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PUBLIC GENERAL LAWS FOR THE YEAR 1912

Passed at the January Session of the Maryland General Assembly

PUBLISHED BY AUTHORITY OF THE GENERAL ASSEMBLY

RAILROADS—MOTIVE POWER.

CHAPTER 517.

AN ACT to repeal section 300A-1 of Article 23 of the Code of Public General Laws of Maryland, title "Corporations," sub-title "Railroad Companies," as the said section was re-enacted with amendments by the Act of 1908, Chapter 154, and ments; said section to be designated as section 322 of the said article and relating to the change or use of motive powers in the operation of railroads.

Section 1. Be it enacted by the General Assembly of Maryland, That section 300A-1 of Article 23 of the Code of Public General Laws of Maryland, title "Corporations," sub-title "Railroad Companies," as the said section was re-enacted with amendments by the act of 1908, Chapter 154, be and the same is hereby repealed and re-enacted with amendments; the said section as re-enacted to be designated as section 322 of said article, and to read as follows:

Section 322. Every railroad company of this state, heretofore or hereafter incorporated, may in its discretion and from time to time, make use of any motive power or motive powers, on the whole or any part or parts of its road, for the purpose of operating its road or any part or parts thereof, or for the movement of all or any of its cars or trains; provided, however, that every railroad company changing its motive power, in whole or in part, from steam to electricity, or other motive power, shall continue to be subject to all the provisions of the laws of this State relating to the taxation of railroad companies whose roads are worked by steam power, to all intents as if no such change of motive power had been made, and that every railroad company changing its motive power, in whole or in part, from electricity or other motive power other than steam, to steam, shall become subject to all the provisions of the laws of this State relating to the taxation of railroad companies whose roads are worked by steam power, and provided, however, that the provisions of this section shall not authorize any railroad company to operate its cars or trains by steam or other power along the streets of any city or town, or along any public road, without the consent of the proper municipal or county authorities.

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

Approved April 11, 1912.

LANDLORD AND TENANT.

CHAPTER 534.

AN ACT to add a new section to Article 53 of the Code of Public General Laws of Maryland, title "Landlord and Tenant", sub-title "Tenants Holding Over," regulating the time for the trial of ejectment cases appealed under section 4 of Article 53 of the Code of Public General Laws of Maryland, said section to be known as section 4A.

Section 1. Be it enacted by the General Assembly of Maryland, That a new section be added to Article 53 of the Code of Public General Laws of Maryland, title "Landlord and Tenant," sub-title "Tenants Holding Over," to be known as section 4A and to read as follows:

4A. That the Appellate Court, being then in session, shall, upon the application of either party, set a day for the hearing of said appeal, not less than five days nor more than fifteen days after such application; and notice of such order for hearing shall be served on the opposite party or his counsel at least five days before such hearing.

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

Approved April 8, 1912.

EXEMPTION FROM JURIES.

CHAPTER 737.

AN ACT to repeal and re-enact with amendments section 3 of Article 51 of the Code of Public General Laws, title "Juries," sub-title "Qualification and Selection of Jurors."

Section 1. Be it enacted by the General Assembly of Maryland, That section 3 of Article 51 of the Code of Public General Laws, title "Juries," sub-title "Qualification and Selection of Jurors," be repealed and re-enacted with amendments to read as follows:

All persons over seventy years of age and all delegates, coroners and constables during their continuance in office, and all schoolmasters, physicians and pharmacists shall be exempt from attendance as jurors.

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

Approved April 11, 1912.

NON COMPOS MENTIS.

CHAPTER 478.

AN ACT to repeal and re-enact with amendments section 117, 118 and 119 of Article 16 of the Code of Public General Laws, title "Chancery," sub-title "Non Compos Mentis."

Section 1. Be it enacted by the General Assembly of Maryland, That sections 117, 118 and 119 of Article 16 of the Code of Public General Laws, title "Chancery," sub-title "Non Compos Mentis," be and the same are hereby repealed and re-enacted with amendments so as to read as follows:

117. The Court, which may have appointed the guardian, committee or trustee of the property of a person non compos mentis may, upon the application of such guardian, committee or trustee with any process or order of publication, order or decree any real or leasehold property of a person non compos mentis to be mortgaged, or may order or decree any real or leasehold property of a person non compos mentis to be leased for any term of years, or may order or decree the surrender of any lease of the estate or property of such person non compos mentis to be accepted, and the same to be demised anew on such terms and conditions as the Court may direct.

