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PUBLIC LOCAL LAWS.

CHAPTER 341.

AN ACT to amend the charter of Westminster by repealing Sections 214 to Section 254, inclusive, of Article 7 of the Code of Public Local Laws, titled "Carroll County," subtitle "Westminster," and all amendments and additions thereto, except as hereinafter preserved and retained, and to re-enact the same with amendments, in 27 sections.

Section 1. Be it enacted by the General Assembly of Maryland, That Sections 214 to 254, inclusive, of Article 7 of the Code of Public Local Laws, title "Carroll County," subtitle "Westminster," and all amendments and additions thereto, except as hereinafter retained and preserved, be and the same are hereby repealed and re-enacted with amendments, to be numbered Sections 214 to 241, inclusive, so as to read as follows:

CORPORATE NAME.

Sec. 214. The inhabitants of Westminster, in Carroll county, are hereby declared to be a body corporate by the name of ""The Mayor and Common Council of Westminster," and by that name shall have perpetual succession, may sue and be sued, have and use a common seal, which may be altered at pleasure, and have and possess all powers incident to municipal corporations, as well as those hereinafter particularly enumerated.

BOUNDARIES.

Sec. 215. The limits of the city of Westminster, as surveyed in 1896, are as follows: Beginning on the southwest at a stone marked "B. E. G.," planted on the bank of the Baltimore and Reisterstown turnpike on the line formerly a boundary between Baltimore and Frederick counties, and running northeasterly at a right angle with said turnpike four hundred yards to a marble stone, thence running parallel with the course of said turnpike four hundred yards therefrom north 35¼ degrees, west 720 feet, north 34¾ degrees west 370 feet; then with a continuous straight line parallel with the said turnpike, north 33½ degrees, west until it reaches a point at the end of 400 yards measured from the southwest edge of that point on said turnpike road now know as the intersection of Pennsylvania avenue with Main street, in the city of Westminster, then with a continuous straight line running parallel with that part of said turnpike known as Pennsylvania avenue, north 3 degrees east until it intersects a line on which the late Adam Gilbert's land bounded, said intersection being at a point near to a tree and in the public road leading to Bish's mill; then north 87¾ degrees, west 400 yards to the south-west edge of said turnpike road, then north 87¾ degrees, west 6 4-10 perches to a stone, south 29 degrees west 40 perches to a stone, south 7½ degrees east 31 2-10 perches to a stone, north 57 degrees west 11 8-10 perches to a stone, south 47 degrees west 108½ perches to a point on the southwest edge of the turnpike road leading from Westminster to Uniontown; thence south 47 degrees west 400 yards; then running parallel with the last mentioned turnpike road the three following courses, to correspond with the curvature of the same; south 73 degrees east 618 feet, south 63 degrees east 160 feet, south 52 degrees east until it reaches a point at the end of 400 yards, measured at right angles from said last mentioned turupike road (it being the southwest edge of Main street); then with one continuous straight line, parallell with both the hereinbefore mentioned turnpike roads, south 33½ degrees east until it reaches a point near to Frizzell's, now Oursler's brick yard and at the end of 400 yards measured at right angles from the southwest edge of the said Baltimore and Reisterstown turnpike; then still running parallel with last mentioned turnpike road the two following courses, to corespond with the curvature of the same; south 34¾ degrees east 370 feet, south 35¼ degrees east 1466 feet to a stone on the line between Baltimore county and Frederick county (originally), then with the same allowing for variation, north 22⅝ degrees east to the place of beginning.

ELECTION OF OFFICERS.

Sec. 216. The government of the city shall be vested in and enforced by a Mayor and a Common Council of five members, who shall be elected by the inhabitants of the city qualified to vote for delegates to the General Assembly. The Mayor shall be at least twenty-five years of age and a payer of taxes on the assessed value of at least one thousand dollars worth of property subject to municipal taxation; the members of the Council shall be at least twenty-one years of age and payers of taxes upon the assessed value of at least five hundred dollars worth of property subject to municipal taxation; and the Mayor shall have resided at least two years and the members of the Council at least one year within said city. At the election to be held in May, 1910, the Mayor and the two members of the Council receiving the highest number of votes shall hold office for the period of two years; the three other members of the Council holding for only one year; and if at this election there should be a tie between more than two candidates with the highest number of votes, the ones to hold office for two years shall be publicly determined by lot, after due notice to the parties interested by the judges of election. At the election to be held in May, 1911, there shall be three members of the Council elected for a period of two years, and at the election in the year 1912, the Mayor with two members of the Council, shall be elected for two years, and so alternately from year to year thereafter; said elections shall be held annually on the first Monday of May, at such place as shall be designated by the Mayor, between the hours of twelve o'clock noon and six o'clock in the evening. The Mayor shall give at least two week's notice of the election in the newspapers published in Westminster and by such other means as he may elect, and shall appoint three judges of election. The said judges shall have power to appoint a clerk, who shall keep a record of the persons voting and the persons voted for; and the persons having the highest number of votes for the several officers of Mayor and Common Council shall be declared duly elected. The judges and clerks of election shall notify the persons elected of their election, and the persons so elected shall severally hold their respctive offices from the third Monday of May next ensuing the election for and during the term of two years (except the three members of Council above mentioned to be elected in May, 1910, who shall hold for one year) and until their successors shall be duly elected and qualified. Said judges shall conduct such election in accord with the ordinance prescribing the same, which shall require them to make return to the Mayor and Common Council, and provide for the preservation of the ballots for a reasonable time. If notice of such election shall not be given as hereinbefore required, or if the judges of election shall not be appointed or shall refuse to act, five or more voters of the said city may call an election for said officers by notices set up in the most public places in said city, not less than one week previous to such election, therein naming the time and place of holding such election, and naming three judges thereof, who, or any two of whom, may hold such election, and have the same powers in respect thereto as the judges appointed by the Mayor.

