hereinafter mentioned.

SEC. 20. *And be it enacted,* That at the time and places of holding the elections in the several counties of this State, and in the city of Baltimore, for delegates to the General Assembly for the December session of the year eighteen hundred and thirty-eight, and before the same judges by whom the election for delegates shall be held, and in every third year forever thereafter, an election shall also be held for a Governor of this State, whose term of office shall commence on the first Monday of January next ensuing the day of such election, and continue for three years, and until the election and qualification of a successor; at which said election every person qualified to vote for delegates to the General Assembly, at the place at which he shall offer to vote, shall be entitled to vote for Governor, and the person voted for as Governor shall possess the qualifications now required by the constitution and form of government, and the additional qualification of being at least thirty years of age, and of being and of having been for at least three whole years before, a resident within the limits of the gubernatorial district from which the Governor is to be taken at such election, according to the priority which shall be determined as hereinafter mentioned, that is to say, the State shall be, and the same is hereby divided into three gubernatorial districts, as follows: the counties of Cecil, Kent, Queen Anne's, Caroline, Talbot, Dorchester, Somerset and Worcester shall together compose one district, and until its number shall be determined as hereinafter provided, shall be known as the Eastern District; the counties of Saint Mary's, Charles, Calvert, Prince George's, Anne Arundel, inclusive of the city of Annapolis, Montgomery, and Baltimore city, shall together compose one district, and until its number shall be determined as hereinafter provided, shall be known as the Southern District; Baltimore, Harford, Carroll, Frederick, Washington and Allegany counties, shall together compose one district, and until its number shall be determined as hereinafter provided, shall be known as the North-western

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Election of Governor thereafter

Term of office

Qualification of voters

Qualification of Governor

His residence

Gubernatorial district

E. district

S. district

N. W. district

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Method of numbering the districts

Ballot

Return result

District; and for the purpose of determining the respective numbers and order of priority of said districts in the same session in which this act shall be confirmed, if the same shall be confirmed as hereinafter mentioned, and on some day to be fixed by concurrence of the two branches, the speaker of the house of delegates shall present to the president of the senate, in the senate chamber, a box containing three ballots of similar size and appearance and on which shall severally be written, Eastern District, Southern District, North-western District, and the president of the senate shall thereupon draw from said box the said several ballots in succession, and the district, the name of which shall be written on the ballot first drawn, shall thenceforth be distinguished as the first gubernatorial district, and the person to be chosen Governor at the election first to be held under the provisions of this section, and the person to be chosen at every succeeding third election for Governor forever thereafter, shall be taken from the said first district; and the district, the name of which shall be written on the ballot secondly drawn, shall thenceforth be distinguished as the second gubernatorial district, and the person to be chosen Governor at the second election to be held under the provisions of this section, and the persons to be chosen at every succeeding third election for Governor forever thereafter, shall be taken from the said second district, and the district, the name of which shall be written on the ballot thirdly drawn, shall thenceforth be distinguished as the third gubernatorial district, and the person to be chosen Governor at the third election to be held under the provisions of this section, and the person to be chosen at every succeeding third election forever thereafter, shall be taken from the said third district; and the result of such drawing shall be entered on the journal of the senate, and be reported by the speaker of the house of delegates on his return to that body and be entered on the journal thereof, and shall be certified by a joint letter to be signed by the president of the senate and the speaker of the house of delegates, and be addressed and transmitted to the Secretary of State, if appointed, and if not, as soon as he shall be appointed, to be by him preserved in his office.

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Time, place, manner, &c. of elections of G.

Returns, &c. of G.

Ascertaining the results of election of G.

Case of the

Ineligible 2d term

Election 1st Wed. October 1838.

SEC. 21. *And be it enacted*, That the General Assembly shall have power to regulate by law, all matters which relate to the judges, time, place, and manner of holding elections for governor and of making returns thereof not affecting the tenure and term of office thereby, and that, until otherwise directed, the returns shall be made in like manner as in elections for electors of President and Vice President, save that the form of the certificates shall be varied to suit the case, and save also, that the returns, instead of being made to the governor and council, shall be made to the senate, and be addressed to the president of the senate, and be enclosed under cover to the secretary of state, by whom they shall be delivered to the president of the senate, at the commencement of the session next ensuing such election.

