PUBLIC GENERAL LAWS

CHAPTER NO. 299

A BILL ENTITLED

AN ACT to add a new section to Article 33 of the Annotated Code of Maryland, title "Elections," sub-title "Registration," said new section to be known as Section 17½ and to follow immediately after Section 17 of said Article, removing the requirement that female applicants for registration state their exact age and providing that such applicants shall be required to state whether or not they are at least 21 years of age.

SECTION 1. *Be it enacted by the General Assembly of Maryland*, That a new section be and it is hereby added to Article 33 of the Annotated Code of Maryland, title "Elections," sub-title "Registration," said new section to be known as Section 17½, to follow immediately after Section 17 of said Article, and to read as follows:

17½. A female applicant for registration as a voter shall not be required to state her exact age, but it shall be sufficient for said applicant to state, in answer to any and all questions relating to her age, that she will be at least 21 years of age on the regular election day next succeeding the day of registration, and entry shall be made accordingly under the column "Age" of the registry books, anything in Section 17 of this Article or in any other section of this Article to the contrary notwithstanding.

SEC. 2. *And be it further enacted*, That this Act shall take effect June 1, 1924.

Approved April 9, 1924.

CHAPTER NO. 340

A BILL ENTITLED

AN ACT to repeal and re-enact with amendments Sections 72, 73, 74, 75, 76, 77, 78, 80, 81 and 82 of Article 39 of Bagby's Annotated Code of Public General Laws of Maryland, title, "Fish and Fisheries," sub-title, "Trout and other Fish," and to further protect the fresh water fish or fishes of this State and to provide adequate legislation for protection and propagation of fresh water fish or fishes.

SECTION 1. *Be it enacted by the General Assembly of Maryland*, That Sections 72, 73, 74, 75, 76, 77, 78, 80, 81 and 82 of Article 39 of Bagby's Annotated Code of Public General Laws of Maryland, title, "Fish and Fisheries," sub-title, "Trout and other Fish," be and the same are hereby repealed and re-enacted with amendments so as to read as follows, and to add a new section to be known as 82-A.

72. The term Game or Fresh Water Fish or Fishes shall include the following fish or fishes: Charrs, Brook Trout, Brown Trout, Rainbow Trout or any other species of the Salmon and Trout Family except Squeteague, Small-mouth Bass, Large-mouth Bass also called Straw Bass; Green or Oswego Bass, Crappie, Grass or Calico Bass; Rock Bass otherwise known as Red-eye or Goggle-eye, and all other species or varieties of fresh water fishes, commonly known as bass (except striped bass or rock fish, Fall-Fish, Bluegill, or Blumebream, and all other species of fresh water fishes, commonly called subfish, pike or pickerel, Pike Perch, otherwise known as Susquehanna Salmon or Wall-eyed Pike; Green or Jack Pike. The term, "bait fish" shall include all forms of minnows (except Fallfish), and stone Cat Fish, sometimes called "Mad Toms."

The term "Food Fish" includes all species or varieties of fish whatsoever within the waters of this State not included in the game or fresh water fishes or bait fish.

73. No person or persons shall take, catch, kill, fish or fish for any Brook Trout, Brown Trout or Rainbow Trout or any other species of the Salmon or Trout Family (except Squeteague) within the waters of the State of Maryland above a point where the tide ebbs and flows between the first day of July and the first day of April thereafter, both dates inclusive, nor any Small-mouth or Large-mouth Bass or any other species of game or fresh water fishes mentioned in this Act between the first day of December and the first day of July, both dates inclusive, and then only by means of rod, hook and line. No person or persons shall take, catch, kill, fish or fish for, any of the fish or fishes herein named at any time in any of the waters of this State above a point where the tide ebbs and flows with any kind of seine or net, stir net, drag net, gig or gig iron, fish baskets or fish pots, eel weirs, brush or fascine nets, or by any means or contrivance in the nature of a seine or net or trap, which are in use at present or may be devised hereafter, except bait fish may be taken by use of a dip or landing net or seine not over six feet in length nor greater than three feet in depth.

74. No person shall place in any fresh water stream, lake or pond, without the consent of the owner, or in the waters and estuaries with the rivers debouching into them, any lime or other deleterious substance, with the intent thereby to poison or catch fish, under a penalty of One Hundred Dollars.