Sec. 217. If at any election for Mayor and Councilmen, or three Councilmen, there shall be a tie vote between any candidates for the same office, a new election shall be held; of if any person elected to the office of Councilman shall refuse to act, die, resign, be disqualified or remove beyond the corporate limits, the remaining members of the Council shall elect a successor to serve the remaining part of his term, who shall qualify as the other members; and in event of the death or disqualification of the Mayor during the term of his office, he shall be succeeded by the President of the Council, as hereinafter provided, and a successor of the President of the Council shall be elected by its remaining members.

OFFICERS SHALL QUALIFY.

Sec. 218. All officers of said city, except the Mayor, before they enter upon the duties of their respective offices, shall make oath before a justice of the peace of Carroll county that they will act faithfully, without favor, partiality or prejudice, in all things appertaining to their respective offices; the Mayor shall qualify as directed by Section 7 of Article 70 of the Code of Public General Laws, title "Official Oaths," before the Clerk of the Circuit Court for Carroll county; and a failure to take such oath and to qualify within two weeks after their election shall be deemed a refusal on the part of the party failing to accept the office to which he has been elected. The Common Council shall be judges of the qualifications of the Mayor and of their own members.

BAILIFF.

Sec. 219. The Mayor, by and with the advice and consent of the Common Council, may appoint a bailiff or bailiffs, not exceeding three, who, within the limits of said city and beyond them within one-half mile thereof, shall have all the police powers of constables of the State of Maryland; and it shall be their duty to enforce the by-laws and ordinances of the city and the laws of the State of Maryland relating to crimes and misdemeanors committed within it. Special bailiffs may also be apointed by the Mayor, or, in his absence, by the President of the Council, whenever the exigency of the occasion requires it, their duties and powers being similar to the regular bailiff. The regular bailiff or bailiffs shall give bond, with security and in such penalty as shall be prescribed by ordinance, said bonds to be approved by the Mayor.

CLERK AND COLLECTOR.

Sec. 220. The Mayor and Common Council may provide by ordinance for the appointment of a clerk, and one or more collectors of tax, may prescribe his or their duties, the character and amount of penalty of the bond, which said collector or collectors shall give for the faithful performance of their duties, and fix his or their compensation; and may provide for the prompt payment of the taxes hereinafter authorized to be levied, and to enforce by distress and sale the payment of the said taxes, after such time as may be fixed by ordinance for the payment thereof, upon giving ten days' notice by handbills of such sale. The personal property of the delinquent may be seized by any constable of Carroll county or bailiff of the town upon the written direction of the collector, the proceedings had being similar to those employed for distress or rent, and the same charges may be collected as in distraint proceedings as well as an additional fee of one dollar for the collector. In event real estate is seized and the collector sells it, two weeks' notice of the sale must be given in a newspaper published in Westminster, and the proceedings shall conform as nearly as possible, after said sale, to those required by law of tax collectors in Carroll county, the sale being reported for ratification to the Circuit Court for Carroll county in equity; they may also require said collector or collectors to inform himself or themselves annually of all the property in the corporate limits liable to assessment which may have been omitted in the last assessment, and of all buildings and improvements made, and of all property acquired since said assessment, and appraise said property at its cash value, and return the same to the Mayor and Common Council at the time and in the manner to be prescribed by them; and the same shall be assessed to the proper parties, after giving them reasonable notice of such intention, and taxes shall be levied thereon thereafter and paid as other taxes are required to be paid.

COMMISSIONER OF STREETS.

Sec. 221. They shall also appoint a suitable person to be street commissioner in said city and fix his compensation, whose duty it shall be to superintend the grading, paving, repairing, keeping in order and opening of streets, lanes and alleys in said city, and the removing of obstructions therefrom; to take care of and preserve the public squares and property and preserve the health and well-being of the inhabitants of the city, he being hereby given all the police powers of constables of this State. He shall perform all other appropriate duties prescribed by the Mayor and Common Council, and give bond in such penalty and in such manner as may be prescribed by them.

MAYOR AND COMMON COUNCIL.

Sec. 222. The Mayor and Common Council shall meet on the first Monday of each month, at such hour as shall be fixed by the Common Council, and at such other times as they shall adjourn to; special meetings may be called at any time by the Mayor. They shall elect one of their number President, who during the absence, sickness or disability of the Mayor, shall be clothed with all his power and authority; and in event of the death, resignation or disqualification of the Mayor, he shall serve as Mayor for the unexpired term, receiving the salary of the Mayor, with all his power and authority; at any meeting which the President fails to attend, a President pro tem shall be elected. Three members of the Council shall constitute a quorum for the transaction of business, and the Council shall pass rules and by-laws for their own government while in session, and all by-laws and ordinances for the government of the city. The Mayor of said city, in case he disapproves of any ordinance passed by the Common Council, may refuse to sign the same, and shall return it to the Common Council at its next meeting, with his reasons for withholding his signature therefrom; and if the said ordinance, when again put upon its passage, shall receive the votes of four-fifths of the members of said Common Council, it shall become a valid ordinance without the signature of said Mayor. All ordinances, when passed, shall be printed and posted in at least ten public places in Westminster, and shall be recorded in a book provided for that purpose. And the Mayor and Common Council are authorized and directed and are given full power and authority to provide for the revision and codification of all its ordinances heretofore passed, or which may hereafter be passed, and to provide for the payment of the same, and to by ordinance approve and adopt said revision and codification as a whole, as and for the ordinances then existing and in force in the town of Westminster. And said ordinances, so revised and codified, when adopted and approved by the Mayor and Common Council, shall be evidence of said ordinances in any court of this state, or before any justice of the peace, and a printed copy thereof, published by the authority of the Mayor and Common Council, shall be received in evidence and have the same force and validity as the original. All ordinances passed before or after the adoption of such codification may also be proven by either the original or the record thereof in the book provided by the Mayor and Common Council for recording them.

