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operating a motor vehicle as mechanic, employe or for hire, except employees of manufacturers testing uncompleted automobiles. Every person hereafter desiring to operate a motor vehicle as a chauffeur, shall file in the office of Secretary of State, on a blank to be supplied by such Secretary, a statement duly verified by affidavit, including his name and address, and the trade name and motive power of the motor vehicle or vehicles he is able to operate, and shall pay a registration fee of two dollars, one dollar of which fee shall be retained by the Secretary of State for services in issuing the license and for furnishing the said chauffeur with a badge, and the remaining one dollar shall be paid to the State Treasurer for the use of the State Road Fund. The Secretary of State shall thereupon file such statement in his office, register such chauffeur in a book to be kept for that purpose, properly indexed and assign such chauffeur a distinguished registration number. The Secretary of State shall forthwith upon such registration, and without further fee, issue and cause to be delivered to such chauffeur, a badge of aluminum or other suitable metal, which shall be oval in form, and the greater diameter of which shall not be more than two inches, having stamped thereon the words "Registered Chauffeur, No. ——, Maryland," with registration number inserted therein; which badge shall thereafter be worn by such chauffeur pinned upon his clothing in a conspicuous place at all times while he is operating a motor vehicle upon the public highways. No chauffeur, having registered as hereinabove provided, shall knowingly permit any other person to wear his badge, nor shall any other person, while operating a motor vehicle, wear any badge belonging to another person, or badge bearing a fictitious number. No person shall knowingly employ any person to operate a motor vehicle as a chauffeur unless the person so employed has complied with the provisions of this section, and no person shall operate a motor vehicle, as a chauffeur, upon the public highways, after thirty days after this Act takes effect, unless such person shall have complied in all respects with the requirements of this section. No chauffeur or other person shall drive or operate any motor vehicle upon any street or highway in the absence of the owner of such motor vehicle without his consent. No chauffeur or other person having the care of a motor vehicle for the owner shall receive or take directly or indirectly, any bonus, discount or other consideration on supplies or parts furnished or purchased for such motor vehicle, or on work or labor done thereon by others; and no person furnishing such supplies or parts, work or labor, shall give or offer any such chauffeur or other person having the care of a motor vehicle for the owner, directly or indirectly, any bonus, discount or other consideration thereon. Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction shall be fined a sum not exceeding one hundred dollars, or be imprisoned in the city or county jail for a period not exceeding sixty days. Chauffeurs, while operating motor vehicles on the public highways of this State shall be subject to all the provisions and penalties in this sub-title povided, relating to violations of the provisions of this sub-title, and upon conviction of a second offence or any offence in this sub-title prohibited, the Justice of the Peace or other judicial officer imposing sentence may revoke such chauffeur's license for a period not exceeding three months in addition to imposing the penalty prescribed, such judicial officer to retain such chauffeur's badge until the expiration of the period for which his license may be revoked. Upon conviction of a chauffeur in a Criminal Court, and his being found by the Court to be an habitual offender, as in Section 139 of this sub-title provided the Court may in its discretion revoke such chauffeur's license absolutely; in which event such chauffeur's badge shall be returned to the Secretary of State, and the person to whom such badge was so issued shall not be permitted or entitled to register again for a period or one year from the date of such conviction.

140. Whenever the term motor vehicle is used in this sub-title, it shall be construed to include automobiles, locomobiles, and all other vehicles propelled otherwise than by muscular power and having more than two tires, but shall not be taken to include the cars of electric and steam railways and other vehicles running only upon rails or tracks, and or traction engines, bicycles, tricycles or other similar vehicles propelled exclusively by muscular power, or motor cycles, except as to the speed herein prescribed.

Section 2. And be it enacted, That all Acts and parts of Acts inconsistent herewith or contrary hereto are hereby repealed to the extent of such inconsistency.

Section 3. And be it enacted, That all license to operate motor vehicles in this State heretofore issued by the Secretary of State, shall remain in full force and effect and shall not be in anywise affected by the povisions of this Act.

Section 4. And be it enacted, That this Act shall take effect from the date of its passage.

Approved April 3, 1906.
EDWIN WARFIELD,
Governor.
JOSEPH B. SETH,
President of Senate.
CARVILLE D. BENSON,
Speaker of House of Delegates.

[CHAPTER 468.]

AN ACT to Regulate the Taking of Oysters in the Potomac River.