118. In all applications by a guardian, committee or trustee of the property of a person non compos mentis to sell any of the real, leasehold or personal property of such person non compos mentis, or to mortage any of the real or leasehold property of such person non compos mentis or to demise any of the real or leasehold property of such person non compos mentis, or to accept the surrender of lease thereof, the Court shall, before passing an order, or decree, have proof taken as in other Chancery cases as to the value, quantity and condition of the property and after considering all the circumstances if the Court shall deem it to the interest and advantage of such person non compos mentis it may order or decree a sale, mortgage, lease or surrender of a lease of the whole or any part of said property on such terms and conditions as the Court may prescribe.

119. No sale, mortgage, lease or surrender of a lease of the property real or personal of a person non compos mentis shall be valid unless the same shall be reported to and confirmed by the Court.

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

Approved April 8, 1912.

TESTAMENTARY LAW—DESCENTS

CHAPTER 92.

AN ACT to repeal and re-enact with amendments Section 5, 19, 20 and 27 of Article 46 of the Code of Public General Laws of Maryland (1904) title, "Inheritance," sub-title "Descents."

Section 1. Be it enacted by the General Assembly of Maryland, That Sections 5, 19, 20 and 27 of Article 46 of the Code of Public General Laws of Maryland (1904) title, "Inheritance," sub-title "Descents," be and the same are hereby repealed and re-enacted with amendments so as to read as follows:

5. If no brother or sister as aforesaid, child or children, grandchild or grandchildren, or other descendants from such brother or sister, then to the grandfather on the part of the father.

19. If the estate shall be vested in the intestate by purchase, or shall descend to or vest in the intestate in any other manner than as hereinbefore mentioned, and there be no child or descendant of such intestate, then the estate shall descend to the brothers and sisters of such intestate of the whole blood, and their children, grandchild or grandchildren, and their other descendants in equal degree equally.

20. If no brother or sister of the whole blood, child or children, grandchild or grandchildren, or descendants from such brother or sister, then to the brothers or sisters of the half-blood and their descendants in equal degree equally.

27. If in the descending or collateral line, any father or mother shall be dead, the child or children of such father or mother shall by representation be considered in the same degree as the father or mother would have been if living, and shall have the same share of the estate as the father or mother, if living, would have been entitled to, and no more; and in such case when there are more children than one the share aforesaid shall be equally divided among such children; provided, that there be no representation admitted among collaterals after brother's and sister's grandchildren.

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

Approved April 4, 1912.

TRUSTEES IN CHANCERY.

CHAPTER 778.

AN ACT to repeal section 221 of Article 16 of the Code of Public General Laws of Maryland of the year 1904, title "Chancery," sub-title "Trustee," and to re-enact the same with the amendments.

Section 1. Be it enacted by the General Assembly of Maryland, that section 221 of Article 16 of the Code of Public General Laws of Maryland of the year 1904, title "Chancery," sub-title "Trustee," be and the same is hereby repealed and re-enacted as follows:

221. Every trustee to whom any estate, real, personal or mixed, shall be limited or conveyed for the benefit of creditors, or to be sold for any other purpose, except upon a contingency, shall file with the clerk of the court in which the deed or instrument creating the trusts may be recorded, a bond in such penalty as the clerk may prescribe, being as nearly as can be ascertained double the amount of the whole trust estate, and with sureties to be approved by the clerk, conditions for the faithful performance of the trusts reposed in such trustee, which bond shall be retained and recorded in the office of said clerk; and no title shall pass to any trustee as aforesaid, until such bond shall be filed and approved as aforesaid, and no sale made by any such trustee without such bond shall be valid or pass any title to such property or estate. If the trust estate consists of real property, or of real and personal property, situated partly in the county or city in which the grantor reside, and partly in one or more other counties, it shall be sufficient that a bond has been accepted and filed in the county of the grantor's residence; if the trust estate consists entirely of real estate in a county or counties other than of the residence of the grantor, it shall be sufficient that a bond has been accepted and filed in the county in which the deed has been first recorded, provided, nevertheless, that this section shall neither apply to nor include any deed of trust by which land is conveyed to a trustee or trustees to sell in whole or in part or parts, for the benefit either of the grantor or grantors in the said deed of trust or of the person or persons who have contributed and paid the consideration, other than love and affection, of the said deed of trust and is or are entitled thereunder to the proceeds of sale or sales made thereunder.