GENERAL POWERS.

Sec. 223. The Mayor and Common Council of Westminster shall have power to purchase and hold real, personal and mixed property for the use and benefit of said corporation, or the recreation, entertainment and amusement of its citizens, and may convey and dispose of the same or any part thereof, and to receive property by gift, devise or deed, in trust, for any municipal object. They shall have power to pass ordinances and by-laws to prevent and remove nuisances and obstructions from the streets, lanes and alleys, and from lots adjoining streets, lanes or alleys, and from any other place within the limits of said city, and regulate and prohibit the excavation and opening of streets and alleys, and any work or anything being done therein or thereon; restrain all disorders, annoyances, disorderly conduct and drunkenness; suppress street walkers, bawdy houses and prevent gambling; prevent the firing of cannons, guns, pistols, firecrackers, fireworks or other explosives within the corporate limits; suppress fires, and prevent the danger thereof; establish or aid and assist the maintenance of a fire department; make or cause to be made and repaired, all necessary drains, sewers, culverts and bridges; direct in what part of the city wooden buildings may be erected; establish building lines on any of the streets and alleys of said town, beyond which no structure can be erected; prevent and regulate the storage of gunpowder, oil or other combustible matter in such quantities and in such places as they may deem proper; regulate the speed of horses, vehicles, motor cycles, automobiles, cars and locomotives in the city limits; regulate the maintenance of proper safety appliances by railroads at street crossings and the stopping of trains thereon; provide for the restraining or regulation of theatricals or other public amusements within said city; regulate the construction and maintenance of exits from places of amusements and all public buildings; regulate the use of sidewalks and all structures in, under or above the same, and may require the owner or occupant of premises to keep the sidewalk in front of same and gutters thereof free from snow and other obstructions, and prescribe hours for cleaning same; regulate or prevent the throwing of sweepings, dust, ashes, offal, garbage, paper, handbills, dirty liquids or any other offensive or objectionable material or substances into any street, alley or public place, or upon any vacant lot in said city; regulate or prevent the use of streets, sidewalks and public places for signs, signposts, awnings, boxes, posts, poles, horse troughs, steps, bay windows, railings, entrances, the posting of handbills and advertisements, and display of goods, wares and merchandise; regulate the putting in of sewers or drains on or under its streets or alleys, and the charges for entering and maintaining the same; grant franchise to electric companies, telegraph companies, telephone companies, street railway companies, sewer and drain companies, and any other public or quasi public service corporation; and the ordinance or contract granting such franchise especially set out the nature, right and character of same, and no power or right not expressed in the franchise or grant shall pass thereunder; regulate the erection and use of telephone telegraph and electric light poles and wires within the town; regulate the keeping of dogs in said city, and provide for the removal or killing of worthless, annoying or dangerous dogs; prevent the running at large within said city of horses, cattle, hogs, geese and any other beast, brute or fowl, and regulate or prevent the keeping of the same within said city; provide for the protection of all city property and of all public property of public service companies or corporations; punish and suppress tramps and vagrants by imposing fines, or both fine and imprisonment, or by hard labor on the streets of the city; and they may pass such other ordinances as they may deem advisable, in addition to the powers herein particularly enumerated, to provide for the good government and peace, health and welfare of the city and the inhabitants thereof. They shall have power to enforce the observance of all ordinances by fines, penalties and forfeitures not exceeding one hundred dollars for any one offense, or by imprisonment not exceeding sixty days in the jail of Carroll county, or by both fine and imprisonment; and all ordinances relating to disorderly conduct and the suppression of nuisances may be enforced within the city limits and beyond for one-half mile.

DRAINS AND HEALTH.

Sec. 224. The Mayor and Common Council shall have power to provide by ordinance for the construction, opening, enlarging or straightening of any sewer or drain and for regulation of the same; for paving and keeping in repair all necessary sewers and drains or guters; to provide by ordinances for the purchase and condemnation of private or public property, as is now provided in this Act for the condemnation and opening of streets in said city, for the purpose of paving, building and maintaining any sewer or drain for surface water in said city; they are empowered to by ordinance regulate and prohibit cesspools, earth pits and other means of sewerage disposal; to regulate or exclude places where offensive trades or any offensive occupation is conducted or engaged in; to regulate or exclude pig pens within the corporate limits; to pass ordinances governing the disposal of garbage or refuse; to regulate or exclude slaughter houses within the corporate limits; to pass ordinances to close polluted wells, springs, and other sources of water supply when such sources shall be certified by the State Board of Health, after proper analysis, to be polluted; and to pass ordinances for the quarantine and regulation of all communicable diseases, not inconsistent with the laws of this state or with the rules and regulations of the State Board of Health; and its officers may enter upon and into any private property or building whenever necessary to execute or enforce any such ordinance.

LICENSES.

