[CHAPTER 290.]

AN ACT to provide for the appointment of a Commission to investigate the condition of the Adult Blind in the State of Maryland, and to report on the expediency of the establishment by the State of Institutions for them, and making an appropriation for the necessary expenses of said Commission, and assistance for certain classes of blind people pending said report.

Section 1. Be it enacted by the General Assembly of Maryland, That within sixty days after the passage of this Act, the Governor shall appoint a commission of five persons, who shall serve without pay, and who shall be known as "The Commission for improving the condition of the Adult Blind in the State of Maryland."

Section 2. And be it enacted, That it shall be the duty of this Commission to secure a complete list of all blind persons in the State of Maryland, and make a record of their names, ages and financial condition, together with the cause and extent of their blindness, their capacity for educational and industrial training, and such other facts as may seem of value; and that on or before the 31st day of December, 1907, they shall file with the Governor a full report of their findings, together with such recommendations for improving the condition of the Adult Blind in this State as may seem to them advisable.

Section 3. And be it enacted, That the Commission may aid those of the Adult Blind whom they consider worthy in finding employment, and in furtherance thereof they may furnish material and tools to an amount not exceeding $50 to any one individual, and they may place in a home or homes such indigent blind women as appear to them worthy and to have no other means of support, provided, however, that the total expenditure on any such woman, shall not exceed two hundred dollars per annum.

Section 4. And be it enacted by the General Assembly of Maryland, that the sum of fifteen hundred dollars annually for the fiscal years of 1907 and 1908 be and the same is hereby appropriated to be paid out of any money in the treasury not otherwise appropriated.

Approved April 5, 1906.

EDWIN WARFIELD,
Governor.
JOSEPH B. SETH,
President of Senate.
CARVILLE D. BENSON,
Speaker of House of Delegates.

[CHAPTER 294.]

AN ACT to establish a State Board of Forestry and to promote forest interests and arborculture in the State.

Section 1. Be it enacted by the General Assembly of Maryland, That there shall be a State Board of Forestry, consisting of seven members, the Governor, Comptroller, President of John Hopkins University, President of the Maryland State Agricultural College, State Geologist, and one citizen of the State to be interested in the advancement of forestry, and one practical lumberman engaged in the manufacture of lumber within this State; who shall be appointed by the Governor, to serve for a term of two years, which Board shall act without compensation, save for actual necessary expenses incured in the performance of their official duties.

Section 2. And be it anacted, That there shall be appointed by the Board of Forestry, a State Forester, who shall have a practical knowledge of forestry, and who shall be a trained forester; his compensation shall be fixed by the Board, and shall not exceed $2,000 per annum, and reasonable travelling and field expenses incurred in the performance of his official duties. He shall, under the general supervision of the State Board of Forestry, have direction of all forest interests, and all matters pertaining to forestry within the jurisdiction of the State. He shall have charge of all forest wardens in the State, and aid and direct them in their work; take such action as is authorized by law to prevent and extinguish forest fires; enforce all laws pertaining to forest and wood land, and prosecute for any violation of such laws; collect data relative to forest destruction and conditions; direct the protection and improvement of State parks and forest reserves, and cooperate with land owners as described in Section 4 of this Act. He shall annually deliver a course of lectures at the Maryland State Agriculture College bearing upon forestry and silviculture, subject to the approval of the trustees of the College, and as far as his duties as State Forester will permit, carry on an educational course of lectures on Forestry at the Farmers' Institutes, and similar meetings within the State. He shall act as secretary of the State Board of Forestry, and shall prepare for the Board annually a report on the progress and condition of State Forest work and recommend therein plans for improving the State system of forest protection, management and replacement.

Section 3. And be it enacted, That the State Board of Forestry shall have the power to purchase lands in the name of the State, suitable for forest culture and reserves, at a price which shall not exceed five dollars per acre, using for such purposes any surplus money not otherwise appropriated, which may be standing to the credit of the Forest Reserve Fund; and to make all rules and regulations governing State Reserves; and that the Governor of the State is authorized, upon the recommendation of said State Board of Forestry to accept gifts of land to the State, the same to be held, protected and administered by the State Board of Forestry as State Forest Reserves, and to be used so as to demonstrate the practical utility of timber culture and as a breeding place for game. Such gifts must be absolute except for the reservation of all mineral and mining rights over and under said lands, and a stipulation that they shall be administered as State Forest Reserves, and the Attorney General of the State is directed to see that all deeds to the State of lands mentioned above are properly executed, before the gift is accepted.

Section 4. And be it enacted, That the State Forester, shall upon request, under the sanction of the State Board of Forestry, and whenever he deems it essential to the best interests of the people of the State, cooperate with counties, towns, corporations, and individuals in preparing plans for the protection, management, and replacement of trees, woodlots and timber tracts, under an agreement that the parties obtaining such assistance pay at least the field expenses of the men employed in preparing said plans.

Section 5. And be it enacted, That whenever the State Forester considers it necessary, he may apply to the Governor to commission such persons as he may designate, to act as Forest Wardens of this State, to enforce the forest laws and to carry out all the purposes of this Act. If the Governor approve of such persons he may appoint them Forest Wardens for a term of two years, but they shall be subject to removal at any time at the pleasure of the Governor. Such Wardens shall receive no salary from the State, but only such compensation from time to time as the Forester may allow them for special services actually rendered. Forest Wardens thus appointed shall, before entering upon the duties of their office, take the proper official oath before the clerk of the Court of the county in which they reside; after which they shall, while holding said office, possess and exercise all the authority and power held and exercised by constables at common law under the statues of this State, so far as arresting and prosecuting persons for all violations of any of the laws or rules and regulations enacted or to be enacted for the protection of the State forestry reservations, or for the protection of the fish and game contained therein, are concerned.