75. Whenever any person who owns, controls or erects an artificial pond upon his own land, or land of which he is in legal possession, shall put therein any fish or the eggs or spawn of fish for the purpose of breeding and cultivating fish, and shall give notice thereof either in one or more newspapers of the County, or by written or printed handbills put up in public places near said pond, any person who thereafter enter upon such premises without the consent of the owner, for the purpose of fishing, or shall catch in said pond or ponds, and take therefrom any fish, shall be guilty of a trespass, and, in addition thereto, shall be guilty of a misdemeanor and upon conviction thereof before any Justice of the Peace in this State shall be fined not less than Twenty-five dollars ($25.00) nor more than One Hundred Dollars ($100), for each and every offense, and shall stand committed to the County Jail or Baltimore City Jail until such fine and costs are paid.

76. Any person or company engaged in the increase of Brook Trout by artificial process (known as fish culture) may take from his or their ponds or ponds in any way, and cause to be transported and may sell any Brook Trout and the spawn of Brook Trout at any time; and common carriers may transport them, and dealers, may sell them on condition that the packages thereof so transported are accompanied by a certificate from a Justice of the Peace, certifying that such trout are sent by the owners or agents or parties so engaged in fish culture; and such person or company may take in any way and at any time, upon the premises of any person, under permission of the owners thereof, brook trout to be kept and used for artificial propagation only, and for no other purpose. Permits for propagation of trout in a pond or ponds privately owned may be issued by the State Game and Fish Warden, free of cost; however, person propagating any of the game or fresh water fishes named in this Act must apply for a permit to transport or sell, barter or exchange any fish or fishes which may be so offered.

78. No person shall catch or in any manner take or kill in any waters of this State above a point where the tide ebbs and flows, any of the game or fresh water fishes herein named and no person or persons shall catch take or kill or have in possession any brown trout, brook trout or rainbow trout or any other species of the salmon and trout family (except Squeteague) of any size less than six inches nor any large or small mouth bass less than nine inches or any pike or pickerel less than fourteen inches, measuring in case of each fish from the tip of the nose to the end of the caudal fin or tail, in any manner whatsoever, nor at any time save only with rod, line and hook or hooks baited with natural bait, or tied with artificial fly or with a spoon or spinner, each equipped with a hook, or hooks.

80. No person shall, in this State, in any manner or at any time so obstruct any stream above where the tide ebbs and flows, so that fish shall not have free access up and down said stream.

81. Every owner of a dam or dams upon any of the waters of this State is hereby required to make and keep in repair, or cause to be made and kept in repair, and placed upon said dam or dams at least one fish ladder of such a character as to enable fish to have a free course up and down said waters at all times.

82. No person shall place, throw or make use of in any waters of this State except bona fide engineering, milling or mining purposes, any dynamite or other explosive substance, or any lime, poison, acid, sawdust, shaving or other substance whatsoever deleterious to or destructive of fish life, under a penalty of not less than One Hundred Dollars ($100) nor more than Three Hundred Dollars ($300), or imprisonment in the penitentiary for not less than one year nor more than three years, or be both fined and imprisoned in the discretion of the Court; provided, however, that nothing in this section shall apply to sawmills now in operation until October 1, 1903, unless said sawmill or mills shall in the meantime change its or their location; and further provided, that any sawmill or mills moving from its or their present location, shall be considered a new mill or mills, and shall be subject to the provisions of this section.

82-A. Any person found guilty of violating any section or part or parts of sections of this Act unless the penalty is provided for in the section, shall be deemed guilty of a misdemeanor and upon conviction thereof before any Justice of the Peace of this State shall be fined not less than twenty-five dollars ($25) nor more than One Hundred Dollars ($100) for each and every offense, and shall stand committed to the County Jail or the Baltimore City Jail until such fine and costs are paid, that the fines recovered for any violation of this Act shall be paid over to the State Comptroller or the State Game and Fish Warden for account of the State Game and Fish Protection Fund to be used as provided by law.

SEC. 2. *And be it further enacted*, That all general and local laws or parts of such laws now in force whether general or local inconsistent herewith be and the same are hereby repealed to the extent of such inconsistency.

SEC. 3. *And be it further enacted*, That this Act shall take effect June 1, 1924.

Approved April 9, 1924.

CHAPTER NO. 344

A BILL ENTITLED

AN ACT to create a Relief Fund for disabled Veterans of the World War, to provide for the administration thereof and to make an appropriation therefor.

SECTION 1. *Be it enacted by the General Assembly of Maryland*, That a Relief Fund be and it is hereby created for the purpose of providing the necessities of life for such Maryland Veterans of the World War as are sick, disabled or indigent and who are without means to pay for said necessities or for proper care, and for the purpose of providing the necessary funeral expenses of such Veterans.

