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LAWS---GENERAL,

PASSED BY THE

GENERAL ASSEMBLY OF MARYLAND,

AT THE JANUARY SESSION, 1868.

[PUBLISHED BY AUTHORITY.]

[CHAPTER 471.]

AN ACT

To repeal Article twenty-six of the Code of Public General Laws, and to enact a substitute therefore, and to repeal section twenty-two, of Article sixteen, sections ninety-nine to one-hundred and three of the same Article, and sections thirty-three to forty-three, of Article eighty-eight, of the Code of Public General Laws.

(Continued from last week.)

Sec. 116. And be it enacted, That if the inquisition shall be finally confirmed, and the said road shall not be put in good order and repair within thirty days thereafter, the said court may order that the right of the corporation to charge tolls on any part of said road within the limits of said county be forfeited until it shall be made to appear to said court by said corporation that the whole of said road within said county has been put in good order and repair, when said order of forfeiture may be rescinded by the said court.

Sec. 117. And be it enacted, That, and if within six months after the date of an order of the court forfeiting the right of the corporation to charge tolls, the said road shall not have been put in good order and repair within the limits of the county in which said order may have been passed, the said road within said county shall be forfeited by the corporation, and shall vest in the county commissioners of the county who may cause the same to be put and kept in good order and repair, and collect tolls sufficient for that purpose, or may transfer the same to another corporation in their discretion, in which case the new corporation shall have the same rights and franchises, and be subject to the same conditions and forfeitures with the original corporation constructing said road.

Sec. 118. And be it enacted, That if any corporation formed under the provisions of this article, shall desire to erect any bridge over any river, creek or stream of water in this State, or between this and another State, the said corporation shall first obtain the consent in writing of the county commissioners of the county in which said bridge may be proposed to be located, or if said bridge may be proposed to be erected over a stream dividing two counties, then it shall obtain the consent in writing of the county commissioners of both said counties, and the resolution of the said county commissioners giving said consent, shall be recorded amongst the proceedings of said commissioners, and also in the journal or book of proceedings of said corporation.

Sec. 119. And be it enacted, That the corporation may agree with the owners for the lands necessary for the abutments of the bridge, and for roads or ways thereto, and for earth or stone required in the construction of said bridge and of said ways, and the rights acquired by agreement shall be conveyed by deed duly acknowledged and recorded. In case of failure to agree or of disability of the owners to contract, or of their absence from the State, the corporation may obtain the lands, earth and stone by condemnation.

Sec. 120. And be it enacted, That when a bridge located in one county shall be completed, the president and directors of the corporation shall report in writing to the county commissioners of said county under the oath or affirmation of the president and a majority of the directors and of the treasurer of the company, the actual cost of construction of said bridge, and the county commissioners shall appoint three persons to examine the same and report whether it has been constructed in such a substantial and durable manner as is required to promote the public convenience, and the report shall be reviewed and ratified or rejected by the county commissioners who may appoint other persons to report thereon in their discretion, and if it shall be finally determined by the county commissioners that the bridge is erected in a proper manner, they may authorize the corporation to charge such rates of toll as may be sufficient to yield a net dividend of eight per centum per annum to the stockholders or members of said corporation, making due allowance always for the cost of necessary repairs and reconstruction from accident or otherwise.

Sec. 121. And be it enacted, That the corporation shall revise the rates of toll every six months for three years from the completion of the bridge, and shall report at each period to the county commissioners the gross amounts of receipt and expenditure, and the rates of toll shall be so re-adjusted if need be, as to yield not more than eight per centum net dividend, and at any time thereafter the corporation shall on demand of the county commissioners report the amounts of receipt and expenditure for any period demanded, and the tolls shall be re-adjusted so as to yield not more than said dividend. The rates of toll to be charged shall be specified in writing by the county commissioners.

Sec. 122. And be it enacted, That if the bridge be erected over a stream dividing two counties, or between this State and another State, the corporation shall make the like report, hereinbefore provided to be made to the county commissioners, to the Comptroller of the Treasury, who shall lay the same before the Governor, who shall issue his warrant specifying the rates of toll to be charged, so as to yield eight per centum per annum net dividend, and like reports shall be made to the Comptroller every six months, and at any subsequent times as are provided to be made hereinbefore to the county commissioners, and revisions and re-adjustments of toll shall be made by the Governor, as are directed to be made by the county commissioners in cases of bridges located in any one county.

Sec. 123. And be it enacted, That the written authority or warrant of the county commissioners, and of the Governor, in the respective cases, shall be evidence of the right of the corporation to charge the tolls demanded, and said authority or warrant shall be printed and exposed to public inspection at every place where the payment of tolls may be demanded.

Sec. 124. And be it enacted, That no bridge shall be erected on a navigable river unless authorized by an act of the General Assembly.