Section 1. Be it enacted by the General Assembly of Maryland, That all oysters taken from any natural rocks, beds or shoals in the waters of the Potomac River, shall be culled on their natural rocks, beds or shoals as taken, and oysters whose shells measure less than two and one-half inches in length, measuring from hinge to mouth, and all shells shall be included in said culling and replaced upon said rocks, beds or shoals, provided that oysters once passed from the culler less than the prohibited size, and all shells shall be considered as not having been culled, according to the provisions of this Act; provided, that when small oysters are adhering so closely to the shell of a marketable oyster as to render removable impossible without destroying the young oyster, then it shall not be necessary to remove it. And it shall be unlawful for any person to take, buy or sell the small oysters and shells from the natural rocks, beds and shoals as aforesaid, or to take, buy, sell or have in possession oysters less than two and one-half inches in length from hinge to mouth. Whenever any inspector or other officer shall have reason to believe that this Act has been violated with reference to the culling of oysters, said inspector or other officer, is hereby authorized to examine the cargo of any boat or vessel, and if upon examination of said cargo, the said inspector or other officer, shall find that five per centum or more of said cargo shall consist of shells and oysters whose shells measure less than two and one-half inches in length, measuring from hinge to mouth, the captain of the boat or other person in charge of said boat, shall be deemed to have violated this Act, and upon conviction, if of a dredge-boat or a vender of oysters, shall be fined not less than one hundred dollars nor more than two hundred and fifty dollars, and confined in jail not less than thirty days or more than six months. And said cargo confiscated and returned to the natural beds under the supervision of the oyster inspector or other officer making the arrest, and the boat or vessel on which said oysters are found, shall be held as security for the payment of said fine; if a boat in which only oyster tongs are used, the said captain or other person in charge, shall be fined not less than fifty dollars nor more than one hundred and twenty-five dollars, and confined in jail not less than fifteen days nor more than three months, and the said cargo confiscated and returned to the natural beds under the supervision of the oyster inspector or other officer making the arrest. And the boat of vessel on which said oysters are found shall be held as security for the payment of said fine; provided however, that when any person shall be found with oysters in violation of this Act, he shall be presumed to be a dredger or vender of oysters, and if he claims to be a tonger, the burden shall be upon said person to show that he is a tonger. Because of the necessity that legislation regulating the taking of oysters in the Potomac River shall be concurrent as to the States of Maryland and Virginia, it is further provided that this Act shall take effect from the date of its passage, provided concurrent legislation has heretofore been passed by the General Assembly of Virginia or if not passed then immediately upon the passage thereof.

Section 2. And be it enacted, That upon the taking effect in the State of Virginia of the provisions prescribed in the preceeding section the Governor of Maryland shall issue his proclamation declaring the provisions of this Act to be effective.

Approved April 5, 1906.
EDWIN WARFIELD,
Governor.
JOSEPH B. SETH,
President of Senate.
CARVILLE D. BENSON,
Speaker of House of Delegates.

[CHAPTER 474.]

AN ACT to repeal Sections 399, 400, 401, 402 and 403 of Article 27 of the Code of Public General Laws, title, "Crimes and Punishment," sub-title, "Traction Engines," and re-enacted the same with amendments.

Section 1. Be it enacted, That Sections 399, 400, 401, 402 and 403 of Article 27 of the Public General Laws of Maryland, title, "Crimes and Punishment," sub-title, "Traction Engines," be and the same are hereby repealed and re-enacted so as to read as follows:

399. Every traction engine, when propelled by steam upon or over public road in this State shall be accompanied by at least two men, whose duty it shall be to conduct the engine as to cause as little alarm as possible to horses, or other draft animals, ridden, driven or led upon such road, and to render at all times all reasonable assistance to persons so riding, driving or leading horses, or other draft animals, upon such road.

400. The person in charge of said engine, at a signal or request of any person riding a horse, or of any person leading or driving a horse, or other draft animal, becoming alarmed by said engine, shall go as far as practicable to the side of the road and remain stationary until such horse or horses, or other draft animal, have passed to a safe distance, in the meantime making as little noise as possible with the steam.

401. One of the men accompanying such engine shall, upon the approach of a horse or horses, or other draft animal, precede such engine a reasonable distance to assist such person or persons in the management of any such horse, horses or other draft animal that may require his assistance to control same.

402. If any person in charge of such engine shall fail or neglect to comply with the provision of these preceding sections, he shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not more than ten dollars and in default of the payment of said fine, by person in charge of said engine, it shall be held responsible for payment of said fine.

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

Approved April 3, 1906.
EDWIN WARFIELD,
Governor.
JOSEPH B. SETH,
President of Senate.
CARVILLE D. BENSON,
Speaker of House of Delegates.

[CHAPTER 475.]

AN ACT to repeal and re-enact with amendments Section 12, of Article 52, of the Code of Public General Laws, of 1904, title, "Justice of the Peace," sub-title, "Criminal Jurisdiction," and to re-enact the same with amendments.