SEC. 2. *And be it further enacted*, That the sum of twenty-five thousand ($25,000) dollars shall be included in the State Budget each year to be expended for the purposes enumerated in Section 1 of this Act. The funds appropriated under the provisions of this Act shall be administered and expended under a Board to be composed of the Adjutant General of the State who shall be the Chairman, a member of the American Legion and a member of the Veterans of Foreign Wars, both of whom shall be appointed by the Governor to serve during his pleasure. The Board, as thus constituted, shall make such rules and regulations as it may deem necessary for administering and expending the funds provided for under the provisions of this Act, and the Chairman shall approve all bills and vouchers before payment by the State Comptroller.

SEC. 3. *And be it further enacted*, That, in order to provide the funds necessary until the next State Budget is submitted in 1927, there is hereby appropriated for each of the years ending September 30, 1925, September 30, 1926, and September 30, 1927, respectively, the sum of twenty-five thousand ($25,000) dollars.

SEC. 4. *And be it further enacted*, That the County Commissioners of the several Counties of the State, and the Mayor and City Council of Baltimore are hereby respectively directed to levy State taxes for the year 1925, 1926 and 1927 at 1-7 of one cent on each one hundred dollars of assessable property; the said taxes to be collected according to law, to provide the funds appropriated by Section 3 of this Act.

SEC. 5. *And be it further enacted*, That this Act shall take effect June 1, 1924.

Approved April 9, 1924.

CHAPTER NO. 351

A BILL ENTITLED

AN ACT to add a new section to Article 58 of the Annotated Code of Maryland, title "Live Stock," sub-title "Dairies," said new section to be known as Section 23-A and to follow immediately after Section 23 of said Article, the same relating to the importation of fluid milk into the State of Maryland.

SECTION 1. *Be it enacted by the General Assembly of Maryland*, That a new section be and the same is hereby added to Article 58 of the Annotated Code of Maryland, title "Live Stock," sub-title "Dairies," said new section to follow immediately after Section 23 of said Article, to be known as Section 23-A and to read as follows:

23-A. It shall be unlawful to import into the State of Maryland any fluid milk that has not been produced handled and shipped according to the same standards and under the same conditions applicable to milk produced in Maryland under the rules and regulations of the municipalities into which such milk is shipped. Any person, firm or corporation violating the provisions of this section shall be deemed guilty of a misdemanor, and upon conviction, shall be subject to a fine of $50 for the first offense, and $100 for each subsequent offense.

SEC. 2. *And be it further enacted*, That this Act shall take effect June 1 1924.

Approved April 9, 1924.

CHAPTER NO. 376

A BILL ENTITLED

AN ACT to provide for the levying of a per capita charge upon respective Counties and the City of Baltimore for students committed to the Maryland School for the Blind.

SECTION 1. *Be it enacted by the General Assembly of Maryland*, That for each blind or colored deaf minor committed to the care and education of the Maryland School for the Blind, from the City of Baltimore or any one of the Counties in the State, the said city or county, as the case may be, shall as herein specified, pay to the Maryland School for the Blind the sum of Two Hundred ($200.00) Dollars per annum for the care and education of such blind minor or colored deaf minor. The expenses for the care and education of all blind minors or colored deaf minors in The Maryland School for the Blind, shall be a charge upon each county and City of Baltimore committing such blind or colored deaf minors to The Maryland School for the Blind, as hereinafter provided. It shall be the duty of the Board of Directors of The Maryland School for the Blind to furnish to each county treasurer, and to the Comptroller of the City of Baltimore having blind or colored deaf minors committed to The Maryland School for the Blind, a quarterly statement giving the number of such blind or colored deaf minors; and the name of each from and charged to such county or the City of Baltimore, as the case may be, and the cost of maintenance and education due from said county and the City of Baltimore for such blind or colored deaf minor.

The Board of County Commissioners of each county, and the Mayor and City Council of Baltimore are hereby authorized and required to levy annually upon the assessable property of each of said counties and said city respectively, an amount equal to two hundred ($200.00) dollars for each blind minor or colored deaf minor committed to the care and education of The Maryland School for the Blind from said counties and said city, as the case may be.