Sec. 225. The Mayor and Common Council of Westminster shall have full power and authority to regulate and provide for the issuing of licenses or permits for all hawking, peddling and vending of patents, and of goods, wares and merchandise of every description, upon the streets, lanes, alleys or highways of the city of Westminster; to issue licenses or permits to all itinerant peddlers who may go from house to house to vend or sell any goods, wares or merchandise; to issue licenses to any and all persons entering into or beginning any transient business in said city, for the sale or purchase of any goods, wares or merchandise; to impose a license upon all fire insurance companies and agencies located in or doing business in said city; to regulate and provide for the issuing of licenses to all traveling persons or peddlers who dispense medicines or medical advice; to regulate, license and tax restaurants and saloons, and other places where malt, spirituous, vinous or fermented liquors are sold; to regulate, license and tax all hackney carriages, omnibuses or other vehicles used in said city for the carriage of passengers or which ply for hire; all motor cycles, carriages, wagons, automobiles, motor cars or wagons, or other vehicles used therein for the carriage, transportation or delivery of freight or merchandise, and to provide for the numbering thereof; to regulate and license all pawnbrokers, junk dealers, fire sales and auction sales; to regulate and license all nine or ten pin alleys, bowling alleys, skating rinks, theatres, moving picture shows, boxing and sporting matches, wrestling contests, and all shows and exhibitions of every kind; to license or tax the erection of poles and use thereof by telephone, telegraph, electric light or other companies; to license all billiard, pool and bagatelle tables kept for public use; to license dogs and to provide for the killing of those going at large unlicensed; and they may pass all ordinances necessary from time to time to carry out the foregoing provisions, and enfore the observance of such ordinances by reasonable fines and penalties, not exceeding one hundred dollars in any one case; and they may recover said fine or penalty by action of debt, and in addition thereto they may provide for the imprisonment of the offender for a period not exceeding sixty days, or until the fine be paid; provided, that no greater sum than one hundred dollars be charged for any one license.

LIGHT AND WATER.

Sec. 226. The Mayor and Common Council of Westminster may contract with any corporation, firm or person for the lighting of the city with either electric, gas or by such other means as they may deem proper; and for water for use for extinguishing fires or for other city purposes; provided, no such contract shall be for a longer period than ten years; and the said Mayor and Common Council of Westminster are hereby authorized and directed to annually levy a special tax upon the property subject to assessment in the city of Westminster sufficient to pay for such light or water, whether now or hereafter contracted for; and the said special tax so levied shall be collected as other taxes are collectible, and the surplus, if any, of such special tax shall be annually carried forward to the account of this fund for the succeeding year, and at the expiration of any such contract the balance shall go into the general funds of the city of Westminster.

Sec. 227. The present rates of the Consolidated Public Utilities Company of Westminster for supplying water, gas and electric light to the city of Westminster and to the inhabitants thereof shall not be hereafter increased without the consent of the Mayor and Common Council of Westminster being first given; and if the Mayor and Common Council of Westminster will not consent to any proposed increase in rates by the Consolidate Public Utilities Company of Westminster, its successors or assigns, then the matter of such increase of rates shall be submitted to three arbitrators to decide (first) if any proposed increase in the rate should be made, and, if said arbitrators decide an increase in any such rate should be made, (second) to determine what would be a fair and reasonable increased rate; and the decision of said arbitrators shall be binding and effective on the Mayor and Common Council of Westminster, and the said Consolidated Public Utilities Company of Westminster, its successors and assigns, and may be enforced by any proceeding at law or in equity or by ordinance of the Mayor and Common Council.

Sec. 228. And the said three arbitrators shall be residents and qualified voters of the city of Westminster, at least thirty years of age, and owners of assessed property within the corporation limits of Westminster to the amount of at least $1,000; and the said Mayor and Common Council of Westminster shall name one of said arbitrators and the said The Consolidated Public Utilities Company of Westminster, its successors or assigns, shall name the second arbitrator, and the two arbitrators thus appointed shall name the third arbitrator on their appointment and before any hearing is begun. If any arbitrator appointed as aforesaid shall die, refuse to act or be disqualified, the vacancy so occasioned shall be filled by the appointment of an arbitrator in the same manner as the one so dying, refusing to act or disqualified was appointed.

Sec. 229. Every arbitrator so appointed shall, before he enters upon the duties of such office take and subscribe to the following oath or affirmation before the Clerk of the Circuit Court for Carroll County: "That I will, to the best of my judgment and skill, dilligently and faithfully, without partiality or prejudice, execute the office of arbitrator and perform its duties imposed by my appointment; and that I will not, directly or indirectly, receive any reward or compensation for the discharge of said duties except as may be agreed upon by the Mayor and Common Council of Westminster and the Consolidated Public Utilities Company of Westminster; and every arbitrator shall qualify by taking this oath or affirmation as herein provided within ten days from the date of his appointment; and his failure to so qualify shall disqualify him within the meaning of the last preceding section.

STREETS-OPENING.

