

to pay any instalments thus demanded for the space of sixty days next after the same shall be due and payable, the stock upon which the same shall be demanded, shall be forfeited to the Company, and may be sold to the said President and Directors for the benefit of the Company ; but the President and Directors may proceed for the collection of the same as in cases of other debts, or may remit such subscription or such forfeiture as they may deem proper.

SEC. 11. And be it enacted, That if the subscription obtained be insufficient, the President and Directors, or a majority of them, may issue the bonds of said Company to an amount not exceeding the capital stock authorized by this Act, and may secure the same by mortgage or mortgages upon the property, franchises and revenues of the Company.

The Mayor and City Council of Baltimore, by ordinance approved ———, 1867, undertook to guarantee five hundred thousand dollars of the bonds of the Company. The power thus to act has been questioned, and we think upon sufficient grounds.

Power is given in clear and unmistakable terms in the 3d Section of the Act, to several incorporated companies and to the municipality of Baltimore City to *subscribe* to the capital stock of the Company, but there is no power conferred upon Baltimore City, or any other corporation, to endorse or guarantee their mortgage bonds. It has been alleged that the 6th Section of the Act when construed in connection with the title of the Bill confers by implication this power. The provisions of the law relied upon as giving the power to endorse, read as follows :

SEC. 6. And be it enacted, That the affairs of the said Company shall be managed by a President and Board of Directors and such other officers and agents as such President and Directors may deem necessary ; that there shall be one Director for each five hundred shares of stock subscribed, and also an additional Director on the part of the Mayor and City Council of Baltimore, or any other corporation, for each one hundred thousand dollars of the bonds of said Company, which may be endorsed or guaranteed by the Mayor and City