Section 6. And be it enacted, That it shall be the duty of the Forest Wardens to enforce all forest laws of this State; to protect the State Forest Reserves and see that all rules, regulations and laws are enforced; to report any violation of law to the State Forester at the time of its occurance; to assist in apprehending and convicting offenders, and to make an annual report to him as to forest conditions in their immediate neighborhood. When any Forest Warden shall see or have reported to him a forest fire, it shall be his duty to immediately repair to the scene of the fire and employ such persons and means as in his judgment seem expedient and necessary to extinguish said fire. He shall keep an itemized account of all expenses thus incurred and send such account immediately to the State Forester.

Section 7. And be it enacted, That the expenses incurred in fighting or extinguishing any fire under the direction of the State Forester or a Forest Warden shall be borne by the county in which the fire occurred, and shall be payable in full by the County Commissioners of such county upon the receipt of an itemized account with vouchers approved by the State Forester.

Section 8. And be it enacted, That the Board of County Commissioners of the several counties of this State are hereby authorized to levy and appropriate money for purposes of forest protection, improvement and management; and said boards shall have recourse under an action at law, for debt against any land owner, individual or corporation on whose account they shall have been obliged to pay out money for fighting fire for the amount which they have expended for such purpose.

Section 9. And be it enacted, That the State Forester shall furnish notices printed in large letters upon cloth calling attention to the dangers of forest fires and to forest fires and trespass laws and their penalties; such notices shall be distributed by the State Forester or Forest Wardens and posted by them in conspicuous places upon State Forest Reserves, and along the highways in forest-covered country.

Section 10. Be it enacted, That every individual or corporation that carelessly, negligently, or wilfully, maliciously, or with intent, sets on fire or causes, or procures to be set on fire, any woods, brush, grass, grain or stubble on lands not their own, shall be guilty of a misdemeanor, and upon conviction be punishable by a fine of not less than $25 or more than $1,000, or imprisonment for not less than thirty days or more than one year, or both such fine and imprisonment.

Section 11. And be it enacted, That it shall be unlawful for any person or corporation as land owner to set, or procure another to set fire to any woods, brush, logs, leaves, grass or clearing upon their own land, unless they have previously taken all possible care and precaution against the spread of such fire to other lands not their own, by previously having cut and piled the same, or carefully cleared around the land which is to be burned, so as to prevent the spread of such fire. The setting of fire contrary to the provisions of this section, or allowing it to escape to the injury of adjoining lands, shall be prima facie proof of wilfulness or neglect, and the land owner from whose land the fire originated shall be liable in a civil action for damages for the injury resulting from such fire, and also for the cost of fighting and exinguishing the same.

Section 12. And be it enacted, That logging and railroad locomotives, donkey or threshing engines, and other engines and boilers, operated in, through or near forest or brush, which do not burn oil as fuel, shall be provided with appliances to prevent the escape of fire and sparks from the smoke-stack thereof, and with devices to prevent the escape of fire from ash-pans and fire boxes. Failure to comply with these requirements shall be a misdemeanor punishable upon conviction by a fine of not less than $10 nor more than $100 for such and every offense thus committed.

Section 13. And be it enacted, That all individuals or corporations causing fires by violations of Sections 10, 11 and 12 of this Act shall be liable to the State, and to the county in which the fire occured, in an action for debt to the full amount of all expenses incured by the State or county in fighting and extinguishing such fire.

Section 14. And be it enacted, That Justices of the Peace of this State, in the county wherein the offence shall have been committed shall have jurisdiction to hear and determine all prosecutions for the purpose of enforcing fines and penalties, collectible under the provision of this Act, not exceeding the amount of $100, and of holding the offender, under proper bail if necessary for hearing before the Circuit Court, committing them to the county jail until such hearing, if the required bail is not furnished. It shall be the duty of the State's Attorney of the several counties, to prosecute all violators of Section 10 of this Act.

Section 15. And be it enacted, That all money received as penalties for violations of the provisions of this Act, less the cost of collection and not otherwise provided for, together with any amount obtained from the State Forest Reserves, shall be paid into the State Treasury to the credit of the Forest Reserve Fund, which fund is hereby created; and the monies in said fund are hereby appropriated for purposes of forest protection, management, replacement, and extension under the direction of the State Board of Forestry.

Section 16. And be it enacted, That there is hereby approphiated the sum of thirty-five hundred dollars ($3,500) annually for the fiscal years 1907 and 1908, for carrying out the provisions of this Act, and for the payment of salaries and expenses herein provided for.

Section 17. And be it enacted, That all Acts or parts of Acts inconsistent with the provisions of this Act are hereby repealed.

Section 18. And be it enacted, That this Act shall take effect from the date of its passage.

Approved April 5, 1906.

EDWIN WARFIELD,
Governor.
JOSEPH B. SETH,
President of Senate.
CARVILLE D. BENSON,
Speaker of House of Delegates.

[CHAPTER 320.]

AN ACT to repeal Section 200, of Article 81, of the Code of Public General Laws, entitled, "Revenue and Taxes," and to re-enact the same with amendments.

Section 1. Be it enacted by the General Assembly of Maryland, That Section 200 of Article 81, of the Code of Public General Laws, entitled, "Revenue and Taxes," be and the same is hereby repealed and re-enacted with amendments thereto, as follows:

200. The several Boards of County Commissioners, shall in addition to the powers now vested in them by law, have the power to value and assess all personal property and to revise all valuations and assessments of real property in their respective counties, and to lower or increase said assessments of real and personal property, and take steps for the discovery of all unassessed property of every kind. Whenever they shall purpose to alter or change any assessment, or make any new assessments, they shall before said assessments is made, give five days' notice thereof in writing to the owner of the property to be assessed, and if such owner be not found within the limits of their county, then to the person in possession of the property to be assessed, or in whose custody the same may be, or if it be land and no one be in the apparent occupancy thereof, then by a notice posted on said land. Said respective boards of County Commissioners shall have full power to appoint such agents, assessors and clerks, as may in their discretion be necessary to enable them to carry into effect their powers under this Article, but the listing of personal property shall not take place or be made until the year 1908, when the same shall be taken and made under the order and direction of the said respective boards of County Commissioners as well as the additional powers conferred by this Article, which are hereby intended to be made and are made full and ample for that purpose, and said listing shall also be made every six years thereafter. All the penalties and requirements prescribed in Sections 173 to 203, both inclusive, as the same were enacted, and so numbered by the Acts of 1896, chapter 120, 1896, chapter 140, 1896, chapter 142, and 1896, chapter 143, so far as the same are applicable both as to the owners of property, and assessors or clerks appointed by the respective boards of County Commissioners, and the said boards themselves, whether sitting to hear appeals or otherwise, shall be in force as fully as if said sections, contained in said Acts were herein re-enacted, and apply to all assessments and valuations made by said assessors or County Commissioners at any time under this article, and particularly to the listing of personal property in the year 1908, and every six years thereafter, so far as the same may be applicable and particable. There shall always be an appeal to the Board of County Commissioners from the acts of all assessors or agents appointed by them hereunder, or others authorized to act as assessors under the law of this State.

Section 2. And be it enacted, That this Act shall take effect from the date of its passage.

Approved April 3, 1906.

EDWIN WARFIELD,
Governor.
JOSEPH B. SETH,
President of Senate.
CARVILLE D. BENSON,
Speaker of House of Delegates.

[CHAPTER 337.]

AN ACT to add an additional Section to Article 16 of the Code of 1888 of Public General Laws of Maryland, title, "Chancery," sub-title, "Trustees," to come in after Section 215, and to be known as 215A.

Section 1. Be it enacted by the General Assembly of Maryland, That an additional section be and hereby is added to Article 16 of the Code of 1888 of the Public General Laws of Maryland, title, "Chancery," sub-title, "Trustee," to come in after Section 215 and to be known as Section 215A, and to read as follows:

Section 215A. Whenever a ground rent reserved by lease or sub-lease heretofore or hereafter created, is now redeemable or hereafter becomes redeemable, and the owner of the leasehold estate, subject to said rent may desire to redeem the same, and at the time of such desired redemption the title of said rent is vested in a trustee under a will, deed or other instrument for any trust, use or purpose, but without a power of sale in such trustee, or is vested in a life tenant with remainder over, vested or contingent, or is vested in the holder of a defeasible estate, but without a power of sale in such life tenant or such holder of a defeasible estate, any Court having Chancery Jurisdiction in the city or county where the land is situated, out of which said rent is payable, may upon the ex-parte petition of such trustee or life tenant or holder of a defeasible estate, or upon the petition of the owner of the leasehold or sub-leasehold who is entitled to redeem and after notice by service of process upon such trustee or life tenant, or holder of a defeasible estate, or after notice by publication of such trustee or life tenant or holder of a defeasible estate be a non-resident, order the conveyance of the reversion or sub-reversion and rent or sub-rent, in such land by such trustee or life tenant, or holder of a defeasible estate to the owner of the leasehold or sub-leasehold interests therein upon the payment of the sum of money for which the said rent or sub-rent may be redeemable, together with a due proportion of the accruing rent to the date of such payment. Any deed delivered by such trustee or life tenant or holder of a defeasible estate in pursuance of such order of Court and duly recorded, shall vest in the owner of the leasehold or sub-leasehold estate, his heirs, executors, administrators and assigns, all right, title, interests and estate of such trustee or life tenant or holder of the defeasible estate, and of all other persons who are or may be entitled to any right, title, interest or estate in and to such reversion or sub-reversion, rent or sub-rent either at law or in equity, and whether such other persons so entitled may have vested or contingent interests therein, or whether such persons or any of them are, or are not, in being at the date of such redemption. Any petition filed under this section by or against a trustee or life tenant or holder of a defeasible estate, will be sufficient in law and equity if the trustee or life tenant or holder of the defeasible estate be a party thereto, and it shall not be necessary for any cestui que trustent, remaindermen or other persons beneficially interested in the subject matter of the petition to be a party to such petition, they being represented by the trustee or life tenant or holder of the defeasible estate for the purpose of the proceedings. Every petition shall set forth the location and description of the land, the date and place of record of the lease or sub-lease by which such reversion and rent were created, the amount of the annual rent, the amount for which the same is redeemable, and also that such notice as may be required by law or by the lease or sublease has been given by the owner of the leasehold or sub-leasehold and such other facts as may be necessary to properly present the matter to the Court, and such petition shall be sworn to by the party filing the same. The money received from the owner of the leasehold or sub-leasehold for the redemption of such rent or sub-rent shall be forthwith accounted for to the Court by the trustee or life tenant or holder of the defeasible estate receiving the same, and the Court shall make such orders in reference to the investment of the same as may be proper to the end that the said money shall be held in place and stead of the redeemed reversion and rent so as to enure in like manner to the benefit of the persons entitled to said reversion and rent. Before receiving the redemption money, the trustee or life tenant or holder of the defeasible estate shall give bond to the State of Maryand, in the penalty of double the amount of the redemption money, with a surety or sureties to be approved by the Court or the clerk thereof, unless such trustee or life tenant or holder of the defeasible estate has previously given a bond which protects the redemption money, or unless such trustee has been excused from giving bond by the instrument creating the trust. Where a life tenant or the holder of a defeasible estate is the owner of the reversion and rent, the Court may instead of directing the life tenant or holder of the defeasible estate to execute such deed and receive the redemption money, appoint a trustee to execute the deed and to receive the redemption money. The Court costs of the proceeding including the expense of obtaining a corporate bond (the amount of such expense being subject to the direction of the Court) shall be paid out of the money received for the redemption of the rent. No purchaser shall be required to see to the application of the purchase money.

Section 2. And be it enacted, That this Act shal take effect from the date of its passage.

Approved April 3, 1906.