Sec. 230. They shall have power to provide for laying out, opening and extending, or widening or closing, straightening, in whole or in part, any street, alley or square in the city, and may fix the dimension thereof which in their judgment the public welfare or convenience may require; to provide for ascertaining whether any, and if so, what amount in damage will be caused thereby for which the owner or pessessor of any property, through or over which such street or alley may pass or square or park may lie, ought to be compensated and paid; and for assessing and laying either generally on the whole assessable property within the city or specially on the property of persons specially benefitted by such improvement, the whole or any part of the damages and expenses which may be incurred in laying out, opening, extending, straightening or widening such street, lane or alley, square or park; to provide (in case they shall determine to levy and assess the whole or any part of said damages and expenses upon the owners of the property in the city specially benefitted by such improvement) for the apportionment amongst them of the amount of such damages and expenses so determined, to the levied upon them in due proportion to the amount of benefits by them, respectively, received; to provide for the appointment of commissioners to assess said damages and benefits and prescribe their duties and compensation; to provide for the condemnation of all land and property so taken for public use in opening, extending, straightening or widening, in whole or in part, any street, lane or alley as aforesaid, and for the notice to be given in relation thereto; to provide for the payment of the damages so awarded, and for the mode of payment, and collection of the benefits so determined to be assessed; and to pass all ordinances necessary and proper to the exercise and enforcement of the powers granted in this section; provided, however, that no land or property shall be taken under the powers given in this section without just compensation being first paid or tendered to the party entitled to such compensation, as agreed on with the owners of such property or awarded by a jury summoned for the purpose by the sheriff of Carroll county, in the mode and at the time prescribed by said Mayor and Common Council; and provided further, that provisions is made in all such ordinances for reasonable notice to the person whose land is to be condemned or against whom benefits are to be assessed, with the right of appeal to the Circuit Court for Carroll county by any and all persons interested, including the Mayor and Common Council, from the decision of the jury of condemnation, or persons appointed or authorized to assess such damages or benefits.

STREETS AND SIDEWALKS.

Sec. 231. The Mayor and Common Council of Westminster shall have the power to provide by ordinance for the grading, paving and curbing, or the regrading, repaving and recurbing, of any street, alley and lane, or part thereof, in the corporate limits of said city of Westminster, now condemned, ceded or opened as a public highway, or which hereafter may be condemned, ceded, opened, widened, straightened or altered, according to the ordinances regulating the same; to lay flagstones across said streets, alleys and lanes, whenever necessary; to provide of what material the streets, alleys and lanes, sidewalks, gutters and curbs, in said city shall be paved and curbed, and how the same shall be done and kept in good repair. They may pass all ordinances necessary for the grading and regrading, paving, repaving and repairing of the streets, alleys, lanes and footways of the said city; and compel, by fine or otherwise, the owner or proprietor of any lot to pave or repave, grade or regrade or repair the footways, curbs and gutters fronting thereon, at the expense of said proprietor or owner, in whole or in part; and if any proprietor or owner of a lot shall neglect to grade and pave, or repave or repair the footways and gutters of said lot, within thirty days after notice has been given by the Mayor or street commissioner of said city, either by publication in a newspaper in the city of Westminster not less than four consecutive times, or by service of the said notice on the proprietor or owner, requiring the same to be done, the Mayor and Common Council may direct the street commissioner to cause the same to be done at the expense of the owner or proprietor of said lot, which expense, together with an addition thereto of ten per cent. for the expense of collection, shall be a lien on said property until paid, and shall be collected by the tax collector of said city in the same manner that ordinary taxes are collected, or by the Mayor and Common Council as other debts of like amount are recovered in this State by law; provided, however, that the additional ten per cent. for the expense of collection, specified above, shall not be charged except in cases wherein the said Mayor and Common Council are obliged to resort to legal proceedings to make said collection.

STREETS—ASSESSMENT FOR PAVING.

Sec. 232. Whenever the owners of two-thirds of the lineal feet of property binding on any public street, square, avenue or other city thoroughfare, or part thereof, shall petition in writing to the Mayor and Common Council of Westminster to have such public street, square, avenue or other city thoroughfare, or part thereof, macadamized, telfordized, paved, renewed or remade, the Mayor and Common Council of Westminster may by ordinance provide for such street, square, avenue or other city thoroughfare, or part thereof, being macadamized, telfordized, paved, renewed or remade, and by such ordinance assess not more than two-thirds of the cost of such work or improvement, pro rata, upon all the property binding upon such street, square, avenue or other city thoroughfare, or part thereof so improved, according to the lineal feet of property binding upon the same; and the remaining cost of such work or improvement shall be paid by the Mayor and Common Council of Westminster; provided, that after the introduction of such ordinance and before its final passage the Mayor and Common Council of Westminster shall give public notice of the said ordinance, and that any person interested therein will be heard upon any matter relating thereto, by the Mayor and Common Council of Westminster, at a public hearing to be held at the time and place designated in said notice, which shall be published in one of the newspapers published in Westminster for two successive weeks before said hearing; and in addition to such notice the Mayor and Common Council may provide for such other notice to and hearing of the owners of property affected as it may deem requisite and proper.

Sec. 233. The Mayor and Common Council of Westminster may, from time to time, by ordinance provide for the submission to the qualified voters of Westminster, at any annual municipal election held in Westminster, or at any special election called for that purpose by the Mayor and Common Council, of the question of renewing, remaking, repaving and grading any specified street, square, avenue or other city thoroughfare, or part thereof, and the payment of not more than two-thirds of the cost thereof by the abutting property on such streets, pro rata, according to the lineal feet of property bounding thereon, the remaining cost of such work or improvement to be paid by the Mayor and Common Council of Westminster; and if two-thirds of the vote cast at such election shall be in favor of the said specified improvement, the Mayor and Common Council of Westminster shall by ordinance provide for such renewing, remaking, paving and grading of any such specified street, square, avenue or other city thoroughfare, or part thereof, and the payment of not more than two-thirds of the cost thereof, as specified by such ordinance, shall be assessed pro rata upon all the property binding upon such street, square, avenue or other city thoroughfare, or part thereof so improved, according to the lineal feet of property binding upon the same; and the remaining cost of such improvement or work shall be paid by the Mayor and Common Council of Westminster; provided, that the Mayor and Common Council of Westminster shall give public notice of the passage of the ordinance submitting this question to vote, as aforesaid, by publishing said ordinance in one of the newspapers published at Westminster for four successive weeks prior to such election.