Sec. 125. And be it enacted, That before the Governor shall issue his warrant authorizing the collection of tolls, he shall be satisfied from the report of five commissioners, to be appointed by him, that the bridge has been erected and completed in a substantial and proper manner.

Sec. 126. And be it enacted, That when any citizen shall allege in writing to the circuit court of any county, that any bridge situate within or partly within said county or city is not kept in proper order and repair, the same proceedings may be had in said court as are hereinbefore provided in cases of turnpike or plank roads alleged not to be in proper order and repair.

Sec. 127. And be it enacted, That corporations for owning, constructing or operating, or of owning, leasing, constructing and operating a line or lines of telegraph through this State, or from or to any point or points within this State, or upon the boundaries thereof, may be formed as hereinbefore provided.

Sec. 128. And be it enacted, That such corporation may, with the consent of a majority of its stockholders, given in general meeting, become the purchaser, assignee or lessee of any property within this State, of any telegraph company or companies now existing, or which may hereafter be incorporated, or may be doing business within this State.

Sec. 129. And be it enacted, That it may construct a line or lines of telegraph through this State, or from or to any point or points within this State, or upon the boundaries thereof, and along and upon any postal road or postal routes, roads, streets and highways, or across any of the bridges or waters within the limits of this State by the erection of the necessary fixtures, including posts, piers or abutments, for sustaining the cords or wires of such lines without their being deemed a public nuisance, or subject to be abated by any private party; *provided*, the same shall not be constructed as to incommode injuriously the public use of said postal roads or postal routes, roads, highways and bridges, or injuriously interrupt the navigation of said waters, or as to interfere with the convenience of any land owner more than is unavoidable, and that this section shall not be so construed as to authorize the construction of any bridge across any of the navigable waters of this State; but the said corporation shall be responsible for any damages which any person or corporation may sustain by the erection, continuance and use of such fixtures, and in any action brought for the recovery thereof by the owner or possessor of any lands, the damages to be awarded, may at the election of such corporation include the damages of allowing the said fixtures permanently to continue, on payment of which damages, the right of the corporation to continue such fixtures shall be confirmed, as if granted by the parties to the suit, provided that no person or body politic, shall be entitled to sue for or recover damages as aforesatd, until the said corporation, after due notice, shall have failed or refused to remove, in reasonable time, the fixtures complained of, or the president and directors of the said corporation may apply to a justice of the peace of the county or city where such lands are, who shall thereupon issue his warrant, directed to the sheriff of said county or city, commanding him to summon twelve disinterested persons, qualified to serve as jurors, to meet at the proper place, as directed by said justice; and the sheriff shall qualify the said persons, by oath or affirmation, faithfully to perform the duties required of them by the next succeeding section.

Sec. 130. And be it enacted, That the said jury shall make a just and equitable appraisement of all the loss or damage that may be sustained by any person or corporation on or over whose lands or bridges said posts, piers or abutments are intended to be placed, and shall make a true return and inquisition thereof in writing under their hands and seals.

Sec. 131. And be it enacted, That the sheriff shall make return of the inquisition so found, to the clerk of the circuit court of the county, who shall file the same and lay it before the said court at its next session, and such inquisition shall be confirmed by said court unless good cause be shown to the contrary, and when confirmed, shall be recorded by the clerk at the expense of the corporation, but if set aside, the said court may direct another inquisition to be taken in the manner above prescribed; the valuation of such loss or damage when paid or tendered to the owner or owners of the property or his, her or their legal representatives, shall entitle the said corporation to the easement thus valued, as fully as if it had been conveyed to the said corporation by the owner or owners of the same, and the valuation if not received when tendered, may at any time thereafter be received from the company without costs, by the said owner or owners or his, her or their legal representative or representatives.

Sec. 132. And be it enacted, That any such corporation, formed as aforesaid, may after its capital stock has been fully paid up, with the consent of the majority of the owners of the capital stock of such corporation, given in general meeting, extend their lines of telegraph or may construct branch lines to connect with their main line, or may form a new corporation by uniting with another incorporated telegraph corporotion or corporations, with such name and capital stock and upon such terms as may be agreed upon between the said corporations, and whenever such union as aforesaid is made, a certificate of the said union and the particulars thereof, shall be executed and acknowledged by the president or other principal officers of said corporations so uniting, which said certificate shall be recorded in the Clerk's office of the Superior Court of Baltimore city, if the principal office of the said consolidated corporations is therein located, or in the office of the clerk of the circuit court of that county in which said principal office is located, and when said consolidated company is formed, it shall be subject to the provisions of this article, so far as the same are applicable.