Sec. 2. Be it enacted that this act shall take effect from the date of its passage.

Approved April 11, 1912.

ELECTIONS—NOMINATION LIST.

CHAPTER 124.

AN ACT to repeal and re-enact with amendments Section 41, 48, 54 and 55 of Article 33 of the Code of Public General Laws of Maryland of 1904, entitled "Elections," and also Section 57 of said Article 33 of the Code of Public General Laws of Maryland of 1904, entitled "Elections," as said Section 57 was enacted by Chapter 133 of the Acts of 1902 and by Chapter 614 of the Acts of 1908.

Section 1. Be it enacted by the General Assembly of Maryland, That Sections 41, 48, 54 and 55 of Article 33 of the Code of Public General Laws of Maryland of 1904, entitled "Elections," and Section 57 of said Article 33 of the Code of Public General Laws of Maryland of 1904, entitled "Elections," as said Section 57 was enacted by Chapter 133 of the Acts of 1902 and by Chapter 614 of the Acts of 1908, be and the same are hereby repealed and re-enacted with amendments, so as to read as follows:

41. All nominations made by such conventions or primary meetings shall be certified as follows: The Certificate of Nomination shall be in writing, shall contain the name of each person nominated, his residence, his business, his address and the office for which he is nominated, and shall designate, in not more than one word, the party or principle which such convention or primary meeting represents.. It shall be signed by the presiding officer and secretary of such convention, who shall add to their signatures their respective places of residence, their business and business address, and acknowledge the same before an officer duly authorized to take acknowledgments, who shall append a certificate of such acknowledgment thereto. If the nomination is by means of a primary election, the certificate shall be signed and acknowledged by the persons whose duty it may be, by party usage, to declare the result of such election in the manner prescribed for a nomination by a convention, but no party emblem ,or device of any kind shall be added to said certificate, and if any such emblem or device should be added, it shall not be printed upon the ballot by the Secretary of State, or any of the Boards of Supervisors of Elections.

48. At least eight days before an election to fill any public office the Supervisors of Elections of each county and in the City of Baltimore shall cause to be published in two or more newspapers within such county, except in Howard county, where the Supervisors of Elections may publish in one newspaper, and in all the daily papers published in said city which will publish the same at the current rate for advertising, the nominations to office which have been filed with or certified to them under the provisions of this article; if in any county there be but one newspaper published, publication in such one newspaper shall be sufficient; they shall make not less than two such publications in each of such newspapers before the day of election, and one of such publications in each newspaper shall be upon the last day upon which said newspaper is issued before the day of election. Such publication shall be made in newspapers devoted to the dissemination of general news; and the two newspapers selected shall, if possible, represent the political parties which at the last preceding election cast the largest and next largest number of votes. The list of nominations published by the Supervisors of Elections shall be arranged so far as practicable in the order and form in which they are to be printed upon the ballots.

The aforegoing provisions of this section shall apply to Baltimore City, Baltimore, Wicomico, Carroll, Washington, Dorchester, Queen Anne's, Allegany, Cecil, Montgomery, Howard, Caroline, Harford, Frederick and Garrett counties, and the following provisions of the section shall apply only to the following counties: Anne Arundel, Calvert, Charles, Kent, Prince George's, St. Mary's, Somerset, Talbot and Worcester.

At least eight days before an election to fill any public office, the Supervisors of Elections of each county and of the City of Baltimore shall cause to be published in two or more newspapers within such county and in all the daily papers published in said city, which will publish the same at the current rate for advertising, the nominations to office which have been filed with or certified to them under the provisions of this Article; if in any county there be but one newspaper published, publication in such one newspaper shall be sufficient; they shall not make less than two such publications in each of such newspapers before the day of election, and one of such publications in each newspaper shall be upon the last day upon which said newspaper is issued before the day of election. Such publication shall be made in newspapers devoted to the dissemination of general news, and the two newspapers selected shall, if possible, represent the political parties which at the last preceding election cast the largest and next largest number of votes. It shall be unlawful for any Board of Supervisors of Elections or for any person, corporation, firm or newspaper, or the proprietor or publisher of any newspaper, to publish, advertise or circulate or cause to be published or advertised or circulated any sample or fac simile of the ballot or the form of ballot to be used in any of the said last-mentioned counties of the State, or for any person or voter to take into the polling place or booth any sample or fac simile of the ballot or to use any sample or fac simile of the ballot when marking when marking his ballot or take into the polling place or use when marking his ballot any stencil, ruler, measure or other mechanical device of any material or form as a means of aid, guidance or assistance in marking his ballot. Any violation of any of the aforegoing provisions of this section shall be punished by a fine of not less than five hundred nor more than one thousand dollars or by imprisonment in jail for not less than thirty days nor more than one year, in the discretion of the Court.