Sec. 234. The assessment mentioned in the preceding sections shall be a lien on the property on which the assessment is made until the same be paid; and may be collected in any of the methods and ways for collecting taxes after the expiration of ninety days from the date of the said assessment.

Sec. 235. A tenant for ninety-nine years, or for ninety-nine years renewable forever, or the executor or administrator of such tenant, or the guardian of an infant owner, or a mortgage in possession, shall be deemed and taken as an owner for the purpose of any application to the Mayor and Common Council of Westminster authorized by these aforegoing sections; and a tenant for ninety-nine years, or for ninety-nine years renewable forever, and the executors or administrators of such tenant, or the guardian of an infant owner, or a mortgagee in possession, shall be deemed and taken as the proprietor or owner of the estate or property assessable within the meaning of this Act in reference to streets and sidewalks, gutters and curbing, as well as for all other purposes and objects by it authorized.

ASSESSMENT.

Sec. 236. Whenever they think the public interest requires it, the Mayor and Common Council of Westminster may cause an assessment to be made of all property in the city, real, personal and mixed, which is subject to assessment for county and State taxes under the general laws of this State, whether the owners thereof reside within or without the city; and they may prescribe the manner in which such assessment shall be made; and provide for hearing appeals and adjusting all differences in valuation and disputes in relation to such assessment; make transfers and abatements and do all other acts and things necessary for making and completing such assessment; and may provide for the annual assessment of property not included in the last general assessment. The assessment heretofore made under any ordinance passed by said corporation shall be chargeable with taxes levied for the use of the corporation; and the Mayor and Common Council may provide by ordinance for the increase or abatement of any erroneous assessment. And for the encouragement of a new industry they may abate in whole or in part the assessment upon any property, machinery or tools belonging to a manufacturing corporation or individuals, for such period of time as they may determine, not exceeding ten years.

ANNUAL TAX.

Sec. 237. They may levy annually a general tax on the property in said corporation assessed as aforesaid not exceeding thirty cents on every one hundred dollars of the assessed value thereof, which shall be a lien on said property, real, personal and mixed, of the taxpayers of said city, respectively, until paid; and interest shall be chargeable on such taxes after thirty days from the time when the said are due and payable; and they shall be due and payable thirty days from the date of levying the same. The said corporation may also, in its discretion, allow a discount not exceeding five per centum for prompt payment of said taxes.

POLICE JUSTICE.

Sec. 238. The Justice of the Peace of the Seventh Election District of Carroll county selected by the Judge of the Circuit Court for said county, to serve as Police Justice, is hereby given jurisdiction to try, hear and determine all offenses and acts committed in disregard of the ordinances of the Mayor and Common Council, and upon complaint made before him of the violation of any ordinance of said corporation he shall issue process in the name of the Mayor and Common Council, directed to a Bailiff, Constable or Sheriff of Carroll county, to recover the fine or penalty imposed for the violation of such ordinance or the arrest of the party offending; and he shall hear and determine the matter in controversy as in any case arising under the laws of the State, and shall receive the same fees therefor.

Sec. 239. In default of payment of any fine or penalty imposed by him for a violation of any ordinance of the said corporation, the said Justice of the Peace so serving as Police Justice may commit the party offending to the county jail of Carroll county for the time prescribed by said ordinance; or, in event said ordinance omits to prescribe the fine or time, may impose a fine not exceeding one hundred dollars, and in default of its payment may commit for a period not exceeding sixty days, or may impose both fine and imprisonment, in his discretion. And the Sheriff of said county shall receive and confine the person so committed in the same manner as other prisoners; provided, that any person so fined or committed to jail shall have the right to take an appeal to the Circuit Court for Carroll county within ten days from the date of trial; and may, upon entering into his recognizance with sufficient security, be released from legal custody.

TURNPIKE.

Sec. 240. The said Mayor and Common Council is authorized and empowered to agree and contract with the president and managers of the Baltimore and Reisterstown Turnpike Company for the use and control or purchase of so much of the road of said turnpike company as passes through Westminster, or as much thereof as may be desired, upon such terms and conditions as may be mutually agreed to by and between the parties aforesaid, for use as a public highway.

Sec. 241. The non-user or failure to execute any of the rights and privileges hereby conferred upon the Mayor and Common Council of Westminster, shall work no forfeiture thereof.

Sec. 2. And be it enacted, That nothing in this Act contained shall be construed to in any manner affect or invalidate any contract or franchise entered into or granted by the Mayor and Common Council of Westminster now in force, or any Act passed at this session of the Legislature authorizing the issuing of bonds or the borrowing of money.

Sec. 3. And be it further enacted, That the provisions of Chapter 314 of the Acts of 1900, relating to the Fire Company; of Chapter 508 of the Acts of 1900, relating to the Road Tax; of Chapter 395 of the Acts of 1900, relating to the Postoffice site; of Chapter 292 of the Acts of 1882, codified as Section 238 to 246, inclusive, of Article 7 of the Code of Public Local Laws, title "Carroll County," subtitle "Westminster" (which last-mentioned law shall exist only as long as the present contract for water made under its provisions continues), be and they are hereby declared not to be repealed or affected by this Act, and are to be and remain in force as fully as though herein at large set forth.