Sec. 133. And be it enacted, That any person, association or corporation owning any telegraph line doing business within the State, shall receive despatches from and for other telegraph lines, associations and companies, and from and for any individual, and shall transmit such despatches in the manner established by the rules and regulations of such telegraph lines, and in the order in which they are received, with impartiality and good faith under the penalty of one hundred dollars for every neglect or refusal so to do, to be recovered with costs of suit, in the name and for the benefit of the person or persons sending or desiring to send such despatch; provided, however, that arrangements may be made with the proprietors or publishers of newspapers for transmission of intelligence of general and public interest, for the purpose of publication, out of its order.

Sec. 134. And be it enacted, That any person who shall unlawfully and intentionally injure, molest or destroy any of said lines, posts, piers or abutments, or the materials or property connected with the working of any telegraph line, shall on conviction thereof be deemed guilty of a misdemeanor, and be punished by a fine not exceeding five hundred dollars, or imprisonment in the county or city jail not exceeding one year, or both at the discretion of the court before which the conviction shall be had.

Sec. 135. And be it enacted, That any person connected with any such corporation in this State, either as clerk, operator, messenger, or in any other capacity, who shall wilfully divulge the contents or the nature of the contents of any private communication entrusted to him for transmission or delivery, or who shall wilfully refuse or neglect to transmit or deliver the same, shall on conviction before any court, be adjudged guilty of a misdemeanor, and shall suffer imprisonment in the jail in the county or city where such conviction shall be had for a term of not more than three months, or shall be fined not exceeding five hundred dollars in the discretion of the court.

Sec. 136. And be it enacted, That if the wires or cords of any telegraph line located or stretched or extended from one post or pole to another, in such manner as to prevent the owner of any timber growing along the line of such telegraph corporation from cutting and felling the same, and the owner thereof in cutting or felling such timber, shall injure the wires, cords or posts of such telegraph line, he shall not be liable to an action for damages unless it shall appear that in such cutting and felling or in having the same cut or felled, the said owner wilfully and intentionally injured such wires, cords and posts.

Sec. 137. And be it enacted, That any corporation formed under this article for manufacturing purposes may change or extend its business to any other manufacturing business subject to the provisions and liabilities in this article prescribed, with reference to such corporations, and whenever any such corporations, shall desire to change or enlarge its business, it shall take such steps and proceed in all respects as in sections 72, 73, 74 and 75 of this article, provided, in reference to the increase or diminution of the capital stock of corporations and if the assent of two-thirds of all the shares of stock in the said corporation shall be obtained to the said proposed change in the manner set forth in the said sections of this article, then upon the making out and recording in the manner therein directed, of a certificate showing a compliance in all of the said provisions and preliminaries, and setting forth the business to which the business of said corporation has been changed or enlarged, then the business which said corporation may carry on thenceforth shall be that to which it has been thus changed or enlarged, and the company shall be entitled to all the privileges and provisions, and be subject to all the liabilities of this article.

Sec. 138. And be it enacted, That no corporation formed under this article for any of the purposes mentioned in classes 7, 8, 9 and 10, as hereinbefore designated, shall hold more than five hundred acres of land at any one time, nor shall its capital stock exceed three million dollars, and the presence in person or by proxy, of a majority in interest of the stockholders, shall be necessary to form a quorum for business at any meeting of the stockholders or members.

Sec. 139. And be it enacted, That the president and directors of any corporation mentioned in the last preceding section, shall be invested with full power to locate and construct a railroad or railroads, with necessary appurtenances, beginning the same at or near the mines, manufactories or works of the said corporation, and running to any convenient point or points, that may best suit the convenience and interest of said corporation, and to use and control the said railroad or railroads, and the necessary vehicles and appurtenances thereunto belonging.

Sec. 140. And be it enacted, That it shall not be lawful for any corporation formed under this article, to occupy any portion of the lands that may be necessary for the accommodation of the works of the Chesapeake and Ohio Canal Company or the main route of the Baltimore and Ohio Railroad, or the works of any other railroad chartered by this State, except to cross said roads without injury to the same.

Sec. 141. And be it enacted, That the Legislature may at any time regulate, modify or change the control, use and estate of any railroad constructed by such corporation, in such manner, as it may deem equitable towards the said corporation, and necessary to the accommodation of the public travel, or use of the said railroad or railroads.

Sec. 142. And be it enacted, That no railroad constructed by such corporation shall pass through the limits of any incorporated city or town without the consent of the corporate authorities thereof, nor through any dwelling house, warehouse, stable, yard, garden, or orchard, without the written consent of the owners of the same.

Sec. 143. And be it enacted, That the President and Directors of any such corporation, or a majority of them, or any person authorized by a majority of them, may agree with the owner or owners of any land, earth, timber, stone or other materials, which may be wanted for the construction or repair of said railroad or railroads, for the purchase or for the use and occupation of the same, or may obtain such land, earth or stone by condemnation.