EDWIN WARFIELD,
Governor.
JOSEPH B. SETH,
President of Senate.
CARVILLE D. BENSON,
Speaker of House of Delegates.

[CHAPTER 342.]

AN ACT to make valid deeds and mortgages, bonds of conveyance and bills of sale, wanting or defective in the acknowedgement, affidavit or certificate thereof.

Section 1. Be it enacted by the General Assembly of Maryland, That Section 82 of Article 21 of the Code of Public General Laws of the State of Maryland, title "Conveyancing," as enacted by Chapter 258 of the Acts of the said General Assembly of 1904, be, and the same is hereby repealed and re-enacted as folows:

82. All deeds, mortgages, bonds of conveyance and bills of sale, which have been hertofore executed and acknowledged, but not acknowledged or sworn to according to the laws existing at the time of said execution and acknowledgment, or where the certificate of acknowledgment or affidivit is not in the prescribed form, shall be, and the same are hereby made valid to all intents and purposes, as if the said acknowledgment and certificate thereof, or affidavit and certificate thereof, had been made in accordance with the laws existing at the time of their making; provided, the said deeds, mortgages, bonds of conveyance and bills of sale, in other respects are in conformity with the laws and recorded in the records of the proper county or counties or city; and provided further, that nothing in this section shall affect the interests of bona fide purchasers or creditors, without notice, who may become so previous to the passage of this Act.

Sec. 2. And be it further enacted, That this Act shall take effect from the date of its passage.

Approved April 3, 1906.

EDWIN WARFIELD,
Governor.
JOSEPH B. SETH,
President of Senate.
CARVILLE D. BENSON,
Speaker of House of Delegates.

[CHAPTER 373.]

AN ACT to add four new Sections to Article 16 of the Code of Public General Laws, title "Chancery," sub-title "Pleadings, Practice and Process," to be known as Sections 200A, 200B, 200C and 200 D, and to come in after Section 200 of said Article providing a method of procedure by fiduciaries for making distribution or delivery of property where unknown persons may be entitled or the residences of persons known or supposed to be entitled are unknown, and for protecting the interests of such persons, and for protecting fiduciaries making distribution or delivery of property.

Section 1. Be it enacted by the General Assembly of Maryland, That four new Sections be added to Article 16 of the Code of Public General Laws, title "Chancery," subtitle "Pleading, Practice and Process," to be known as Sections 200A, 200B, 200C and 200D, and to come in after Section 200, and to read as follows:

Section 200A. Whenever it shall be the duty of any fiduciary (meaning by the term "fiduciary," any trustee, executor, administrator, receiver, or other fiduciary), to make any delivery or distribution of any property in the possession or control of such fiduciary, and said fiduciary shall apprehend that there may be persons living unknown to such fiduciary, who may be entitled to shares thereof, or whose rights will be affected by such distribution or delivery, said fiduciary may apply by bill or petition to the Court of Equity in the county or city in which said fiduciary resides or has his or its principal office or place of business, praying the said Court to assume jurisdiction over the said property, and the distribution and delivery thereof, or if a Court of Equity already has jurisdiction of said property, said application may be made to such Court. All persons known to such fiduciary to have any interest in said property shall be named or described and made parties to the proceedings, and their interests shall be stated or set forth, and there shall be a statement in the bill or petition, by which said application to the Court is made, showing why such fiduciary apprehends that there may be persons living unknown to him or it who may be interested in said property, or whose rights would be affected by said distribution or delivery, and as near as practicable who such persons may be supposed to be. And it shall be the duty of the said Court to examine said bill or petition, and any papers filed therewith, and upon being satisfied that sufficient effort has been made by such fiduciary to ascertain whether there are such unknown persons, shall pass an order directing the said fiduciary to give notice by publication to such supposed unknown persons, whether they be residents or non-residents of this State, of the substance and object of said Bill or petition, and warning them to appear by a day therein stated, which shall not be less than ninety days after the passage of said order, and said notice shall be published for such length of time as the Court may direct in some newspaper, as in cases of notice by publication to non-residents. The defendants named in said Bill or Petition shall be summoned, or if they be non-residents of this State, shall be duly notified by publication as in other cases in equity. And after the expiration of said period fixed in said order, for the appearance of said unknown persons, the Court shall proceed as in other suits in equity, and shall, by its decree, direct to whom the said fiduciary shall make distributions or delivery of said property, and if in the opinion of the said Court, it shall be doubtful whether or not there are unknown persons who are entitled to a share or shares of said property, it may, in its discretion, require the persons to whom is shall direct the distribution or delivery thereof to be made to file a bond or bonds to the State of Maryland in such penalty as it shall prescribe, with the clerk of the said court, conditioned to make restitution to such unknown person or persons of his, her or their shares of said property, when his, her or their rights thereto shall be established; or the said court may require said fiduciary to hold or transfer and deliver to a trustee or receiver to be appointed by it the share or shares to which such unknown person or persons would be entitled if in existence to be held, and the income thereof accumulated for such time as the said court may direct, in order to afford full opportunity for such unknown person or persons to appear and assert their rights, and may order the delivery or distribution thereof whenever said unknown persons shall appear and establish their rights thereto, or when it shall be convinced that there are no unknown persons entitled to any share of said property. And the said court may defer the passage of the said decree from time to time if it shall deem it necessary in cases of doubt as to the existence of persons who may be entitled, but the discretion of the said court as to requiring bond and deferring the passage of said decree, and withholding and accumulating shares, shall be subject to review by the Court of Appeals. And any fiduciary making distribution or delivery of any property in obedience to such decree or order shall be protected from any claim in respect thereof by such unknown person or persons, his, her or their heirs, personal representatives or assigns.

Section 200B. And be it further enacted, That whenever any fiduciary shall have property to distribute or deliver, and there shall be persons entitled to shares thereof, or whose rights therein will be affected by such distribution or delivery, and such persons shall be known to such fiduciary to be in existence, but it shall not be known to said fidiciary whether said persons are residents of this State or not, or if residents of this State, where they may be served with the progress of the court, they may, by special leave of the court upon good cause shown, be proceeded against as non-residents; and if their names be not known to such fiduciary, they may be described as nearly as practicable.