Section 1. Be it enacted by the General Assembly of Maryland, That Section 12, of Article 52, of the Code of Public General Laws of 1904, title, "Justice of the Peace," sub-title, "Criminal Jurisdiction," be and the same is hereby repealed and re-enacted with amendments, so as to read as follows:

Section 12. The several Justices of the Peace of the State of Maryland, (except in the City of Baltimore, and in Talbot, Harford, Montgomery and Frederick Counties), are hereby invested with, and shall have hereafter jurisdiction to hear, try and determine all cases involving the charge of any offence, crime or misdemeanor, not punishable by confinement in the penitentiary or involving a felonious intent, which may be committed within their respective counties; and shall have jurisdiction to hear, try and determine all prosecutions or proceedings for the recovery of any penalty for doing or omitting to do any act within their respective counties, the doing of which or the omissoin to do which, is made punishable under the laws of this State by any pecuniary fine or penalty, or by imprisonment in jail or in the Maryland House of Correction, all of which acts or omissions are hereby declared to be criminal offences; and the said justices shall have power to issue all process, and to do all acts which may be necessary for the exercise of their said jurisdiction, and may pronounce judgment and sentence in all such cases coming before them, in the same manner, and to the same extent as the Circuit Court for said counties could, if such cases had been tried before said Courts; provided however, that the accused when brought before any such justice on being informed by him of his right to trial by jury, freely elects to be tried before such justice, and provided further, that a jury trial be not prayed in such case on the part of the State by the State's Attorney. If after a trial before the justice either party shall feel aggrieved by his judgment there shall be a right of appeal within ten days to the Circuit Court for the County in which the alleged offence is charged to have been committed, and in all cases where a jury trial is prayed by the State, or the accused elects to be tried by a jury, or appeals from the judgment of the justice, the justice shall take from the accused his recognizance with sufficient surety conditioned for his personal appearance to answer said charge at the then session (if there be a session) of the Circuit Court of their respective counties, or the next session of said Court, if it be not then in session; and in default of the accused entering into such recognizance the justice shall commit him to jail for his appearance at such Court to answer such charge and shall at once return the recognizance, if there be one, and all papers and proceedings in such case, including a copy of his judgment (in appeal cases) together with the name and residence of the witnesses for the prosecution to the Clerk of said Court who shall place such case on the appeal docket of said Court and issue subpoenas for the witnesses named by the justice, and the case shall be then tried in said Court on the information or warrant. When an appeal shall be taken by the accused after the execution of sentence has begun, by confinement in jail or the Maryland House of Correction, the justice shall, upon sufficient surety being given for the accused's appearance at Court as hereinbefore required, shall at once transmit an order reciting this fact to the officer in whose custody he may be and directing his discharge, and in default of such surety being given, the justice shall send a commitment to the sheriff of the County commanding him to receive the prisoner and hold him for his appearance at Court to answer said charge; and on the presentation of a copy of such commitment by the sheriff to the officer in whose custody the prisoner may be, such officer shall at once deliver the prisoner to the sheriff; and it shall be the duty of the sheriffs of the several counties of this State upon receipt of such commitment to forthwith obtain such prisoner, if he be not in his custody.

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

Approved April 3, 1906.
EDWIN WARFIELD,
Governor.
JOSEPH B. SETH,
President of Senate.
CARVILLE D. BENSON,
Speaker of House of Delegates.

[CHAPTER 476.]

AN ACT to add an additional Section to Article 27, of the Code of Public General Laws, title, "Crimes and Punishments," sub-title, "Burglary," to be known as Section 32A.

Section 1. Be it enacted by the General Assembly of Maryland, That any person who breaks and enters, either by day or by night, any building, whether inhabited or not, and opens or attempts to open any vault, safe or other secure place by use of nitroglycerine, dynamite, gunpowder or any other explosive, shall be deemed guilty of burglary, with explosives.

Section 2. And be it enacted, That any person duly convicted of burglary, with explosives, shall be sentenced to the penitentiary in the discretion of the court for a period not more than twenty years.

Section 3. And be it enacted, That this Act shall take effect from the date of its passage.

Approved April 3, 1906.
EDWIN WARFIELD,
Governor.
JOSEPH B. SETH,
President of Senate.
CARVILLE D. BENSON,
Speaker of House of Delegates.

[CHAPTER 503.]

AN ACT to repeal and re-enact with amendments, Section 355 of Article 23 of the Code of Public General Laws of Maryland, known as the Code of 1904, title, "Corporations," sub-title, "Turnpike, Plank Road and Passenger Railway Companies.