Sec. 144. And be it enacted, That the citizens of this State, or any corporation now or hereafter to be incorporated under the authority of this article, shall have the right to connect with the railroad or railroads hereby provided for any other railroad, if in the judgment of any three of the county commissioners of the county for the time being, passed upon hearing of all parties interested, no injury would be done by such connection to the railroad of said corporation.

Sec. 145. And be it enacted, That any corporation authorized by section one hundred and forty of this article, to construct the railroad therein mentioned, may charge any citizen or corporation connected with its said railroad, when using their own cars, a rate not exceeding two cents per ton per mile on all coal or other articles that may be transported on the railroads of said corporation from any point on said railroad to the Chesapeake and Ohio Canal, or to the Baltimore and Ohio Railroad, or other lines of canals and railroads; provided that the said corporation shall return the empty cars of such citizens or corporation to the point from whence they started, free of charge.

Sec. 146. And be it enacted, That no cars shall be placed on any railroad of any corporation as aforesaid, unless they be adapted in size and all necessary particulars to said railroad in accordance with the regulations of the said corporation, which shall always provide the necessary motive power for running said cars, and the said cars shall be in the exclusive care and charge of said corporation whilst on its railroad.

Sec. 147. And be it enacted, That no railroad built by any mining or other corporation formed under this article shall be more than ten miles in length.

Sec. 148. And be it enacted, That every railroad constructed under the provisions of this article shall provide all necessary means of and transport all persons and property that may be offered for transportation on its said railroad, and in all cases other than those provided for in section one hundred and forty-five of this article, or in all cases in which the said corporation furnishes the said cars and motive power, and is subject to all the expenses of transportation, it shall be authorized to charge rates not exceeding two and a half cents per ton per mile on all coal or other articles, and two cents per mile for every passenger that may be transported on said road.

Sec. 149. And be it enacted, That any railroad that may hereafter be constructed or purchased by any corporation formed under this article, shall be so located or used as to occupy as little space at the passage through the gap at Will's Mountain near Cumberland, as may be compatible with the full and convenient use of said railroad, and in such manner as to produce as little obstruction as may be to the location of other railroads through said gap, by any corporation now authorized or that may hereafter be authorized to construct the same under the authority of this article.

Sec. 150. And be it enacted, That all questions of difference that may arise between any two corporations incorporated under this article, or between any corporation and a citizen in regard to a locating, constructing or working its railroad or railroads, or in respect to the charges of transportation thereon, may be submitted to, and decided by the Board of Public Works, and the decision of the said board shall be final in all cases submitted to them.

Sec. 151. And be it enacted, That nothing contained in this article shall be construed to interfere with any lien law now in force, or that may hereafter be enacted.

Sec. 152. And be it enacted, That any Savings Institution incorporated under this article, shall be capable of receiving from any person or persons or bodies corporate or politic, any deposits of money which shall be invested or loaned out on good security in the discretion of the directors; provided, no part of the funds of said corporation shall be loaned to any officer or director of such corporation.

Sec. 153. And be it enacted, That it shall be the duty of the directors of such corporation to appoint at least once in every twelve months five competent members of said corporation as a committee of examination, whose duty it shall be to investigate the affairs of said corporation and to make and publish a report of such investigations in one or more newspapers published in the county or city in which such institution is situated; and it shall be the duty of the directors at least once in every six months in each and every year, to make and declare such dividends of the interest and profits of said institution as will not impair the deposits thereof, or otherwise injure or affect the interest or credit of said institution, and the same to pay over unto the depositors or their legal representatives within ten days thereafter, if called upon so to do.

Sec. 154. And be it enacted, That the concerns of any institution under this article, shall at all times be subject to the inspection of the Treasurer of Maryland, or of such other officer or agent of the State of Maryland as may be appointed or selected for that purpose by either branch of the Legislature.

Sec. 155. And be it enacted, That the capital stock of any such corporation shall not exceed one million of dollars.

Sec. 156. And be it enacted, That in every church, religious society or congregation of whatever sect, order or denomination, or which shall at any time hereafter be known and acknowledged in this State, and protected in the free and full exercise of its religion by the constitution and laws thereof, there shall be sufficient power and authority in all persons above twenty-one years of age belonging to any such church, society or congregation to elect at their discretion certain sober and discreet persons, not less than four nor more than twelve, which persons so elected, upon being registered as hereinafter directed, shall be constituted a body politic or corporate to act as trustees in the name and behalf of the particular church, society or congregation for which they are respectively chosen, and to manage the estate, property, interest and inheritance of the same.