54. The form and arrangement of the ballots shall be as follows: All ballots shall contain the name of every candidate whose nomination for any office specified in the ballot has been certified to and filed according to the provisions of this Article, and not withdrawn in accordance herewith. The names of candidates for every office shall, except in the case for Presidential Electors, be arranged alphabetically according to their surnames, under the designation of the office. Above the group or names of the candidates for each office and upon a separateline immediately underneath the designation of the office, there shall be printed in bold, plain roman capitals, twelve point (pica) type, an appropriate direction or instruction to the voter, informing him of the number of persons for whom he may lawfully vote for the particular office mentioned immediately above each such direction, thus: "Vote for One," or "Vote for Two," or "Vote for Six," as the case may be. To the right of the name of each candidate upon the official ballot, and properly separated from said names, and immediately to the left of the square opposite the name of the candidate, and in line therewith, shall be added the designation of the party or principle which the candidate represents, as is duly contained in the certificate of nomination or nomination papers (said designation of the party, however, shall consist solely of the name of the party to be expressed in one word only and nothing more.) To the name of each candidate for State office or candidate for Congress shall be added the name of the county or city in which the candidate resides. Ballots shall be so printed as to give each voter a clear opportunity to designate by a cross (X) in a square at the right of the name of each candidate, and at the right of each question, his choice of candidates and his answer to such question.

If the candidate is named for the same office on two or more certificates of nomination, his name shall be printed on the ballot but once, and to the right of the name of said candidate shall be added the name of one of the parties which such candidate represents, as appearing in said certificate of nomination, and the Board of Supervisors of Elections shall cause to be printed to the right of the name of such candidate whichever one of said party names, so appearing in said certificates of nomination, the said candidate shall in writing designate to said Board of Supervisors as the party name which he desires to be added to the right of his name on the ballot; provided, however, that such party name shall consist of one word only. When the name of a political party is given in connection with the name of a candidate nominated as provided in Section 42 of this Article, it shall be stated on the ballot to the right of the name of the candidate, but if there shall have been any nomination for the same office by a convention or primary election claiming the same party name duly certified as hereinbefore provided , there shall then be printed to the right of the name of the candidate so nominated in accordance with said Section 42, except Presidential Electors, only the word "Independent,' and none other. If the same party name shall be claimed on behalf of nominations made by more than one convention or primary election, and duly certified as aforesaid, the officers by whom the ballot is to be prepared or a majority of them shall determine which nominees are justly entitled to the party name, and to the right of the other nominees there shall be printed upon the ballot only the word "Independent," and none other. The names of candidates for the office of Electors of President and Vice President of the United States shall be arranged in groups, as presented in the several certificates of nomination papers, and the several groups shall be arranged in such order of the surnames of the candidates for President as the several Boards of Supervisors shall prescribe in the City of Baltimore and in the several counties, respectively. If candidates for Presidential Electors are nominated at large and for the several Congressional districts, the name and place of residence of the candidates at large shall be put at the head of each group, and the names of the other candidates, with their places of residence, including the members of the Congressional district in which they reside, shall follow in numerical order. The surname of the candidates of each political party for the office of President and Vice-President with the party name at the right of the surname, shall be placed above the group of candidates for electors of such party. There shall be left at the right of the surname of the candidate for President and Vice President, so formed as to include both names, and to the right of each elector, a sufficient clear square in which each voter may designate by a cross (X) his choice for electors. All candidates for office shall, as far as possible, be placed in one column, but when the names to be printed upon the ticket are over thirty-six, then another column shall be added in which names shall be printed, and when two or more columns are used the same number of names shall, as far as possible, be printed in each column. And the initial letters of the given or Christian name of the several candidates in each column shall be printed directly beneath each other in a vertical line, and the initial letter of the respective party designations of said several candidates shall be printed beneath each other in a vertical line. A constitutional amendment, or any question to be submitted to the popular vote shall be printed in a separate column to follow immediately after the names of candidates. This section shall apply to Baltimore City, and Baltimore, Garrett, Dorchester, Queen Anne's, Frederick, Wicomico, Carroll, Washington, Allegany, Cecil, Montgomery, Howard, Caroline and Harford counties.