Section 1. Be it enacted by the General Assembly of Maryland, That Section 355, of Article 23 of the Code of Public General Laws of Maryland, known as the Code of 1904, title, "Corporations," sub-title, "Turnpike, Plank Road and Passenger Railway Companies," be and the same is hereby repealed and re-enacted, so as to read as follows:

355. If within six months after date of an order of the Court forfeiting the right of the corporation to charge tolls, the said road shall not have been put in good oder and repair within the limits of the county in which said order may have been passed, the said road, within said county, shall be forfeited by the corporation, and shall vest in the county commissioners, who shall cause the same to be put and kept in good order and repair, and collect tolls sufficient for that purpose, or may turnsfer the same to another corporation, in their discretion, in which case the new corporation shall have the same rights and franchises, and be subject to the same conditions and forfeitures as the original corporation constructing said road; provided, however, that whenever proceedings as aforesaid have been instituted against a turnpike company incorporated under any special Act of Assembly containing provisions for penalties or forfeitures other than those in this article prescribed, it shall be the duty of the clerk of the Court in which such proceedings were instituted upon the expiration of a period of six months after the passage of the order of forfeiture prescribed in Section 353 of this Article, to certify to the Governor of Maryland the fact, if such be then the case, that such order was passed and stands unrevoked, whereupon it shall be the duty of the Governor to direct the State's Attorney of said county to forthwith file a petition in such Court in the name of the State of Maryland praying the forfeiture of the charter of the company so in default and reciting the proceedings aforesaid, and thereafter the proceedings shall be as prescribed in Section 367 to 372, inclusive, and Section 374 of this Article; and upon the passage by the Court of a final order of forfeiture the road shall vest in the County Commissioners as hereinbefore provided.

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

Approved April 3, 1906.
EDWIN WARFIELD,
Governor.
JOSEPH B. SETH,
President of Senate.
CARVILLE D. BENSON,
Speaker of House of Delegates.

[CHAPTER 534.]

AN ACT to provide that a power to sell, mortgage, lease or otherwise dispose of real or personal estate contained in any will hereafter probated or in any deed or other instrument hereafter executed, shall be construed to be appurtenant to the fiduciary office unless a contrary intention is expressly declared.

Section 1. Be it enacted by the General Assembly of Maryland, That whenever, by any will hereafter probated or by any deed or other instrument hereafter executed, a power to sell, mortgage, lease or otherwise dispose of real or personal estate shall be given to any one or more trustees, executors or other fiduciary officers, such power whether discretionary or otherwise, shall be construed to be appurtenant to the fiduciary office and shall pass to and be exercisable by any surviving trustees, executor or other fiduciary, or by any successor in the office however appointed; unless an intention to the contrary is expressly declared in such will, deed or other instrument.

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

Approved April 3, 1906.
EDWIN WARFIELD,
Governor.
JOSEPH B. SETH,
President of Senate.
CARVILLE D. BENSON,
Speaker of House of Delegates.

[CHAPTER 536.]

AN ACT to add a new Section to the Code of Public General Laws of 1904, to be known as Section 461A, of Article 27, title, "Crimes and Punishments," sub-title, "Jurisdiction, Procedure and Sentence," to immediately follow Section 461, and to read as follows:

Section 1. Be it enacted by the General Assembly of Maryland, That a new Section be and the same is hereby added to the Code of Public General Laws of 1904, to be known as Section 461A, of Article 27, entitled, "Crimes and Punishments," sub-title, "Jurisdiction, Procedure and Sentence," to immediately follow Section 461, and to read as follows:

461A. In all cases where the law prescribing a punishment for crimes fixes a maximum and a minimum penalty therefor, the judge of the Criminal Court of Baltimore and the several judges of the Circuit Courts of the counties, may, within the minimum penalty so prescribed, impose a less penalty of the same character; provided however, that nothing herein contained shall be construed as affecting any maximum penalty fixed by law, or the punishment for any crime where the law provides one and only one penalty.

Section 2. And be it further enacted That all laws and parts of laws in conflict herewith, be and the same are hereby repealed.

Section 3. And be it further enacted, That this Act shall take effect from the date of its passage.

Approved April 3, 1906.
EDWIN WARFIELD,
Governor.
JOSEPH B. SETH,
President of Senate.
CARVILLE D. BENSON,
Speaker of House of Delegates.

[CHAPTER 537.]

AN ACT to repeal and re-enact, with amendments Section 276 of Article 93, of the Code of Public General Laws of Maryland, entitled, "Testamentary Law," sub-title, "Sales."

Section 1. Be it enacted by the General Assembly of Maryland, That Section 276 of Article 93, of the Code of Public General Laws of Maryland, entitled, "Testamentary Law," sub-title, "Sales," be and the same is hereby repealed and re-enacted so as to read as follows:

276. No executor or administrator shall sell any property of his decendent without an order of the Orphans' Court granting his letters, being first had and obtained authorizing such sales; and any sale made without an order of Court previously had as aforesaid shall be void, and no title shall pass thereby to the purchaser; provided however, that all sales of leasehold property heretofore made by executors or administrators without a previous order of the Orphans' Court authorizing the same, but which have been duly reported to and finally ratified by said Orphans' Court, shall be valid to all effects and purposes as if such previous order had been obtained.

Approved April 3, 1906.
EDWIN WARFIELD,
Governor.
JOSEPH B. SETH,
President of Senate.
CARVILLE D. BENSON,
Speaker of House of Delegates.

[CHAPTER 585.]