Sec. 157. And be it enacted, That the trustees so elected shall have perpetual succession by their name of incorporation, and shall be capable in law to purchase, take and hold to them and their successors, in fee or for a less estate, any lands, tenements or hereditaments, rents or annuities, goods or chattels, within this State, by the gift, bargain, sale or devise of any person, body politic or corporate, capable of making the same, and to use or lease, mortgage or sell, and convey the same in such manner as they may judge most conducive to the interest of their respective churches, societies or congregations; provided, that nothing herein shall authorize any sale, mortgage or other disposition of any property held by such corporation under any instrument prohibiting such sale; and provided, the clear yearly income from the estate of any church, society or congregation, exclusive of the rents pews, collections in churches, funeral charges, and the like, shall not exceed yearly the sum of twenty thousand dollars.

Sec. 158. And be it enacted, That every such body politic shall be chosen and the succession kept up at such times and places as are ordinarily used for public meetings of the said church, society or congregation, and by such persons as are allowed to have a voice in the management and direction of congregational or temporal concerns, according to the known customs and usage of their respective denominations; or the said body politic or corporate shall be chosen and the succession kept up according to the rules, regulations and practice that may have been heretofore adopted and agreed upon, or that shall be at the first time of electing agreed upon and adopted by any particular church, society or congregation for directing or managing their congregational or temporal affairs.

Sec. 160. And be it enacted, That the minister for the time being, or senior minister, when there are more than one settled in any church, society or congregation, shall always, in virtue of his ministry, be a member of the body politic or corporate belonging to the same, exclusive of the number heretofore prescribed.

Sec. 161. And be it enacted, That if any contest shall arise in any church, society or congregation about the right of voting, or whether the election has been fairly conducted agreeably to the true intent and meaning of this article, the parties contending shall each of them choose one discreet and reputable person from amongst the members or trustees of some neighboring congregation or society of the same religious persuasion, if any such there be, and if none such, then of any other religious society, which two persons shall choose a third, qualified in like manner, and the said three persons shall meet at the place where the difference has arisen, and hear and determine upon the matter, and their judgment or award or the judgment or award of a majority of them, certified under their hands and seals to the contending parties shall be final.

Sec. 162. And be it enacted, That at the first election or appointment of every body politic or corporate aforesaid, every church, society or corporation assembled as already directed, shall determine on their plan, agreement or regulation, specifying distinctly the time and manner of electing trustees, and the manner in which the succession shall be perpetuated, and containing an exact description of the qualifications of the persons severally electing and elected, and to elect, and to be elected thereafter, and also the name, style or title of the corporation by which it shall thereafter be known, and the name of the church, society or congregation choosing the same.

Sec. 163. And be it enacted, That the said plan, agreement or regulation shall be entered in the book hereinafter directed to be kept by every such corporation, and the same shall be acknowledged by the trustees or a majority of them, before and certified by two justices of the peace of the county or city in which the said church, congregation or society, or the greatest number of the members, shall reside, or the same may be acknowledged, before and certified by a judge of the circuit court, or of the supreme bench of Baltimore city.

Sec. 164. And be it enacted, That the plan or agreement so acknowledged and certified, shall be filed by the said trustees with the clerk of the circuit court of the county where the said church, society or congregation, or the greater part of the members reside, or the clerk of the superior court of Baltimore city, if they or the greater part of the members reside in the city of Baltimore, within six months after such acknowledgment shall be made, and the same shall be recorded at the expense of the corporation in a book to be kept for that especial purpose.

Sec. 165. And be it enacted, That if any change shall be made in the original plan by authority of the congregation, such change shall in the same manner be acknowledged and recorded.

Sec. 166. And be it enacted, That every such corporation may appoint the times and places of the meeting of its members, and the number necessary to constitute a quorum, and shall provide and keep a good and sufficient record book, and cause therein to be registered all its proceedings subject at all times to the inspection of the several members of the church, society, or congregation, and the same shall be laid before a public meeting when required by any five or more of the members, and the said trustees or a majority of them, shall have full power to frame such rules and ordinances for conducting their concerns, as may be necessary and convenient for accomplishing the end of their institutions.

Sec. 167. And be it enacted, That when any number of persons belonging to any church or congregation sufficient to build a church or house of worship, and to maintain a minister, shall choose to separate from the church or congregation of which they have hitherto been a part, and to erect a house of worship, and employ a minister for themselves, it shall be lawful for them to do so; and they shall by their respective name or style, be entitled to all the benefits of this article relating to their incorporation; provided, only, that all arrearages, debts and engagements contracted, due or becoming due, while members of the former society shall be discharged.

Sec. 168. And be it enacted, That the person or persons holding lands, or goods and chattels, in trust, for any particular church or society, shall convey the same to the corporation of such particular church or society, as soon as the same shall be formed under this article.

Sec. 169. And be it enacted, That nothing in this article shall prevent the Protestant Episcopal Church from incorporating the vestries in the several parishes according to the usages of said church.