55. The form and arrangement of the ballot shall be as follows: All ballots shall contain the name of every candidate whose nomination for any office specified in the ballots has been certified and filed according to the provisions of this Article, and not withdrawn in accordance therewith. The names of candidates for every office shall, except in case of candidates for Presidential Electors, be arranged alphabetically, according to their surnames, and without any party name or names, and under the designation of the office above the group of names of the candidates for each office, and upon a separate line immediately beneath the designation of the office there shall be printed in bold, plain roman capitals, twelve-point (pica) type, an appropriate direction or instruction to the voter, informing him of the number of persons for whom he may lawfully vote for the particular office mentioned, immediately above each such direction, thus: "Vote for One," or "Vote for Two," or "Vote for Six," as the case may be. To the name of each candidate for State office or candidate for Congress shall be added the name of the county or city in which the candidate resides. Ballots shall be so printed as to give to each voter a clear opportunity to designate by a cross (X) in a square at the right of the name of each candidate, and at the right of each question, his choice of candidates and his answer to such question. Such square shall be at least one-half of an inch in size, and the top and bottom lines of such squares shall extend across the ballot so as to include the name of the candidate or the question opposite, and all such cross-lines shall be of uniform size and color on each ballot. If the candidate is named for the same office on two or more certificates of nomination, his name shall be printed on the ballot but once. The names of candidates for the office of Electors of President and Vice President of the United States shall be arranged in groups, as presented in the several certificates of nomination papers, and the several groups shall be arranged in the alphabetical order of the surnames of the candidates for President in the City of Baltimore and in the several counties, respectively. If candidates for Presidential Electors are nominated at large and for the several Congressional districts, the names and places of the residence of the candidates at large shall be put at the head of each group, and the names of the other candidates, with their places of residence, including the numbers of the Congressional districts in which they reside, shall follow in numerical order. The surname of the candidates of each political party for the office of President and Vice President shall be placed above the group of candidates for electors of such party. There shall be left at the right of the surname of the candidates for President and Vice President so formed as to include both names and to the right of the name of each elector a sumcient clear square in which each voter may designate, by a cross (X) his choice for electors. All candidates for office shall, as far as possible, be placed in one column, but where the names to be printed upon the ticket are over thirty-six, then another column shall be added in which names shall be printed, and when two or more columns are used the same number of names shall, as far as possible, be printed in each column, and the initial letter of the given or Christian names of the several candidates in each column shall be printed directly beneath each other in a vertical line. A constitutional amendment or any question to be submitted to the popular vote shall be printed in the same column with the names of the candidates. This section shall apply to Worcester, Somerset, Talbot, Kent, Prince George's, Charles, St. Mary's, Calvert and Anne Arundel counties.

57. All said ballots in all elections in and throughout the State of Maryland, including all the counties thereof, and Baltimore City, shall be printed in the same uniform type upon plain white printing paper of ordinary book weight, in black ink, and the names of all candidates shall be printed upon all ballots which may be used in any and elections in every county of the State and in the city of Baltimore in the following type, to wit, in clear, plain, bold and legible roman capitals, twelve-point, generally known as pica type, one-eighth of an inch high, or in depth, and it shall be the duty of the Board of Supervisors of Elections for Baltimore City and of the Board of Supervisors of Elections for each county, to cause all ballots to be used by the voters of said city and of the several counties, to be printed in manner as aforesaid. On the back and outside of all ballots shall be printed the words "Official Ballot for," followed by the designation of the polling place for which it is prepared, the date of the election and a fac simile of the signature of the President of the Board of Supervisors of Elections, by whom the ballots have been prepared. Said ballots shall be printed on the same leaf with a detachable stub or coupon one inch high and three inches wide, above the upper right-hand corner of the ballot and binding on the upper edge thereof, but separated therefrom by a line running along the entire width of said coupon; upon said coupon shall be printed the words "Voter's Name," with a line drawn thereunder for writing said name, and under the same line the words "Number of Voter," followed by a blank space for the insertion of number. Before distribution said ballots shall be so folded in marked creases that no part of the marks or printing thereon, excepting that upon the back and outside, and that upon the detachable stub or coupon, shall be visible, and so that the folded ballot shall be of uniform width and length and of proper width to be deposited in the ballot boxes; all ballots when printed shall be folded as above provided, and fastened together in convenient numbers in packages, books or blocks, so that each ballot may be detached and removed separately.