AN ACT to repeal Sections 2, 13, 14A, 15½ and 16 of Chapter 179 of the Acts of 1902, and to be re-enacted, so as to read as follows:

Section 1. Be it enacted by the General Assembly of Maryland, That Sections, 2, 13, 14A, 15½ and 16, Chapter 179 of the Acts of 1902, be and the same are hereby repealed.

Section 2. And be it further enacted, That all laws of the State of Maryland, That no person, on or after the 1st day of July following the passage of this Act, shall open, conduct or keep a pharmacy in this State, either as a principal or agent, unless such a person shall have obtained a pharmacist's certificate, as herein provided, and no pharmacy shall be at any time left in charge of any person who is not a certified pharmacist, a certified acting pharmacist, or a certified assistant pharmacist, to compound prescriptions, or sell or dispense poisonous drugs; and, providing, that in the case of a certified assistant pharmacist he shall not be left in charge of any pharmacy in this State for a period of more than twenty-four hours, and then acting only in the temporary absence of a certified acting pharmacist, regularly and contiuously employed in that pharmacy. It shall, however, be lawful for physicians and dentists to compound and dispense their own prescriptions; but unlawful for any person, dealer or firm, not a certified pharmacist, a certified pharmacist, a certified acting pharmacist, a certified assistant pharmacist, to compound a physician's prescription. Any person violating this section shall, upon conviction, be deemed guilty of a misdemeanor and fined not more than one hundred dollars for each offence.

Sec. 3. Every person receiving a Pharmacist's or assistant Pharmacist's certificate, shall keep the same conspicuously posted in his place of business. Violation of this section shall be punishable by a fine of $25 in each instance.

Secton 14A. And be it further enacted, That it shall be within the power of the Maryland Board of Pharmacy to enter into reciprocal relations with the Boards of Pharmacy of such other states as do likewise, and whose requirements are satisfactory as regards the awards and interchanging of certificates for registration of registered Pharmacists. Applicants for registration under this clause to propuce satisfactory documents bearing upon his pre-tour examination from the secretary of that board, and paying the secretary of the Maryland Board of Pharmacists the accustomed fee. Applicants, in addition, will be required to furnish satisfactory record as to his morality, sobriety, and close observance of the more important laws touching the life of a pharmacist.

Sec. 16. And be it further enacted, That the provisions of this Act shall not apply to Talbot County.

Sec. 17. Provided, however. That nothing in this Act shall be constructed as preventing general merchants of the counties of the State or of Baltimore city, from selling such drugs and medicines as having heretofore been handled by the general merchants of the State of Maryland.

Sec. 18. Be it further enacted, That this Act shall go into effect immediately upon its passage.

Approved April 5, 1906.
EDWIN WARFIELD,
Governor.
JOSEPH B. SETH,
President of Senate.
CARVILLE D. BENSON,
Speaker of House of Delegates.

[CHAPTER 703.]

AN ACT to repeal and re-enact with amendments Section 24 of Article 33 of the Code of Public General Laws of Maryland, title, "Election," as amended by Chapter 254 of the Acts of the General Assembly of Maryland, passed at the session of 1904.

Section 1. Be it enacted by the General Assembly of Maryland, That Section 24 of Article 33 of the Code of Public General Laws of Maryland, title "Elections," as the same was amended by Chapter 254 of the Acts of the General Assembly of Maryland, passed at the session of 1904, be and the same is hereby repealed and re-enacted with amendments, so as to read as follows:

24. In the counties a new general registration shall be made by each Board of Registry in the year 1910; such new general registration shall be made in the same way, at the same time, and under the same rules and provisions in all respects as are in this article made for the first general registration; and the respective Boards of Supervisors of Election in the several couties are hereby authorized and required to furnish, whenever in the judgment of such Board it may be necessary, new books of registry for use in any of the districts or precints in the several counties, for the transcri[illegible] the names of qualified voters [illegible] the registration [illegible] said transcribing sh[illegible] office of the Board of [illegible] Elections by two clerks to be [illegible] one by the Supervisors represen[illegible] the majority party, and one by [illegible] Supervisor representing the [illegible] minority party, as the parties are now constituted in this State.

The transcribing shall be done by the said clerks, both present at the same time, and new books after being transcribed shall correspond in all respects and if they do not correspond at the conclusion of the work, or if any error in the transcribing be alleged to exist, either of said clerks or any citizen or voter in any of said counties may file a petition in the Circuit Court within twenty days after said work is finished, naming the said two clerks and the Board of Supervisors of Elections as defendants and the said court shall have the power to make such order for the correction of said books as may be proper, any political party that polled more than one per cent. of the vote cast at the last election may, through its political committee, if it has one, or by citizens representing the said party, if there be no political committee, name a watcher and substitute watcher who shall be permitted to attend at the transcribing of said names, and have power to examine the said books during the sittings of the said clerks for the said work and for a period of five days thereafter in the presence of said Board of Supervisors.

