a motor vehicle as mechanic, or for hire, except employees facturers testing uncompleted les. Every person hereafter to operate a motor vehicle as ur, shall file in the office of of State, on a blank to be by such Secretary, a statement fied by affidavit, including his address, and the trade name ve power of the motor vehicles he is able to operate, ll pay a registration fee of rs, one dollar of which fee shall ed by the Secretary of State ces in issuing the license and ishing the said chauffeur with and the remaining one dollar paid to the State Treasurer use of the State Road Fund. etary of State shall thereupon ment in his office, regis- hauffeur in a book to be t purpose, properly indexed gn such chauffeur a distin- registration number. The Sec- State shall forthwith upon istration, and without further e and cause to be delivered to auffeur, a badge of aluminum suitable metal, which shall n form, and the greater diame- hich shall not be more than ches, having stamped thereon ds "Registered Chauffeur, No. Maryland," with registration inserted therein; which badge reafter be worn by such chauf- ied upon his clothing in a con- place at all times while he ting a motor vehicle upon the ighways. No chauffeur, hav- tered as hereinabove provided, ding shall permit any other per- badge, nor shall any son, while operating a motor wear any badge belonging to person, or badge bearing a number. No person shall ly employ any person to ope- otor vehicle as a chauffeur un- person so employed has com- th the provisions of this sec- d no person shall operate a vehicle, as a chauffeur, upon ic highways, after thirty days s Act takes effect, unless such shall have complied in all re- with the requirements of this No chauffeur or other per- l drive or operate any motor upon any street or highway in nce of the owner of such motor with his consent. No chauf- other person having the care tor vehicle for the owner shall or take directly or indirectly, s, discount or other considera- supplies or parts furnished or d for such motor vehicle, or k or labor done thereon by and no person furnishing such or parts, work or labor, shall offer any such chauffeur or rson having the care of a vehicle for the owner, directly tly, any bonus, discounts or nsideration thereon. Any per- ing any of the provisions of n shall be deemed guilty of and upon conviction fined a sum not exceeding dred dollars, or be imprisoned ty or county jail for a pe- eeding sixty days. Chauffeurs, erating motor vehicles on the ighways of this State shall be to all the provisions and pen- this sub-title povided, relat- violations of the provisions of -title, and upon conviction of l offence or any offence in this prohibited, the Justice of the other judicial officer imposing may revoke such chauffeur's for a period not exceeding three in addition to imposing the prescribed, such judicial officer such chauffeur's badge until ration of the period for which se may be revoked. Upon con- of a chauffeur in a Criminal nd his being found by the be an habitual offender, as 139 of this sub-title provided may in its discretion re- chauffeur's license absolute- this event such chauffeur's all be returned to the Secre- State, and the person to whom ge was so issued shall not be d or entitled to register again ried or one year from the date conviction.

Whenever the term motor is used in this sub-title, it construed to include automo- omobiles, and all other vehi- pelled otherwise than by mus- wer and having more than two but shall not be taken to in- s cars of electric and steam and other vehicles running on rails or tracks, road or trac- tines, bicycles, tricycles or other vehicles propelled exclusively ular power, or motor cycles, as to the speed herein pre-

And be it enacted, That d parts of Acts inconsistent r contrary hereto are here- ed to the extent of such in- cy.

3. And be it enacted, That to operate motor vehicles in te heretofore issued by the of this State, shall be in full d effect and shall not be in ected by the povisions of

And be it enacted, That ll take effect from the date

, 1906.

WARFIELD,
Governor.

H B. SETH,
President of Senate.
CARVILLE D. BENSON,
eaker of House of Delegates.

[CHAPTER 468.]

T to Regulate the Taking of rs in the Potomac River.

n 1. Be it enacted by the Gen- embly of Maryland, That all taken from any natural rocks, shoals in the waters of the e River, shall be culled on their rocks, beds or shoals as taken, ers whose shells measure less d one-half inches in length, from hinge to mouth, and hall be included in said culls- placed upon said rocks, beds provided that oysters once n the culler less than the size, and all shells shall ed so not having been culli- g to the provisions of this -that when small oysters ering so closely to the shell of etable oyster as to render re- e impossible without destroying ing oyster, then it shall not essary to remove it. And it e unlawful for any person to y or sell the small oysters and from the natural rocks, beds oals as aforesaid, or to take, or have in possession oysters n two and one-half inches in from hinge to mouth. When- inspector or other officer shall son to believe that this Act violated with reference to the of oysters, said inspector or fficer, is hereby authorized to the cargo of any boat or ves- , if upon examination of said he said inspector or other offi- ll find that five per centum or said cargo shall consist of oysters whose shells meas- than two and one-half in- xth, measuring from hinge he captain of the boat or n in charge of said boat med to have violated this pon conviction, if of a or a vender of oysters, d not less than one hun- nor more than two hun- y dollars, and confined in than thirty days or more ths. And said cargo con- and returned to the natural r the supervision of the oys- ector or other officer making rt, and the boat or vessel on aid oysters are found, shall as security for the payment fine; if a boat in which only oysters are used, the said cap- oth person in charge, shall not less than fifty dollars nor an one hundred and twenty- ars, and confined in jail not n fifteen days nor more than onths, and the said cargo con- and returned to the natural der the supervision of the oys- ector or other officer making st. And the boat of vessel said oysters are found shall as security for the payment ; provided however, that when on shall be found with oys- elation of this Act, he shall med to be a dredger or vender ers, and if he claims to be a the burden shall be upon said to show that he is a longer, se of the necessity that legis- n 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 said 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 the 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 proceed 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 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 on 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 nitro-