Section 200C. And be it further enacted, That the said court may assign counsel to protect the interest of such supposed unknown person or persons known to exist whose names or places of residence are unknown, and that the fees of such counsel shall be fixed by the Court, and be paid out of said property, or such part thereof as the Court shall determine ought to bear the same.

Section 200D. And be it further enacted, That this Act and the three preceding sections thereof shall not be interpreted as a repeal of construction of existing law, or of the jurisdiction and powers of Courts of Equity, and that the remedy hereby provided is intended to be additional to and not in substitution for any other existing remedy.

Sec. 2. And be it further enacted, That this Act shall take effect from the date of its passage.

Approved April 3, 1906.

EDWIN WARFIELD,
Governor.
JOSEPH B. SETH,
President of Senate.
CARVILLE D. BENSON,
Speaker of House of Delegates.

[CHAPTER 378.]

AN ACT to amend Article 27 of the Code of the Public General Laws of Maryland, of 1904, title "Crimes and Punishments," sub-title "False Pretenses," by adding a new section thereto, following immediately after Section 115 and to be known and designated as Section 115A.

Section 1. Be it enaceted by the General Assembly of Maryland, That Article 27 of the Code of Public General Laws of Maryland, of 1904, title "Crimes and Punishments," sub-title "False Pretenses," be and the same is hereby amended by the addition of a new section to follow immediately after Section 115, and to be known and designated as Section 115A, and to read as follows:

Section 115A. Whenever any loan of money shall be obtained or property purchased by aid of such statement in writing, referred to in the preceeding section, and in said statement the party charged shall state that he conducts a specific kind of business, and keeps books of account of said business, then, if at the expiration of any term of credit obtained by him in so purchasing said property, he shall fail to pay for the same within sixty days thereafter, he shall at all times during the period of ninety days subsequent to such failure to pay, upon the request of the persons from whom said property was purchased, or their agents duly accredited in writing, produce upon notice of five days his said books of account, and each and every one of them mentioned or described in said statement, and permit the persons from whom the said property was purchased, or their agents duly accredited in writing, to fully examine such books of account, and each and every one of them mentioned or described in said statement, and to make copies of any part thereof. Upon such request being made, failure to produce said books of account, and each and every one of them mentioned or described in said statement, shall be presumptive evidence that each and every pretense relating to the purchaser's means or ability to pay in said statement contained were false at the time of making said statement, and were known to the purchaser to be false.

Sec. 2. And be it further enacted, That this Act shall take effect from the date of its passage.

Approved April, 3, 1906.

EDWIN WARFIELD,
Governor.
JOSEPH B. SETH,
President of Senate.
CARVILLE D. BENSON,
Speaker of House of Delegates.

[CHAPTER 398.]

AN ACT to repeal and re-enact, with amendments, Section 8 of Article 68 of the Code of Public General Laws of Maryland, title "Notaries Public."

Section 1. Be it enacted by the General Assembly of Maryland, That section 8 of Article 68 of the Code of Public General Laws of Maryland, title "Notaries Public," be and the same is hereby repealed and re-enacted, so as to read as follows:

8. A Notary may exercise all functions of the office of Notary in any other county or city for which he may be appointed, with the same power and effect in all respects as if the same were exercised in the county or city for which he may be appointed.

Sec. 2. And be it enacted, That this Act shall take effect from the date of its passage.

Approved April 3, 1906.

EDWIN WARFIELD,
Governor.
JOSEPH B. SETH,
President of Senate.
CARVILLE D. BENSON,
Speaker of House of Delegates.

[CHAPTER 410.]

AN ACT to repeal Section 5, of Article 93, of the Code of Public General Laws, entitled "Testamentary Law," sub-title "Account," and to re-enact the same with amendments.

Section 1. Be it enacted by the General Assembly of Maryland, That Section 5, of Article 93, of the Code of Public General Laws of Maryland, entitled "Testamentary Law," sub-title "Account," be and the same is hereby repealed and re-enacted with amendments, so as to read as follows:

Sec. 5. And be it enacted, That on the other side shall be stated the disbursements by him made, viz.: First, funeral expenses to be allowed at the discretion of the Court according to the condition and circumstances of the deceased, not to exceed three hundred dollars; second, charges for medical attendance in last illness to be allowed at the discretion of the Court according to the condition and circumstances of the deceased, not to exceed fifty dollars; third, the debts of the deceased proved or passed, as herein directed, and paid or retained; fourth, the allowance for things lost or which have perished without the party's fault, which allowance shall be according to the appraisement; fifth, his commissions, which shall be at the discretion of the Court not under two per cent., nor exceeding ten per cent. on the first twenty thousand dollars of the estate, and on the balance of the estate not more than two per cent.; sixth, his allowance for cost and extraordinary expenses (not personal), which the Court may think proper to allow, laid out in the recovery or security of any part of the estate; and the Court may allow him credit for live stock killed for the necessary use of the family before a sale.

Approved April 3, 1906.

EDWIN WARFIELD,
Governor.
JOSEPH B. SETH,
President of Senate.
CARVILLE D. BENSON,
Speaker of House of Delegates.

[CHAPTER 421.]

AN ACT to repeal and re-enact with amendments Sections 18 and 19 of Article 83 of the Code of Public General Laws of Maryland, title "Sales and Notices," being Chapter 579 of the Acts of General Assembly, passed at the January Session, nineteen hundred, under the sub-title "Sales in Bulk," and to be known as Sections 18, 19, 20 and 21, respectively.