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

Approved April 5, 1906.
EDWIN WARFIELD,
Governor.
JOSEPH B. SETH,
President of Senate.
CARVILLE D. BENSON,
Speaker of House of Delegates.

[CHAPTER 704.]

AN ACT to repeal and re-enact with amendments Section 425 of Article 27 of the Code of General Public Laws of Maryland, title, "Crimes and Punishments," sub-title, "Vagrants and Tramps."

Section 1. Be it enacted by the General Assembly of Maryland, That Section 425 of Article 27 of the Code of Public General Laws of Maryland, title, "Crimes and Punishments," sub-title, "Vagrants and Tramps," be and the same is hereby repealed and re-enacted with amendments, so as to read as follows:

425. Every person, not insane, who wanders about in this State and lodges in market houses, market places, or in other public buildings, or in barns, out houses, barracks, or in the open air, without having any fixed place of residence, and without having any lawful occupation in the city, town or county in which he may so wander, and without having any visible means of support, shall be deemed to be a tramp, and to be guilty of a misdemeanor, and shall be subject to imprisonment in the House of Correction, at the discretion of the Court or Justice of the Peace hearing the charge, for a period of not less than thirty days nor more than one year; provided, that in Talbot, Somerset, Wicomico and Worcester Counties the Court of Justice of the Peace may sentence such offenders to the county jail of the respective counties instead of the House of Correction. This section does not apply to Allegany County.

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

Approved April 3, 1906.
EDWIN WARFIELD,
Governor.
JOSEPH B. SETH,
President of Senate.
CARVILLE D. BENSON,
Speaker of House of Delegates.

[CHAPTER 709.]

AN ACT to repeal and re-enact Sections 2, 3, 4, 5 and 6, of Chapter 248 of the Acts of the General Assembly of Maryland, of the session of 1894, entitled, "An Act to create a Fire Marshal for the State of Maryland," and re-enacted said Sections 2, 3, 4, 5 and 6, of said Chapter 248, of said session of 1894, with amendments.

Section 1. Be it enacted by the General Assembly of Maryland, That Sections 2, 3, 4, 5 and 6 of Chapter 248, of the Acts of the General Assembly of Maryland, of the session of 1894, be and the same is hereby repealed and re-enacted so as to read as follows:

"Section 2. And be it enacted, It shall be the duty of the said Fire Marshal or the Deputy Fire Marshal hereinafter created to examine into the causes, circumstances and origin of all fires occurring within the State to which his attention may be called, and which in his judgment requires examination; and in making said examinations the said Fire Marshal or Deputy Fire Marshal may, when in his judgment said proceedings are necessary, take the testimony on oath of all persons supposed to be cognizant of any facts, or to have the means of knowledge in relation to the matters herein required to be examined and inquired into, and to cause the said testimony to be reduced to writing; and when in his judgment such examination discloses that the fire was of incendiary origin, the Fire Marshal or Deputy Fire Marshal may cause the supposed incendiary to be arrested and charged with the crime; and shall transmit a copy of the testimony so taken to the State's Attorney for the county or city wherein said fire occurred; and upon the request of the owner or insurer of any property destroyed by fire, the said Fire Marshal or Deputy Fire Marshal shall make a written report to the person requesting the same, of the result of the examination made by him regarding said property, and said Fire Marshal shall annually report to the Governor the results of all examinations made by him and the Deputy Fire Marshal.

Section 3. And be it enacted, That the Fire Marshal and Deputy Fire Marshal, in the absence of the Fire Marshal, shall have power to subpoena witnesses and to compel their attendance before him or them to testify in relation to any matter which is, by the provisions of this Act, a subject of inquiry and investigation by the said Fire Marshal or Deputy Fire Marshal, and shall also have power to cause to be produced before him, or them, such papers as he or they may require in making such examinations; the said Fire Marshal and Deputy Fire Marshal, in the absence of the Fire Marshal, shall be and they are hereby authorized to administer oaths and affirmations to persons appearing as witnesses before him, or them; and false swearing in any matter of proceeding aforesaid shall be deemed perjury and shall be punishable as such; and the said Fire Marshal and Deputy Fire Marshal shall have the authority at all times of the day or night, in the performance of the duties imposed by the provisions of this Act, to enter upon and examine any building or premises where any fires shall have occurred, or which at the time may be burning, and also the power to enter upon at any time any building adjacent to that in which the fire occurred should he deem it necessary in the proper discharge of his duties and the said Fire Marshal and Deputy Fire Marshal shall have authority to inspect public buildings, such as school houses, churches, opera houses, theatres, hospitals, asylums, public halls, factories, hotels and other buildings of like character, and to compel the owner or owners thereof to provide sufficient fire escapes or other means of exit as he, the said Fire Marshal, shall direct for the benefit and safety of the occupants of said building, and the said Fire Marshal shall give thirty days' notice to the owner or owners of such buildings to provide such escapes or other means of exit as in his judgment shall be deemed necessary, and upon failure or refusal of the said owner or owners of such buildings to comply with the said notice of the said Fire Marshal, the said Fire Marshal shall cause the said owner or persons to be arrested, and upon conviction before any Justice of the Peace of the city of county of the State of Maryland wherein the owner or owners of such building or buildings may reside or buildings may be located, they shall be deemed guilty of a misdemanor, and shall pay the fine of not more than one hundred dollars ($100) or less than twenty-five dollars ($25) for each offense, and an additional fine of five dollars ($5) for each and every day thereafter such violations shall continue, and if the accused shall feel himself aggrieved by the judgment of the Justice of the Peace, he shall have the right of appeal to the Circuit Court for the county and have a jury trial; this Act shall, however, not conflict with any existing laws now [illegible] ring the same in any of the [illegible] cities of the State of Maryland.