Sec. 170. And be it enacted, That if any corporation incorporated under the laws of this State, which shall be authorized to acquire by condemnation, any land, earth or stone, or any interest therein, cannot agree with the owner or owners thereof, or if any such owners be a *feme sole* and without power to contract in that regard, under age, *non compus mentis*, or under any other legal disabilities to contract or be out of the county in which the property wanted may lie at the time the same is wanted, then in all such cases, application may be made by any such corporation to any judge of the circuit court of the county in which said land or other materials may lie, or to any judge of the supreme bench of Baltimore city, if the said land or materials lay in the city of Baltimore, and thereupon the said judge upon its being made to appear satisfactorily to him, that said land or materials are necessary and proper to be condemned for the use of such corporation, shall issue his warrant directed to the sheriff of said county or city, as the case may be, requiring him to summon a jury of twenty inhabitants of said county or city as the case may be, not related to said owner, or in any wise interested in said land, and not stockholders in said corporation, to meet on the lands or near to the other property or materials to be valued and condemned on a day named in said warrant not less than ten nor more than twenty days after issuing the same.

Sec. 171. And be it enacted, That if at said time and place any jurors summoned do not attend, the sheriff shall immediately summon as many jurors as may be necessary, with the jurors in attendance, to make twenty jurors, and from them each party, or its, his or their agent, or if either party be not present in person, or by agent, the sheriff for him, her, it or them may strike off four jurors, and from those remaining on the list, the sheriff shall select twelve to act as the jury of inquest of damages.

Sec. 172. And be it enacted, That the sheriff shall before they proceed to act as such, administer to each of said jury an oath, that he will justly and impartially value the damages which the owner will sustain by reason of the occupation of the said land or materials required by the occupation, and find whether or no the condemnation of such land or materials are necessary and proper for the use of such corporation for the due exercise and enjoyment of its corporate privileges.

Sec. 173. And be it enacted, That the jury shall reduce their inquisition to writing, and shall sign and seal the same, and it shall then be returned by the said sheriff to the clerk of the circuit court of his county, or the clerk of the superior court of Baltimore city, as the case may be; and if no sufficient cause to the contrary be shown, the said inquisition shall thereupon be confirmed by the said court at such time and after such notice as shall be fixed by its rules, and when confirmed, shall be recorded by said clerk, at the expense of said corporation; but if set aside, or if the jury shall fail to agree, the said court may direct another inquisition to be taken in the manner above prescribed and like proceedings may be had until an inquisition in reference to the said condemnation shall be confirmed.

Sec. 174. And be it enacted, That every such inquisition shall describe the property taken or the bounds of the land condemned, and the quantity or duration of the interest in the same valued for the corporation, and such valuation, when paid or tendered to the owner of said property, or his legal representatives, after confirmation therefor, when the same shall be paid into court, under such regulations as the court by which the said inquisition shall have been confirmed shall prescribe, shall entitle the said company to the estate and interest in the same thus valued as fully as if it had been conveyed by the owner of the same, and the valuation, if not received when tendered, may at any time thereafter be received from said corporation without costs by the said owner or his legal representatives, and all fees or per diem to which any sheriff, clerk, juror or other officer shall be entitled for any services required of him under the aforesaid proceedings for condemnation, shall be paid by the corporation causing the same to be instituted.

Sec. 175. And be it enacted, That nothing herein contained shall authorize any incorporated company to take or use private property without just compensation as agreed upon with the owner or awarded by a jury, having been first paid or tendered to the parties entitled thereto, or paid into a court after inquisition, confirmed as provided for in the next preceding section, and nothing herein contained shall authorize the location of any road on private property without consent of the owner, or the decision of the county commissioners, upon due hearing, as now prescribed by law for opening or altering public roads.

Sec. 176. And be it enacted, That whenever the Attorney General of the State, or the State's Attorney for the city of Baltimore, or for any county in this State, shall be authorized by the Governor to institute proceeding against any corporation incorporated under the laws of this State, to ascertain whether such corporation has been guilty of such misuse, abuse or non-user of its corporate powers and franchises as by law would authorize and make proper the forfeiture of its charter, corporate powers and franchises, the Attorney General or State's Attorney so authorized shall file in the court hereafter designated a petition in the name of the State, setting forth fully and in detail the alleged abuse, misuse, or non-user, by reason whereof the said forfeiture is sought; and upon the filing of such petition, the court in which it is filed, or any judge thereof shall lay a rule requiring the said corporation to show cause, within such time as the judge may deem proper, why a decree of forfeiture should not issue as prayed in said petition; a copy of which rule and of the petition shall be served on said corporation by a day to be therein limited, which shall be served as other process against such corporations is directed to be served.