Section 1. Be it enacted by the General Assembly of Maryland, That Sections 18 and 19 of Article 83 of the Code of Public General Laws of Maryland, title "Sales and Notices," being Chapter 579 of the Acts of General Assembly, passed at the January Session, nineteen hundred, under the new subtitle "Sales in Bulk," be and the same are hereby repealed and re-enacted with amendments so as to read as follows:

18. It shall be the duty of every person who shall bargain for or purchase any stock of goods, wares or merchandise in bulk for cash or credit within this State to demand and receive from the vendor thereof, and if the vendor be a corporation, then from a managing officer or agent thereof, at least five days from the consummation of such bargain or purchase, and at least five days before paying or delivering to vendor any part of the purchase price or consideration thereof, or any promissory note or other evidence of indebtedness therefor, a written statement under oath, containing the names and addresses of all the creditors of said vendor, together with the amount of indebtedness due or owing, or to become due or owing, by said vendor to each of such creditors, and if there be no such creditors, a written statement under oath to that effect; and it shall be the duty of such vendor to furnish such statement at least five days before any sale or transfer by him of any stock of goods, wares or merchandise in bulk.

19. That after having received from the vendor the written statement under oath mentioned in Section 18, the vendor shall at least five days before the cousummation of such bargain or purchase and at least five days before paying or delivering to the vendor any part of the purchase price a consideration therefor, or any promissory note, or other evidence of indebtedness for the same in good faith, notify or cause to be notified personally, or by registered letter, each of the creditors of the vendor named in statement of the proposed purchase by him of such stock of goods, wares or merchandise; and whenever any person shall purchase any stock of goods, wares or merchandise in bulk, or shall pay the purchase price, or any part thereof, or execute or deliver to the vendor thereof, or to his order, or to any person for his use, any promissory note, or other evidence of indebtedness for said stock, or any part thereof, without having first demanded and received from his vendor the statement under oath as provided in Section 18, and without having notified or cause to be notified all of the creditors of the vendor named in such statement as in the section presented, such purchase, sale or transfer shall to any and to all subsisting creditors of the vendor be conclusively presumed fraudulent and void.

20. That any sale or transfer of a stock of goods, wares or merchandise out of the ordinary course of the business in the trade of the vendor, or whenever thereby substantially the entire business trade theretofore conducted by the vendor, shall be sold or conveyed or attempted to be sold or conveyed to one or more persons, shall be deemed a sale or transfer in bulk, in contemplation of this law.

21. That nothing contained in the foregoing sections shall apply to sales made by executors, administrators, receivers or any public officer conducting a sale in his official capacity, nor to any deed of trust executed for the benefit of creditors.

Section 2. And be it enacted, That this Act shall take effect from the date of its passage.

Approved April 3, 1906.

EDWIN WARFIELD,
Governor.
JOSEPH B. SETH,
President of Senate.
CARVILLE D. BENSON,
Speaker of House of Delegates.

[CHAPTER 449.]

AN ACT to repeal Section 131 to 140, both inclusive, of Article 56, of the Code of Public General Laws of Maryland, known as the Code of 1904, title, "License," sub-title, "Motor Vehicles," and re-enact the same with amendment, and add an additional section thereto, to be known as Section 139A, such additional section to follow Section 139, of said Article.

Section 1. Be it enacted by the General Assembly of Maryland, That Section 131 to 140, both inclusive, of Article 56, of the Code of Public General Laws of Maryland, known as the Code of 1904, title "License," sub-title, "Motor Vehicles," be and the same are hereby repealed and re-enacted, and that additional section to be known as Section 139A, is hereby enacted, the same to follow Section 139, the whole to read as follows:

131. Every resident of this State, who is the owner of a motor vehicle, and every non-resident owner whose motor vehicle shall be driven in this State, except as herein otherwise provided, shall file in the office of the Secretary of State at Annapolis, a declaration duly vertified by affidavit made before a Notary Public, of this or any other State, that such owner, or the person who is to operate the same, is competent to drive the motor vehicle for which application for license is made, and a written statement containing the name and address of such owner, together with a brief description of the character of such motor vehicle including the name and maker, and the manufacturer's number of the motor vehicle, if number there be, and the rate horse-power of such motor vehicle, and shall pay to the Secretary of State a registration fee of three dollars for each motor vehicle, one dollar of which fee shall be retained by the Secretary of State for his services in issuing the license, and the remaining two dollars shall be paid to the State Treasurer for the use of the State Road Fund. The Secretary of State shall issue for each motor vehicle so registered, a certificate, properly numbered, stating that such motor vehicle, is registered in accordance with this section, and shall cause the name of the owner, with his address, the number of his certificate, and a description of such motor vehicle or motor vehicles to be entered in alphabetical order of the owner's name in a book to be kept for such purpose; this section not to apply to manufacturers of motor vehicles except as to vehicles kept by such manufacturers for private use or for hire.

132. The owners of each and every motor vehicle and every other person driving the same upon the public streets, public roads, turnpike, parks, highways, public driveways or other public highways in this State, shall have the registration number issued as aforesaid by the Secretary of State, upon the back and front of every such motor vehicle, fixed stationary in a conspicuous place, so as to be plainly visible at all times during daylight, such numbers to be separate Arabic numerals not less than three inches in height, the stroke to be of a width not less than three-eighths of an inch, such numbers to be of white letters on a black ground and such owner shall not be required to place any other marks of identity upon such motor vehicle. Provided, however, that in the event of the sale of the motor vehicle, or letting for hire of the same, the purchaser or person hiring the same may for a period of five days ensuing the delivery or hiring to him of such vehicle, including in such computation the day of delivery, operate such vehicle under the number of the previous owner or lettor; provided he have and display on demand the actual consent in writing of such previous owner or lettor so to do. Upon the expiration of such period of five days the right to continue the use of such number shall absolutely cease and terminate, and its use after such period shall be regarded as the displaying of a fictitious number within the meaning of this section. Any person driving a motor vehicle in this State, the owner of which shall not have complied with the provisions of this sub-title, or which motor vehicle shall display a fictitous number, the same being a number other than that designated for such motor vehicle by the Secretary of State, shall, upon conviction, be fined in a sum not exceeding fifty dollars, and, in default of payment thereof, be punished by imprisonment in the county or city jail, as the case may be, for a period not exceeding thirty days; no number other than the Maryland State number shall be carried upon the front and back of the said motor vehicle while operated or used on any of the public highways of this State aforsaid, provided that residents of the District of Columbia shall not be required to remove the District number or tag when coming into Maryland, if such tag contains the initials D. C. in plain letters not less than one-half inch in height after such District license number, and provided, also, that where it clearly appears that the registration number has been lost by accident no penalty shall be imposed. Every operator of a motor vehicle shall give the name of the owner or the name and residence of the person hiring the motor vehicle if the said motor vehicle be a hired machine and the registration number of such vehicle when so requested by the keeper of a toll-gate. The managers or owners of all toll-roads shall after dark suspend a red lantern over the road-way when the gate is down.