The aforegoing provisions of this section shall apply only to Anne Arundel, Calvert, Charles, Kent, Prince George's, St. Mary's, Somerset, Talbot and Worcester counties, and the following provisions of the section shall apply only to Baltimore city, Allegany, Baltimore, Caroline, Cecil, Dorchester, Frederick, Garrett, Harford, Howard, Montgomery, Queen Anne's, Washington and Wicomico counties.

All said ballots in all elections in and throughout the State of Maryland, including all the counties thereof and Baltimore City, shall be printed in the same uniform type upon plain white printing paper of ordinary book weight, in black ink, and the names of all candidates and their several party designations shall be printed upon all ballots which may be used in any and all elections in every county of the State and in the City of Baltimore, in the following type, to wit, in clear, plain, bold and legible roman capitals, twelve-point, generally known as pica, one-eighth of an inch high, or in depth, and the printing of said names of said candidates and of their respective party designations shall also be uniform in style and appearance throughout the ballot; and it shall be the duty of the Board of Supervisors of Elections for Baltimore City and of the Board of Supervisors of Elections for each county to cause all ballots to be used by the voters of said city and of the several counties, to be printed in manner and form as aforesaid. On the back and outside of all ballots shall be printed the words "Official Ballot for," followed by the designation of the polling place for which it is prepared, the date of the election and a fac simile of the signature of the President of the Board of Supervisors of Elections, by whom the ballots have been prepared. Said ballot shall be printed on the same leaf with a detachable stub or coupon one inch high and three inches wide above the upper right-hand corner of the ballot and binding on the upper edge thereof, but separated therefrom by a line running along the entire width of said coupon. Upon said coupon shall be printed the words "Voter's Name," with a line drawn thereunder for writing said name, and under the said line the words "Number of Voter," followed by a blank space for the insertion of number. Before distribution said ballots sall be so folded in marked creases that no part of the marks or printing thereon, excepting that upon the back and outside, and that upon the detachable stub or coupon, shall be visible, and so that the folded ballot shall be of uniform width and length, and of proper width to be deposted in the ballot boxes. All ballots when printed shall be folded as above provided and fastened together in convenient numbers in packages, books or blocks, so that each ballot may be detached and removed separately. The said Boards of Supervisors of Elections, respectively, shall four days at least prior to the day of any election in their despective counties, and in said city, cause to be conspicuously and securely posted in one or more public places in each voting precinct of their respective counties or of said city, accurate sample copies of the ballots to be used in such district or precinct at the then approaching election; such sample copies shall be printed on light cardboard or heavy-sized paper of considerably magnified dimensions, and one of them at least shall be placed upon the exterior of each building in which the polls will be held, so that the same can be readily seen and examined by persons passing on the street or road.

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

Approved April 8, 1912.

SALES AND NOTICES.

CHAPTER 451.

AN ACT to add certain new sections to Article 83 of the Code of Public General Laws, title "Sales and Notices"; said sections to follow immediately after section 97 of said article, and to be designated as sections 98, 99, 100 and 101.

Section 1. Be it enacted by the General Assembly of Maryland That certain new sections be, and the same are hereby added to Article 83 of the Code of Public General Laws, title "Sales and Notices"; said sections to follow section 97, of said article, and to be designated as sections 98, 99 100 and 101 and to read as follows:

98. 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 before the consummation of such bargain or purchase, and at least five days before paying or delivering to the 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, 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 beore any sale or transfer by him of any stock of goods, wares or merchandise, in bulk.

99. That after having received from the vendor the written statement under oath mentioned in section 98, the vendor shall at least five days before the consummation of such bargain or purchase and at least five days before paying or delivering to the vendor any part of the purhase price a consideration thereof, or any promisory 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 the 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, 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 98, and without having notified or caused 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 void.

100. That any sale or transfer of a stock of goods, wares or merchandise out of the usual or 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.

101. That nothing contained in the aforegoing 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 the creditors.

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

Approved April 8, 1912.

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