Section 4. And be it enacted, That the Fire Marshal or Deputy Fire Marshal shall at the request of the Board of Fire Commissioners of the city of Baltimore, or the County Commissioners of any county, or the municipal authorities of any incorporated city or town in this State, make to them a written report of the examination made by him or them regarding any fire happening within their respective jurisdiction.

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

Approved April 3, 1906.
EDWIN WARFIELD,
Governor.
JOSEPH B. SETH,
President of Senate.
CARVILLE D. BENSON,
Speaker of House of Delegates.

[CHAPTER 711.]

AN ACT to establish and promote the industry of oyster culture in Maryland, to define and mark natural oyster beds, bars and rocks lying under the waters of this State, to prescribe penalties for the infringement of the provisions of this Act and to add new sections to Article 72 of the Code of Public General Laws, to follows section 82, and to be designated respectively as sections 83, 84, 85, 86, 87, 88, 89 90, 91 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118 and 119.

Section 1. Be it enacted by the General Assembly of Maryland, That the following sections be and they are hereby added to Article 72 of the Code of Public General Laws, title "Oysters," to follow section 82, and to be designated respectively as sections 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118 and 119.

Sec. 83. Any resident of Maryland shall have the right to plant and cultivate oysters in the waters of this State; such right shall be exercised in the manner prescribed in the following sections of this Act, and shall be subject to the regulations, provisions and limitations hereinafter set forth, but no corporation, or joint stock company, shall be permitted to lease or take up, or to acquire by assignment, or other wise, any lands of the State for oyster planting or cultivation. All natural beds or bars shall be excluded from the operation of this Act, and no person shall be permitted to plant or cultivate oysters thereupon, or in any way appropriate the same to his own use.

Section 84. The Board of Shell Fish Commissioners of Maryland is hereby created. The said board shall consist of three members, one of whom shall be a resident of one of the tide water counties of the Eastern Shore of Maryland, another a resident of one of the tide water counties of the Western Shore, and a third a resident of the city of Baltimore, and one of whom shall be a member of the minority party at the time of their appointment. The term of each of the members of said board shall be two years from the first Monday in May after his appointment. They shall be appointed by the Board of Public Works of the State of Maryland. No member of said Board of Shell Fish Fish Commissioners shall be in any manner interested in any land leased or taken up for bedding, planting, or cultivating oysters. The acts and duties to be done and performed by said board under this Act may be done and performed by two of said commissioners, and in all cases, the decision of a majority of the commissioners shall be binding. One of said commissioners shall be designated by the Board of Public Works of the State of Maryland as president, and his salary shall be two thousand dollars a year. The salary of each of the other commissioners shall be eighteen hundred dollars a year. The said commissioners shall be allowed to employ a chief clerk upon a salary of twelve hundred dollars a year, and such assistants not exceeding three in number, and not more than may be absolutely needed for the performance of the work of the board, at grades of salaries, to be paid by the commissioners, not to exceed one thousand dollars a year for any such assistants, as it may deem necessary to aid it in the proper performance of its duties, as prescribed in this Act. The said commissioners shall employ a competent surveyor, who shall also be a hydrographic engineer, upon a salary to be named by said commissioners not exceeding twenty-five hundred dollars a year. If the commissioners deem it expedient to employ a hydrographic engineer who is also a biologist, capable of investigating oyster propagation, an engineer of such qualification may, in their discretion be employed. The sum of five hundred dollars per annum shall be appropriated, to be expended under the direction of said engineer, if he be a biologist, who shall, in that event, establish one or more stations for said investigation of oyster propagation. All salaries, outlays and disbursements authorized by this Act shall be paid out of the general treasury of the State of Maryland upon requisitions made by the Board of Shell Fish Commissioners, endorsed by the Comptroller of the State, but the same shall be repaid out of the first revenues arising from the leasing of land for oyster culture contemplated by this Act. The commissioners composing said board shall, immediately after their appointment, file in the office of the clerk of the Court of Appeals, separate bonds, with a surety or sureties to be approved by the State Treasurer, in the sum of ten thousand dollars, conditioned for the faithful performance of the duties imposed by this Act. The said commissioners shall take and subscribe before the Governor of the State an official oath prescribed by the Constitution. The said commissioners shall have an office in the city of Annapolis.