Sec. 4. And be it further enacted, That all Acts or parts of Acts inconsistent with the aforegoing provisions be and the same are hereby repealed.

Sec. 5. And be it further enacted, That this Act shall take effect from the date of its passage.

Approved April 5, 1910.

AUSTIN L. CROTHERS, Governor.
ARTHUR P. GORMAN, JR., President of the Senate.
ADAM PEEPLES, Speaker of the House of Delegates.

Office of the Secretary of the Senate:

I Hereby Certify, That the aforegoing is a true copy of an Act of the General Assembly of Maryland, passed at the January session, 1910.

MAX WAYS, Secretary of the Senate.

CHAPTER 325.

AN ACT to repeal Section 8 of Article 51 of the Code of Public General Laws of Maryland (1904) title, "Juries" and to re-enact the same with amendments.

Section 1. Be it enacted by the General Assembly of Maryland, That Section 8 of Article 51 of the Code of Public General Laws of Maryland (1904) be and the same is hereby repealed and re-enacted with amendments so as to read as follows:

Section 8. When said list of names selected as directed in the preceding Section is made and certified as therein provided for, immediately there upon the said Judges of the said respective Courts, in the presence of the members of the Bar as aforesaid and such other persons as may think proper to be present, shall cause all the names selected and placed on the list as aforesaid to be legibly written upon ballots, which shall be of equal size and of the same color and appearance and shall be closely rolled or folded and in each of the Counties, except Baltimore, Frederick, Montgomery and Carroll Counties, placed by the said Judges with their own hands before the drawings herein provided for in a cube-form box with a sliding top of the square of eight inches to be procured for that purpose by the Clerk of said Court under the direction of the said Judges, and after so depositing said ballots the said box shall be closed and the said Judges shall then cause the Clerk or one of his deputies whom the said Judges shall designate (neither the one nor the other who may be so required to act to be present at the writing, rolling or folding and depositing said ballots into the box as herein directed) to appear before them and then and there in the presence of the said Judges and such other persons as may choose to be present after well and thoroughly shaking the said boxes that the ballots be well mixed, to draw from said Box through such opening made by removing the sliding top thereof as will only conveniently admit the hand and without in any manner looking into said box one by one forty-eight of said ballots, and the names appearing on said ballots as drawn shall be duly recorded by said Judges or by the Clerk in their presence and under their direction in the order in which they shall be drawn.

In Baltimore County a box shall be procured as aforesaid of the form aforesaid and of sufficient size, and said box shall be divided into fifteen compartments, which shall be numbered to correspond with the Districts of the said County, and the names of the persons selected as aforesaid shall be placed by the said Judges in the said compartments of the said box, respectively, which bear the numbers of the Districts where the persons so selected respectively reside, and there shall be then drawn in the manner hereinbefore provided for the other counties four names from compartment number one, three from number two, four from number three, three from number four, two from No. five, three from No. six, three from No. seven, four from No. eight, four from No. nine, two from No. ten, three from No. eleven, four from No. twelve, two from No. thirteen, two from No. fourteen and four from No. fifteen.

In Frederick county there shall be procured by the Clerk of the Circuit Court a jury box of convenient size, which shall be divided into as many compartments as there may from time to time be election districts in said county, and which compartments shall be numbered to correspond with the districts of the county, and the names of the persons selected by the judges of the Circuit Court for said county in the manner prescribed in this Article, shall be placed by said judges in said compartments of said box, respectively, which bear the numbers of the districts where the persons so selected, respectively reside; and it shall be the duty of said judges when selecting the panel of two hundred persons as provided for in Section 7, to select twenty five of said names from Election District No. 2, and the remaining one hundred and seventy-five names from the remaining election districts of the county, equally as nearly as possible, and there shall then be drawn in the manner provided in this Article for the other counties nine names from compartment No. 2, and the other thirty-nine names necessary to make up the full number of forty-eight shall then be drawn from the remaining compartments, so that at least one and not more than two names shall be drawn from each of said other compartments, the said Judges designating from which of said compartments but one name shall be drawn; provided, that in drawing the Jurors for the December term of the Circuit Court for said county the twenty-five names required shall be taken from those remaining in the box after the drawing of the preceding August term, five to be drawn from the compartment No. 2, and one from each of the other compartments, so long as there are twenty-one election districts in said county, and whenever the number of election districts in said county shall exceed twenty-one, then five names shall be drawn from said compartment No. 2 and the remaining twenty shall be made up by drawing one from each of twenty other districts, to be designated by said judges; and no name which may be so drawn to serve as a regular juror in Frederick county at any term of court shall be replaced in said box for the period of two years thereafter.

In Montgomery county a box of the form aforesaid shall be procured as aforesaid and of convenient size, and said box shall be divided into as many compartments as there may be election districts in said county, which shall be numbered to correspond with the election districts in said county, and the names of the persons selected as aforesaid shall be placed by the said judges in the said compartments of said box, respectively, which bear the numbers of election districts where the persons so selected respectively reside, and there shall then be drawn in the manner hereinbefore provided for the other counties three names from compartment No. 1, three from No. 2, four from No. 3, six from No. 4, four from No. 5, three from No. 6, three from No. 7, four from No. 8, four from No. 9, three from No. 10, three from No. 11, three from No. 12 and five from No. 13.