SEC. 22. *And be it enacted*, That of the persons voted for as governor, at any such election, the person having in the judgment of the senate, the highest number of legal votes, and possessing the legal qualifications, and resident as aforesaid, in the district from which the governor at such election is to be taken, shall be governor and shall qualify in the manner prescribed by the constitution and laws, on the first Monday of January next ensuing his election, or as soon thereafter as may be, and all questions in relation to the number or legality of the votes given for each and any person voted for, as governor, and in relation to the returns, and in relation to the qualifications of the persons voted for, as governor shall be decided by the senate, and in case two or more persons, legally qualified according to the provisions of this act, shall have an equal number of legal votes, then the senate and house of delegates, upon joint ballot, shall determine which one of them shall be governor; and the one which, upon counting the ballots, shall have the highest number of votes shall be governor, and shall qualify accordingly.

SEC. 23. *And be it enacted*. That no person who shall be elected, and shall act as governor, shall be again eligible for the next succeeding term.

SEC. 24. *And be it enacted*, That the elections to be held in pursuance of this act, shall be held on the first Wednesday of October, in the year eighteen hundred

CHAP. 197. and thirty eight, and for the election of delegates on the same day in every year thereafter, for the election of Governor on the same day in every third year thereafter, and for the election of senators, of the first class, on the same day in the second year after their election and classification, and on the same day in every sixth year thereafter; and for the election of senators of the second class, on the same day in the fourth year after their election and classification, and on the same day in every sixth year thereafter; and for the election of senators of the third class, on the same day in the sixth year after their election and classification, and on the same day in every sixth year thereafter.

Thereafter

Annapolis merged in A. A. co.

SEC. 25. *And be it enacted,* That in all elections for Governor, the city of Annapolis shall be deemed and taken as part of Anne Arundel county.

Relation of Master and Slave

SEC. 26. *And be it enacted,* That the relation of master and slave, in this State, shall not be abolished unless a bill so to abolish the same, shall be passed by a unanimous vote of the members of each branch of the General Assembly, and shall be published at least three months before a new election of delegates, and shall be confirmed by a unanimous vote of the members of each branch of the General Assembly, at the next regular constitutional session after such new election, nor then, without full compensation to the master for the property of which he shall be thereby deprived.

Seat of Government

SEC. 27. *And be it enacted,* That the city of Annapolis shall continue to be the seat of government, and the place of holding the sessions of the court of appeals for the Western Shore, and the high court of chancery.

Confirmation required

SEC. 28. *And be it enacted,* That if this act shall be confirmed by the General Assembly, after a new election of delegates, in the first session after such new election, agreeably to the provisions of the Constitution and form of government, then and in such case, this act, and the alterations and amendments of the Constitution therein contained, shall be taken and considered, and shall constitute and be valid, as a part of said constitution and form of government, any thing in the said constitution and form of government to the contrary notwithstanding.

CHAPTER 198.

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A supplement to the act to Incorporate the Hamilton Bank, passed at December session, eighteen hundred and thirty-five, chapter three hundred and twenty. Passed Mar. 15, 1837.

SECTION 1. *Be it enacted by the General Assembly of Maryland,* That the president and directors of the Hamilton Bank, be and they are hereby authorised and empowered, at any time within twelve months from the organization of said bank, and after the sum of three hundred thousand dollars at least, shall have been subscribed to the capital stock of the said bank, and after the sum of one hundred thousand dollars, in gold and silver coins, shall have been paid to and be in the possession of the said president and directors, as a part of said capital stock, and the same shall have been certified to the Treasurer for the Western Shore, by such person as he shall appoint to ascertain said facts, to establish said bank in the city of Baltimore.

After prerequisites

Banks may be established in Baltimore

SEC. 2. *And be it enacted,* That at any time within three years from the passage of this act, it shall and may be lawful for the president and directors of the said bank, with the consent of the stockholders, given at a general meeting thereof, called for that purpose, from time to time, and in such manner as to them shall seem expedient, to add to and increase the capital stock of said bank; *Provided always,* that the capital stock of said bank, shall at no time exceed the amount of one million of dollars; *and provided also,* that no part of said additional stock shall be subscribed or disposed of by the said president and directors, at less than the par value thereof.

May increase the capital

Proviso

SEC. 3. *And be it enacted,* That on the first Monday of January next ensuing the organization of said bank, and on the same day annually thereafter, the said bank shall pay, or cause to be paid, to the Treasurer for the Western Shore, the sum of twenty cents in every hundred dollars of the capital stock of said bank then actually paid in, to be applied by the said Treasurer in augmentation of the school fund of the state, in the same manner as the similar tax paid by the other incorporated banks in this State is applied, and in case of the failure of the said bank to make any such pay-

Charter void on failure to pay