Sec. 177. And be it enacted, That the said corporation, by the day named in said order, unless further time be granted by the court, shall file an answer to such petition, fully setting forth all the defences upon which it intends to rely on resisting such application, which shall be verified by the affirmation or affidavit of some officer of the said corporation.

Sec. 178. And be it enacted, That the petitioners may thereupon plead to or traverse all or any of the material averments set forth in the said answer, and the said defendant shall take issue or demur to said plea or traverse within five days thereafter.

Sec. 179. And be it enacted, That if issue or issues shall be joined on such proceedings, the same shall stand for trial at such time as the court shall direct; and the said issue or issues shall be tried by a jury if either party desire it, otherwise they shall be heard and determined by the court. If, from the findings of the jury, or upon consideration and determination of the case by the court, the court shall be of opinion that legal cause of forfeiture has been shown, and the public interests require that the said forfeiture should be declared, a decree of forfeiture shall be entered, and the charter of the said corporation shall thereby be annulled and vacated, and all its corporate franchises and powers shall cease and henceforth be void, and the court shall thereupon appoint a receiver or receivers of the estate and assets of the said corporation, in the same manner, and with like powers as is provided in sections one hundred and eighty-nine and one hundred and ninety of this article, in reference to dissolution of corporations on bill filed therefor on their own motion.

Sec. 180. And be it enacted, That if any corporation upon whom the aforesaid petition and rule to show cause has been served, shall neglect to file an answer to the petition at the time appointed by the said court, the court shall thereupon proceed to hear the said application *ex parte*, within five days thereafter; and if it shall be of opinion that good cause of forfeiture is shown, it shall proceed forthwith to decree the same, as is hereinbefore provided in the preceding section of this article.

Sec. 181. And be it enacted, That if the court, either upon a hearing *ex parte*, as hereinbefore provided, or upon a hearing after answer, as provided in section one hundred and seventy-nine, shall be of opinion that no cause of forfeiture has been shown, or that the public interest do not demand that such forfeiture should be decreed, even though legal cause therefor has been shown, it shall dismiss the petition and award costs in favor of the corporation proceeded against, in its discretion; and if the court shall determine that legal cause of forfeiture has been shown, it may in its discretion, before passing a final decree of forfeiture, pass orders requiring the said corporation, within a time to be thereby fixed, to remedy the grievance complained of, and may suspend the passage of the final decree of forfeiture, until the time so fixed, and may afterwards refuse to pass such decree, if the grievance shall have been remedied by the time so fixed.

Sec. 182. And be it enacted, That the petition for forfeiture hereinbefore mentioned, shall be filed in the circuit court for the county in which the certificate of incorporation of said corporation was filed, if said corporation shall have been incorporated under the laws requiring the filing of such certificate, and in the case of all other corporations such petition shall be filed in the county in which either the principal office of said corporation was last located, or in which the principal business of said corporation was last carried on; but if the corporation to be proceeded against has filed the certificate of incorporation in Baltimore city, or if not incorporated under the laws requiring such certificate to be filed, the said corporation had its principal office last in said city, or had there last carried on its principal business, then, and in such cases, the said petition shall be filed in the Superior Court of Baltimore city.

Sec. 183. And be it enacted, That from any judgment or determination of the court, had on petitions filed for forfeiture under this article, either party may appeal to the Court of Appeals, subject to such regulations and provisions relating to the taking and prosecution of said appeals as shall be prescribed by the said Court of Appeals.

Sec. 184. And be it enacted, That the Governor of this State shall have power upon application in writing made to him by any citizen thereof, in the exercise of his own discretion, to direct the Attorney General or State's Attorney for any county in this State or for the city of Baltimore, to file a bill in the Circuit Court of Baltimore city, or in the Circuit Court of any county, in the name of the State, against any corporation incorporated under the laws of this State, for the purpose of restraining by injunction any such corporation from assuming or exercising any franchise, liberty or privilege, or transacting any business not allowed by the charter, certificate or amended certificate of incorporation of said corporation, or not by law allowed to be assumed or exercised by said corporation, and in the same manner and by like authority, a bill may be filed to restrain any individual from exercising any corporate rights, privileges or franchises not granted to them by any law of this State, and such bill when filed against a corporation, shall be filed in the Circuit Court of Baltimore city, if the principal office or place of its business operations of said corporation shall be located therein, or in the circuit court of the county in which the principal office or place of its business operations of said corporation shall be located; and if the said bill is filed against any individual, it shall be filed in the city or county in which some one of the individuals sought to be restrained may reside, and upon the filing of any such bill, the court in which it shall be filed, shall have power to issue the injunction either before or after hearing, and under and on such terms as it may prescribe, and generally shall have and exercise all the powers of a court of equity over the subject matter of said bill, and all provisions of the laws of this State, relating to the granting, continuing or dissolving of injunctions in other cases, and providing for appeals to the Court of Appeals, which may be applicable, shall apply to proceedings had under this section.