133. Every motor vehicle shall carry during the period, from one hour after sunset to one hour before sunrise, at least two lighted lamps, showing white lights, visible at least two hundred feet in the direction to which such motor vehicle is proceeding, and shall also exhibit at least one red light visible in the reverse direction; upon the fonts of the two aforsaid lamps showing white lights, shall be displayed in such manner as to be plainly visible when said lamps are lighted, the number of the license issued as aforesaid by the Secretary of State the same to be in separate Arabic numerals in lines that are not less than two inches in height. Every motor vehicle shall also be provided with good and efficient brakes, and shall also be provided with suitable bell, horn or other signal device; provided, however, that the user of such motor vehicle may proceed to his destination in event of a bona fide failure of his lights to operate, if he sounds his bell, horn, or other signal device at least once in every two hundred feet, does not proceed at a rate of speed greater than one mile in ten minutes, and takes the first reasonable opportunity to put his lights in order, otherwise such operator to be deemed guilty of a violation of the aforegoing provision.

134. The following rates of speed may be maintained, but shall not be exceeded, upon any public street, public road or turnpike, public park or parkway, public driveway or public highway in this State by anyone driving a motor vehicle: (1) A speed of one mile in ten minutes upon the sharp curves of a highway and at the intersection of prominent cross roads where such road or highway passes through the open country. (2) A speed of one mile in ten minutes where such street or highway passes through the built-up protion of a city, town or village; except cities of 16,000 inhabitants or over, elsewhere except as otherwise provided in this sub-title, a speed of one mile in five minutes; provided, however, that nothing in this section contained shall permit any person to drive a motor vehicle at any speed greater than is reasonable, having regard to the traffic and use of highways, or so as to endanger the life or limb, or to injure the property of any person; and it is further provided that nothing in this section contained shall effect the right of any person injured in his person or property by the negligent operation of a motor vehicle to sue and recover damages as heretofore.

135. Upon approaching a person walking in the roadway of a public highway, or a horse or other draft animal being ridden, led or driven thereon, a person operating a motor vehicle, shall give reasonable warning of its approach by signalling with a horn or other device, and shall reduce the speed of such vehicle to a speed not exceeding one mile in ten minutes, while near to and passing such animals so ridden led or driven as aforesaid, and it shall be the duty of the person so riding, leading or driving such horse or other animal when approached from the rear, as soon as practicable, to turn to the right of the centre of the roadway, leaving a clear out space for such motor vehicle to pass. If such horse or other draft animal shall appear frightened at the approach of such motor vehicle, whether approaching from the front or rear, or if the person in charge of such animal shall signal by raising his hand, the person in charge of such motor vehicle, if going toward such horse from an opposite direction, shall guide the motor vehicle as far as practicable to the side of the roadway, and bring the same to a stop, and remain standing until the person in charge of such horse or other animal can drive or alight, and lead his horse by, if going in the same direction, shall reduce the speed of such motor vehicle and bring the same to a stop until such person in charge of such horse or other draft animal shall have had reasonable time to alight, if desired, and take hold of such horse or other draft animal, or otherwise control the same. In meeting or overtaking horse or other draft animals ridden or driven by ladies of children unattended by a man, it shall be the duty or the person in charge of a motor vehicle to use every reasonable precaution to avoid frightening such horse or other animal, and if requested to do so, to stop such motor vehicle, alight therefrom, and lead such horse or other animal by such motor vehicle, and take such other precaution as may be necessary to avoid accident. The horn or other signal device shall be used only for the purpose of giving a signal of approach, and shall not be sounded while passing a horse or other draft animal. The horn or other signal device shall also be sounded in approaching sharp curves, intersecting highways and the tops of hills, when driving in the open country. In passing a horse or other draft animal left unattended by the roadside, whether hitched or unhitched, and whether in a city, town or village or in the open country, the person in charge of a motor vehicle shall reduce the speed thereof to a mile in ten minutes, and upon any sign of the horse or horses being frightened, shall immediately stop and give notice of his approach by a blast of his horn or other signal device, and remain standing until the owner or driver of such horse or horses can get hold of or control same.

136. The Board of County Commissioners, or other proper local authorities having charge of the roads and highways (in Baltimore City, the Board of Police Commissioners,) may in their discretion, notwithstanding the other provisions of this sub-title, set aside for a given time a specified public highway or highways for speed tests or contests, to be conducted under proper restrictions for the safety and convenience of the public.

137. Any person driving a motor vehicle upon any of the public highways of this State in an organized race (except as in this Act otherwise provided) or on a bet or wager, shall upon conviction, be fined in a sum not exceeding $100 and in default of payment thereof, be punished by imprisonment in the county or city jail, as the case may be, for a period not exceeding thirty days, the words "organized race" as used in this section not to be taken to embrace a casual brush on the public highways, which, however, is hereby prohibited, and is to be deemed punishable, when on a highway where persons are driving, as a violation of the section prohibiting a greater speed than is reasonable, and when otherwise and the speed exceeds twelve miles an hour, as a violation of subtitle 3 of Section 134 of this Act.