The total amount of annual tax levied by the said counties and said city shall not be less than a sum sufficient to provide for the number of blind and colored deaf minors committed from said counties or said city based upon the previous year's certification by the Board of Directors of The Maryland School for the Blind to the said counties and to the said city; and the Board of county commissioners of said counties, and the Mayor and City Council of Baltimore, shall pay to The Maryland School for the Blind, at the end of each quarter of the calendar year an amount equal to fifty ($50.00) dollars for each blind minor or colored deaf minor committed to the care and education of The Maryland School for the Blind, multiplied by the number of blind minors and colored deaf minors certified to the Treasurer of the respective counties and the Comptroller of Baltimore City by the Board of Directors of The Maryland School for the Blind as of the first day of January, April, July and October respectively in each year. Any balance from said levy at the end of the year shall revert to the treasury of said counties or said city, and any deficiency, if any, shall be included in the next succeeding levy and forthwith paid to The Maryland School for the Blind. Taxes levied and collected in any county or the City of Baltimore for the purpose named in this Act shall be used to defray the expenses of the blind minors and colored deaf minors committed to The Maryland School for the Blind, and shall not be transferred to any other fund by the city or county authorities.

SEC. 2. *And be it further enacted*, That this Act shall take effect June 1, 1924.

Approved April 9, 1924.

CHAPTER NO. 379

A BILL ENTITLED

AN ACT to add a new section to Article 23 of the Annotated Code of Maryland, title "Corporations," sub title "Safe Deposit Companies," said new section to be known as Section 356A and to follow immediately after Section 356 of said Article authorizing Safe Deposit Companies and other Corporations or persons engaged in like business within this State, to limit by contract their liability in certain respects.

SECTION 1. *Be it enacted by the General Assembly of Maryland*, That a new section be and it is hereby added to Article 23 of the Annotated Code of Maryland, title "Corporations," sub-title "Safe Deposit Companies," said new section to be known as Section 356A, to follow immediately after Section 356 of said Article and to read as follows:

356A. Any Safe Deposit Company engaged in the business of renting out locked boxes or safes for storage or safe-keeping of securities and valuables in a vault in its building, or under its control, within this State, or other corporation or individual engaged in such business, may in any lease or contract governing or regulating the use of any such box or safe to or by any customer or customers, limit its liability as such lessor or bailee in all or any of the following respects:

Limit its total liability for any loss by negligence to such maximum amount as may be so stipulated, no less however than five hundred times the annual rental of such box or safe.

2. Stipulate that it shall in no event be liable for loss of money, jewelry or such other articles as may be so excepted against in such lease or loan-tract.

3. Stipulate that evidence tending to prove that securities, money, valuables or other articles were left in any such box or safe upon the last entry by such customer or his authorized agent, and that the same or any part thereof were found missing upon subsequent entry, shall not be sufficient to raise a presumption that the same were lost by any negligence or wrongdoing for which such lessor is responsible, or put upon the lessor the burden of proof that such alleged loss was not the fault of the lessor.

SEC. 2. *And be it further enacted*, That this Act shall take effect June 1, 1924.

Approved April 9, 1924.

CHAPTER NO. 417

A BILL ENTITLED

AN ACT to repeal and re-enact with amendments Chapter 403, Acts of 1918, codified as Section 54, Article 63, in the 1916-1918 Supplement to the Annotated Code of Public General Laws of Maryland, and to add new sections thereto, to be known as Section 55, Section 56, Section 57, Section 58, providing for a lien on motor vehicles for repairs, storage and accessories, and providing also for the method of enforcing said lien, and the manner of determining the amount due in disputed cases.

SECTION 1. *Be it enacted by the General Assembly of Maryland*, That Chapter 403, Acts of 1918, codified as Section 54, Article 63, in the 1916-1918 Supplement to the Annotated Code of the Maryland General Laws of Maryland, be and the same is hereby repealed and re-enacted, with amendments, to read as follows:

54. Whenever a motor vehicle or any part thereof is left by the owner or by any other person with his authority, express or implied, in the custody of any corporation, firm or individual, association, or person for repair, rebuilding, storage, or for the purpose of having furnished for or on account of the same any parts, accessories, or tires, the corporation, firm, individual, association or person in whose custody said motor vehicle or part thereof is left for all or any of the purposes aforesaid, shall have a lien on said motor vehicle or part thereof for all charges so incurred, and may lawfully retain the same until said charges have been paid, or until said lien is extinguished or discharged as hereinafter provided. Said lien shall be superior to the rights of the holders of conditional sale contracts, bills of sale, chattel mortgages or other liens or claims of any kind which are not theretofore executed and recorded or filed for record as required by law, but shall be subordinate thereto where the same have been theretofore executed and recorded as required by law. Surrender or delivery of any motor vehicle subject to the lien aforesaid shall operate as a waiver or extinguishment of the same as against third persons without notice thereof, but shall not operate as such waiver or extinguishment as against the owner or as against third persons with notice.