Section 85. The commissioners shall keep, in its office in the city of Annapolis, books of record, in which shall be recorded all leases, assignments and other conveyances of land to be used for the planting or cultivation of oysters in accordance with this Act. A set of clear and simple forms, for all subsequent conveyances of any kind, shall be prepared by the board, with the advice of the Attorney-General, and no title shall be vested in any lessee or transferee of any interest or estate acquired under this Act until the conveyance or conveyances evidencing such leases or transfers will have been recorded in the office of the Board of Shell Fish Commissioners.

Section 86. The Board of Shell Fish Commissioners shall, as soon as practicable, after passage of this Act, cause to be made a true and accurate survey of the natural oyster beds, bars and rocks of this State, said survey to be made with reference to a fixed and permanent objects on the shore, giving courses and distances, to be fully described and set out in a written report of said survey, as hereinafter required. A true and accurate delineation of the same shall be made on copies of published maps and charts of the United States Coast and Geodetic Survey, which said copies shall be filed in the office of the said commissioners in the city of Annapolis; and the said commissioners shall further cause to be delineated upon copies of the published maps and charts of the United States Coast and Geodetic Survey, of the largest scale one copy for each of the counties of this State in the waters of which there are natural oyster beds, bars and rocks, all natural beds, bars and rocks lying within the waters of such county, which maps shall be filed in the offices of the Clerks of the Circuit Court for the respective counties, wherein the grounds so designated may lie. The said survey shall be made by the hydrographic engineer employed by said board, as provided in section 84 of this Act, acting under the direction and control of the said commissioners. The said natural beds or bars shall be marked by buoys, which shall be known as State bouys.

Section 87. The Governor of this State is hereby requested to ask the assistance of the United States Coast and Geodetic Survey, and of the United States Fish Commissioner, to aid in the carrying out of the provisions of the preceeding section.

Section 88. The County Commissioners of each and every county in this State, in which there are natural oyster beds, bars or rocks, shall be authorized to appoint some resident of their said county, who is well acquainted with the situation and location of oyster beds, bars and rocks, in the waters of such county, who shall aid the Board by furnishing any information he may possess concerning the situation and location or recognized oyster beds, bars and rocks in the waters of such county, and who shall accompany the said commissioners and the hydrographic engineer appointed by said Board, but only within the limits of his county, in the making of the survey of the natural oyster beds, bars and rocks, as provided by this Act, the said appointee to receive a compensation of five dollars per day when actually so engaged.

Section 89. As soon as practicable after the first day of April, 1906, the said commissioners shall organize, and shall at once proceed, with the assistance of such person or persons as may be detailed by the United States Coast and Geodetic Survey, and the United States Fish Commissioner, to aid them in their work, and of such persons as may be appointed under the preceding section, to have laid out, surveyed and designated on the said charts the natural beds and bars, and shall cause to be marked and defined as accurately as practicable, the limits and boundaries of the natural beds, bars and rocks, as established by said survey, and they shall take true and accurate notes of said survey in writing, and make an accurate report of the said survey, setting forth such a description of land marks as may be necessary to enable the said board, or their successors, to find and ascertain the boundary lines of the said natural oyster beds, bars and rocks, as shown by a delineation on the maps and charts provided in this Act; said report shall be completed and filed in the office of the board in the city of Annapolis within ninty days after the completion of the survey of any county. Said commissioners shall cause the same to be published in pamphlet form, and transmit copies of the same to the clerks of the Circuit Court for the respective counties, where the charts have been filed or directed to be filed, as hereinafter provided; the said report to be filed by the clerks of the several counties in a book kept for that purpose. And the said survey and report, when filed, subject to the right of appeal hereafter provided for in this Act, shall be taken in all of the courts of this State as conclusive evidence of the boundaries and limits of all natural oyster beds, bars and rocks, lying within the waters of the county wherein such survey and report are filed, and shall be construed to mean in all of the said courts that there are no natural oyster beds, bars or rocks lying within the waters of the counties wherein such report and survey are filed, other than those embraced in the survey authorized by this Act, and that all areas of the Chesapeake Bay and Its Tributaries within the State of Maryland, not shown in the survey to be natural oyster beds, bars or rocks, shall be construed in all the Courts of the State to be barren bottoms, and open for disposal by the State for the purpose of private planting or propagation of oysters thereon under the provisions of this Act; provided that the said survey and report shall not be so construed as to effect in any manner the holdings by citizens of this State in any lot which may have been appropriated or taken up under the laws of this State prior to the approval of this