138. No person operating any steam or electric motor vehicle in this State shall allow the same to stand unattended on or by any road, street or other highway, without securely locking the lever or other device by which the same is started, or taking other reasonable precautions to prevent such vehicle being started by unauthorized persons; and no person operating any gasoline motor vehicle shall leave the same unattended as aforesaid without first stopping the motor and cutting off the electric current. The penalty for a violation of the aforegoing provision shall be a fine not less than ten dollars. Any person who shall, without authority of the person in charge thereof, climb upon or in any automobile, whether while the same is in motion or at rest, or hurl stones or other missles at the same, or at the occupants thereof, or who shall, while such motor vehicle is at rest and unattended, sound the horn or other signalling device, or attempt to manipulate any of the levers, the starting crank, brakes or machinery thereof, of set said vehicle in motion, or otherwise damage or interfere with the same, shall be deemed guilty of a misdemeanor, and upon conviction, be fined in a sum not exceeding fifty dollars, and in default of payment of the fine so imposed shall be imprisoned in jail or other proper place of detention, for a period not exceeding sixty days.

139. Any person violating the provisions of this sub-title shall, except as otherwise provided therein, upon conviction be fined in a sum not exceeding the amounts hereinafter respectively set forth; For a violation of Section 131, fifty dollars; for a violation of Section 132, twenty dollars; for a violation of Section 133, twenty dollars; for a violation of Section 134, sub-division 1, twenty-five dollars; for a violation of Section 134, sub-division 2, twenty-five dollars; for a violation of Section 134, sub-division 3, fifty dollars; for a violation of Section 135, fifty dollars. In default of the payment of any of the above fines, there shall be imposed an imprisonment in the county or city jail, as the case may be, for a period not exceeding thirty days, provided that any offender who shall have been found guilty of any violation of this sub-title and sentenced therefor, and who shall be convicted of a second offence of the same violation, may for such second offence be fined in double the amount herein prescribed for the first offence, and in default of payment of such fine, may be imprisoned in jail as aforesaid for a period not exceeding three months. In the case of and operator of a motor vehicle arrested for a violation of any of the provisions of this sub-title, and who in addition thereto is charged on oath with being an habitually reckless driver or with driving habitually in excess of speed limits of this subtitle prescribed, or with habitually driving in disregard of other provisions of this sub-title, the magistrate before whom such charge is preferred, shall transmit the papers in such case to Court, accepting bail or committing in default thereof as in other cases, and upon the persons so charged being convicted of the charge so preferred as aforesaid, and if the Court be satisfied that such person has been an habitually reckless driver, or has habitually driven in excess of the speed limits herein prescribed, or in habitual disregard of other provisions of this subtitle, such court may in its discretion sentence the person so convicted to imprisonment in the county or city jail, as the case may be, for a term not exceeding sixty days, in addition to imposing the fine prescribed. Any person charged with the violation of any of the provisions of this sub-title, and being convicted thereof before any commiting magistrate or justice of the peace of this State, shall have the right to appeal from the judgment of such magistrate to the Criminal Court of Baltimore City, if convicted in Baltimore City, or court of criminal jurisdiction of any county in which he may be so convicted, and such court on such appeal shall hear the case de novo; provided, however, that such appeal be taken within thirty days from the date of judgment. All fines imposed for violations of the provisions of this sub-title shall be turned over to the proper authorities of the city or counties to be used for street or road improvements, and no part of any such fines shall go to the informer. In case the owner of a motor vehicle shall be taken into custody because of a violation of any provision of this sub-title, he shall be forthwith taken before the nearest justice of the peace or police justice or court, and be entitled to an immediate hearing and if such hearing cannot then be had, be released from custody on giving his personal recognizance to appear and answer for such violation at such time and place as shall then be ordered, secured by the deposit of a sum equal to the maximum fine for the offence with which he is charged, or in lieu thereof, by leaving the motor vehicle owned by such person, with or in the custody of such justice of the peace, police justice or clerk of such police court, or, in case such justice of the peace or police justice is not accessible, be forthwith released from custody, on giving his name and address to the officer making such arrest, and depositing with such officer a sum equal to the maximum fine for the offence for which such arrest is made, or, in lieu thereof, by leaving the motor vehicle owned by such person with such officer, provided, that in such case, the officer making such arrest shall give a receipt in writing for such sum or vehicle, and by indorsements on such receipt notify such person to appear before the nearest justice of the peace or police justice or court on the following day, naming him or it, and specifying the place and hour. In case security shall be deposited, as in this section provided, it shall be returned to the person depositing the same forthwith on such person being admitted to bail, on the surrender of the receipt or voucher given at the time to such person. If a motor vehicle shall be deposited as security as aforesaid, and the owner thereof so elect and pay the expense thereof, the same shall be taken to the nearest garage or other place where the same can be properly kept and protected, and there left subject to the order of the officer or justice in whose custody it was left as aforesaid. Any officer of person using or operating any motor vehicle so left in custody as aforesaid, shall be deemed guilty of a misdemeanor, and upon conviction, shall be sentenced to pay a fine not exceeding one hundred dollars, or in default thereof be imprisoned for a period not exceeding sixty days. If the person depositing such security as aforesaid shall fail to appear before the magistrate or court at the time specified, the amount deposited by him may be declared forfeited, and be disposed of as money deposited for bail in other cases, or the motor vehicle so left as security may be sold at public auction after ten days' notice to the owner at the address given, and by hand-bills publicly posted, such sale to be by order of the justice of the peace or police justice or court, and from the amount realized upon such sale, a sum equal to the maximum fine for the offense charged, shall be disposed of in like manner as though such sums had been deposited as aforesaid, and the surplus, if any, after deducting all expenses incurred in keeping, or the sale of such motor vehicle, be returned to such owner on demand.

139A. The word "chauffeur" as used in this section shall mean any person

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