glycerine, 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 transfer 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 contained in 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 Court prescribed in Section 350 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 ministerial 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, entitled, "Crimes and Punishments," subtitle, "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 Circuit Courts of the counties, may, in lieu of 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 adminstrator shall sell any property of his decendent without an order of the Orphans' Court granting his letters, being first had and obtained authorizing such sale; 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 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 continuously 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, or 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.

Section 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 produce satisfactory documents bearing upon his previous 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 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 sanctioned 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 23 of the Code of Public General Laws of Maryland, title, "Elections," 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 23 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 counties are hereby authorized and required to furnish, whenever in the judgment of the said Board it may be necessary, new books of registry for use in any of the districts or precincts in the said several counties, for the transcribing of the names of qualified voters residing therein, from the registration books in use. The said transcribing shall be done in the office of the Board of Supervisors of Elections by two clerks to be selected, one by the Supervisors representing the majority party, and one by the Supervisor representing the chief 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 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 sitting 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," subtitle, "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 1894, be and the same are hereby repealed, and hereby 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 severally and 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 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 fire 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 person 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 reside, or the respective building 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 fully covering the same in any of the towns or cities of the State of Maryland.

Section 4. And be it enacted, That the entire expenses of the office hereby created shall not excede fifty-five hundred dollars ($5,500) a year, which shall be paid out of moneys paid into the State Treasury by or for the insurance companies doing business in this State; and immediately upon the qualification of the Fire Marshal, as provided herein, the Treasurer of the State shall, upon the warrant of the Comptroller, pay to the said Fire Marshal the sum of twenty-seven hundred and fifty dollars ($2,750), and the like sum at the expiration of each succeeding period of six months, and out of the moneys thus by said Fire Marshal received, he shall pay himself a salary of twenty-five hundred dollars ($2,500) per annum, payable in monthly instalments; and he shall have the power and authority and shall appoint a Deputy Fire Marshal, who shall also act as clerk to the Fire Marshal, and who shall have all the powers and authority herein enumerated and granted to him, to whom the said Fire Marshal shall pay the sum of twelve hundred dollars ($1,200) as a salary per annum, also payable in equal monthly instalments; he shall also be allowed out of said moneys a sum not exceeding five hundred dollars ($500) a year for office rent, and may from time to time employ such other clerical and other assistants and employees himself and the Deputy Fire Marshal with such means of conveyance as in his judgement the necessities of the office require; and when in the proper discharge of their duties the said Fire Marshal and Deputy Fire Marshal shall be compelled to go outside of the limits of the city of Baltimore or the place of their residence, they shall be allowed their traveling, hotel and other necessary expenses; he shall also provide himself with such office fixtures and appliances and such records of the office may require; and at the end of each year, accounting from the date of his qualification as Fire Marshal, he shall make to the Comptroller, under oath, a full report of the receipts and disbursements received and made by him during the preceding year, and shall at the same time pay into the State Treasury any balance of said sum of fifty-five hundred dollars ($5,500) that may then remain unexpended; and the said Fire Marshal shall keep or cause to be kept full and accurate account of the finances of his office, and shall also keep or cause to be kept an accurate account of his official Acts.

Section 5. And be it enacted, That the Fire Marshal shall have an office in the city of Baltimore, but in making examinations as to fires occurring outside of the city of Baltimore, the Fire Marshal or the Deputy Fire Marshal, or both, when, in his judgment, the proper discharge of his or their duties require it, shall visit the county, town or city, where such fire or fires occurred or where it is necessary to examine building as to proper fire escapes or exits therefrom.

Section 6. 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 minrity 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 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 to be fixed 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 such 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 funds 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 the 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 is 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 Act.

Section 90. The said board, in defining the natural beds and bars, shall exercise its judgment liberally in favor of the natural beds and bars, and allow a seasonable margin of the barren bottoms, rather than encroach on a natural bed or