Sec. 185. And be it enacted, That whenever any corporation in this State shall have been determined by legal proceedings to be its forfeit, it shall be deemed to have surrendered its corporate rights, privileges and franchises, and may be adjudged to be dissolved, after winding according to the practice of courts of equity in this State, upon a bill filed for that purpose in the Circuit Court of Baltimore city, if the principal office of said corporation is located therein, or in the Circuit Court of any county, if the principal office or place of business of said corporation be therein located, or if the certificate of its incorporation be recorded therein, and such bill may be filed by any stockholder, shareholder or creditor of said corporation, or by the Attorney General of the State of Maryland, or by the State's Attorney of the city or county in which the principal office of said corporation is located. But this section shall not apply to any railroad company chartered by this State.

Sec. 186. And be it enacted, That whenever the directors, trustees or managers of any corporation, or a majority of them, shall for any reason deem it beneficial for the interest of the stockholders or others, interested in the said corporation, that the same should be dissolved, they shall call a general meeting of the stockholders, shareholders or members of the corporation, at such time and place, and after such notice as the by-laws of said company shall prescribe for that purpose; and if at such general meeting, a majority in interest of all the stockholders in any corporation having a capital stock, or a majority of the shareholders or members in any other class of corporations, shall by their votes declare their wish that said corporation shall be dissolved, a bill for its dissolution shall forthwith be filed in the name of said corporation, and on its behalf in the Circuit Court of Baltimore city, if its principal office or place of business shall be in said city, or in the Ciacuit Court of the county in which its principal office or place of business may be situated.

Sec. 187. And be it enacted, That every such bill shall contain a statement of the reasons why the dissolution of the said corporation is prayed for and sought, and there shall also be filed with it:

1st. A full and true inventory of all the assets of such corporation, and of all the books, securities and vouchers relating thereto.

2nd. A true account of the capital stock of such corporation, and a list of all the stockholders, their residences, and the number of shares belonging to each; the amount paid on each of said shares, and the amount due on the same.

3rd. A statement of all the incumbrances on the property of the corporation, and a full list of all its creditors, and their respective residences, and the amount due to each; all of the said statements shall be verified by the oath or affirmation of either the president, treasurer, secretary or some other chief officer, or of some stockholder of the said corporation.

Sec. 188. And be it enacted, That upon the filing of said bill, accompanied by the aforesaid papers, the court shall pass an order requiring all persons interested in such corporations to show cause, if any they have, why such corporation should not be dissolved on or before a certain day, to be named in said order, which order shall be published for such time as the court shall direct, in some newspaper published in the county or city of Baltimore, as the case may be, in which such court is held; and upon any answer being filed to the said bill by any creditors of stockholders of such corporation, the court may authorize evidence to be taken, on application of the complainants or defendants, in the manner usual in courts of equity.

Sec. 189. And be it enacted, That if the court shall upon consideration of the bill or of the bill answers and proof, if answers have been filed or proof taken, be of opinion that the corporation is insolvent, or that for any reason a dissolution of the said corporation will be beneficial to the stockholders and not injurious to the public interests, a decree shall be entered dissolving the said corporation, and appointing one or more receivers of its estate and effects, and such corporation shall then and upon be dissolved; any of the directors, trustees, managers or other officers, or any of the stockholders of any corporation, may be appointed its receivers, or such other person or persons as the court may select.

Sec. 190. And be it enacted, That where receivers of the estate or effects of any corporation shall be appointed by a court, upon and before the dissolution of any corporation, they shall be vested with all the estate and assets of every kind belonging to such corporation from the time of their qualifying as receivers, and shall be trustees thereof for the benefit of the creditors of such corporation and its stockholders, and they shall proceed to wind up the affairs of such corporation under the direction of the court by which they shall have been appointed, and shall have all powers which shall be necessary for that purpose.

Sec. 191. And be it enacted, That all assignments, transfers, mortgages or other dispositions or conveyances of any part of the assets of the corporation, made after the filing of a bill for a dissolution thereof, under the provisions of this article, and all judgments confessed by said corporation after that time, shall be absolutely void, as against the said receivers.

Sec. 192. And be it enacted, That no dissolution of any corporation shall relieve its stockholders from the obligations and liabilities imposed on them by the 59th section of this article, and if the said corporation shall be dissolved before its capital stock shall have been paid in, the liability of its stockholders shall continue to the receivers or to the creditors of the corporation, who were such prior to its dissolution, in all respects as if the same had not been dissolved.

Sec. 193. And be it enacted, That upon the dissolution, in any manner not otherwise provided for, of any corporation created or to be created under the laws of this State, and unless other persons shall be appointed by some court of competent author-

[*Continued on fourth page.*]