In Carroll county a box of the form aforesaid shall be procured as aforesaid, and of convenient size, and said box shall be divided into as many compartments as there may be election districts in said county, which shall be numbered, respectively, to correspond with the election districts in said county and the names of the persons selected, as aforesaid, shall be placed by the said judges in the said compartments of the said box, respectively, which bear the numbers of the districts where persons so selected, respectively reside; and it shall be the duty of the judges of the Circuit Court for Carroll county, when selecting the panel of two hundred persons, as provided for in the preceding sections of this Article, to select sixteen of said names from the first Election District, sixteen from the Second Election District, twelve from the third Election District, nineteen from the Fourth Election District, fourteen from the Fifth Election District, twenty-two from the Sixth Election District, thirty-six from the Seventh Election District, thirteen from the Eighth Election District, eight from the Ninth Election District, eight from the tenth Election District, twelve from the Eleventh Election District, eight from the Twelfth Election District, seven from the Thirteenth Election District and nine from the Fourteenth Election District; and there shall then be drawn in the manner hereinbefore provided for the other counties, four names from compartment No. 1, four from No. 2, three from No. 3, four from No. 4, three from No. 5, five from No. 6, nine from No. 7, three from No. 8, two from No. 9, two from No. 10, three from No. 11, two from No. 12, two from No. 13 and two from No. 14; provided, that in drawing the jurors for the February term of the Circuit Court for said county, the twenty-five names required shall be taken from those remaining in the box after drawing for the preceding November term, two to be drawn from compartment No. 1, two from No. 2, two from No. 3, two from No. 4, one from No. 5, three from No. 6, four from No. 7, two from No. 8, one from No. 9, one from No. 10, two from No. 11, one from No. 12, one from No. 13 and one from No. 14; if from any cause the number of names remaining in said compartments, after the drawing for the November term of said courts, be less than one hundred in the aggregate, then in that event the judge or judges of said court shall, before the drawing for the February term of said court, place in said compartments in proper proportion a sufficient number of names as aforesaid to make the aggregate number one hundred.

And the said names so drawn in Baltimore, Frederick, Montgomery and Carroll counties shall be recorded as hereinbefore directed for the other counties, and thereupon the said judges shall forthwith order a venire facias, directed to the sheriffs of said counties, respectively, commanding them to summon as jurors to attend at the next ensuing term of said courts the several persons whose names may be drawn as aforesaid; if any such persons whose names are so drawn and embraced in said venire facias should be dead, sick or otherwise unable to attend, or should be absent and therefore not to be found, it shall be the duty of said sheriff forthwith to return the fact of said death, disability or absence, and said judges shall thereupon cause to be drawn from said box in the manner hereinbefore directed other names in the place and stead of the original who may be dead, disabled or absent, and shall cause the name or names of such person or persons so as last aforesaid drawn to be inserted in said venire facias to be summoned as aforesaid, and it shall be the duty of the Sheriff to summon the person named in said venire facias and make return thereof to the said court at the opening of its session. This section shall not apply to Prince George's county, nor to Dorchester, Wicomico, Anne Arundel, St. Mary's, Caroline, Somerset, Worcester, Garrett, Allegany, Queen Anne's, Talbot or other counties, as to which special provision is made by the local law therefor.

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

Approved April 11, 1910.

AUSTIN L. CROTHERS,
Governor.
ARTHUR P. GORMAN, JR.,
President of the Senate.
ADAM PEEPLES,
Speaker of the House of Delegates.

Office of the Secretary of the Senate:

I Hereby Certify, That the aforegoing is a true copy of an Act of the General Assembly of Maryland, passed at the January Session 1910.

MAX WAYS,
Secretary of the Senate.

CHAPTER 252.

AN ACT to give the consent of the State of Maryland to the United States acquiring by purchase or otherwise, sufficient land in this State for the construction of a highway from the city of Washington, District of Columbia, to Gettysburg, State of Pennsylvania, with the right to condemn such land as it may find necessary for such highway.

Whereas, It has been proposed that the Congress of the United States should construct as a memorial to Abraham Lincoln a great highway from Washington to Gettysburg, and

Whereas, a bill is now pending before Congress for an appropriation for the necessary surveys and estimate of cost of such highway, therefore,

Section 1. Be it enacted by the General Assembly of Maryland, That the consent of the State of Maryland be and is hereby given the acquisition by the Government of the United States of such land or rights of way in this State, as may be required by it, in the construction of a highway from the city of Washington, District of Columbia, to Gettysburg, State of Pennsylvania, as a memorial to Abraham Lincoln, and all deeds, conveyances or papers for such land shall be recorded, as in other cases, among the Land Records of the County where it lies, and if such land cannot be acquired by purchase or gift, or for any other reason perfect title thereto cannot be had, it may be condemned in the manner as is in other cases provided for, by Article 96 of the Code of Public General Laws of this State, the proceedings to be in the name of the United States being in conformity with the procedure in said Article set forth.

Section 2. And be it further enacted, That jurisdiction is ceded to the United States over all such lands as may be obtained by it for the aforesaid purpose, provided however, that concurrent jurisdiction with the United States over all lands obtained under the provisions of this Act is hereby retained by the State of Maryland so far as to crimes or misdemeanors committed thereon, and that all process, both civil and criminal of the State of Maryland, or any municipal corporation thereof, may be executed upon the lands so obtained or in the building thereon.

Approved April 11, 1910.

AUSTIN L. CROTHERS,
Governor.
ARTHUR P. GORMAN, JR.,
President of the Senate.
ADAM PEEPLES,
Speaker of the House of Delegates.

Office of the Secretary of the Senate:

I Hereby Certify, That the aforegoing is a true copy of an Act of the General Assembly of Maryland, passed at the January Session, 1910.

MAX WAYS,
Secretary of the Senate.

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