55. Should the owner dispute the amount of the charge, or any part thereof, for which the lien is claimed as aforesaid, such dispute may be determined by appropriate legal proceedings, and the institution of any such legal proceedings shall operate as a stay of execution under said lien until the amount thereof shall have been judicially determined, or the owner of such motor vehicle shall have the right to immediately repossess himself of his said motor vehicle upon filing a good and sufficient corporate bond, in double the amount of said claim, with the Clerk of the Circuit Court for the County, or with the Clerk of the Superior Court of Baltimore City, where the corporation, firm, individual, association, or person, claiming such lien may have repaired or stored said motor vehicle, which said bond shall be approved by the Clerk of said Court, and which said bond shall be conditioned upon the payment of the full amount of any final judgment which may be recovered upon such claim, together with interest, and all costs incident to any such suit, and any costs and expenses which may have been incurred in connection with the enforcement of such lien up to the time that such lien claimant is notified of the filing of such bond. And the filing of such bond shall operate as a stay of execution under said lien until the amount thereof shall have been judicially determined; and in any such suit against the owner of said motor vehicle by such lien claimant after filing of such bond, if any defendant is returned non est, service may be secured by publication as in the case of a suit against a non-resident, provided, however, that suit be instituted within six months from the presentation of said bond, otherwise the bond is to be null and void.

56. Any corporation, firm, individual, association or person who may have a lien under this Act on any motor vehicle or part thereof for repairs, rebuilding or storage, or having furnished for or on account of said motor vehicle and parts, accessories or tires may, if the account is due and unpaid for a period of thirty days and if the lienor still retains possession of the same, sell said motor vehicle or part thereof at public sale at some place which shall be convenient and accessible to the public at any time between the hours of 10 o'clock A. M. and 6 o'clock P. M., provided the time, place and terms of said sale, together with a full detailed description of said motor vehicle or part thereof shall be inserted in one or more daily newspapers published in the city or county where said sale is to take place at least once each week for two successive weeks prior to said sale; and provided further, that a registered notice shall be mailed at least ten days prior to said sale to the owner of said motor vehicle or part thereof, if his address be known, or if it can be ascertained by the exercise of reasonable diligence, or by mailing said notice by registered mail to the person who gave the order for said repairs, storage, rebuilding, parts, accessories, or tires. If the address of neither of said persons is known, and by the exercise of reasonable diligence cannot be ascertained, then such notice shall be mailed to "General Delivery" at the Post Office of the city or county where the business of said lienor is located. Any excess in the amount of the selling price of said motor vehicle or part thereof at said sale over and above the expenses thereof, including a reasonable attorney's fee and the amount of said lien, shall be remitted to the owner of said motor vehicle or part thereof.

57. The remedies for enforcing the aforesaid lien herein provided shall not preclude any other remedies allowed by law for the enforcement of a lien against personal property nor bar the right to recover so much of the custodian's claim as shall not be paid by the proceeds of the sale of the property.

58. Should the owner of the motor vehicle or part thereof replevy the same and the defendant in such action move the court for a writ of retorno habendo, and if it shall appear to the court that the defendant's claim to the right of possession of such motor vehicle or part thereof is based on any lien or right to hold the property replevied as security for any sum of money claimed to be due as distinguished from a claim of ownership of the property replevied, the court shall refuse to order a return of the property replevied to the defendant until a judgment is given in the action, and in the trial of such replevin action it shall be the duty of the court, if the case is being tried without a jury, or the duty of the jury if the case is being tried before a jury, to determine the amount of such lien or claim, if any, and the amount of any expenses which were properly incurred or which accrued prior to the date of trial, including storage and advertising, and the judgment in such action, if for the defendant, shall be either for the return of the property replevied, or for the amount of such lien or claim, and any accrued expenses which were properly incurred by the defendant, including storage and advertising; and the court may also allow a reasonable counsel fee to the defendant's counsel. The burden of proof in such action shall be upon the defendant to establish his claim or lien, to the same extent as if he were a plaintiff in an action to secure a judgment on an open account.

SEC. 2. *And be it further enacted by the General Assembly of Maryland*, That this Act shall take effect June 1, 1924.

Approved April 9, 1924.

CHAPTER NO. 420

A BILL ENTITLED

AN ACT to add a new section to Article 97 of the Annotated Code of Maryland, title "Weights and Measures," said new section to be known as Section 44 and to follow immediately after Section 43 of said Article, authorizing the State Board of Agriculture to inspect, regulate and adjust scales, beams, weights and measures used in vending and purchasing agricultural products and farm supplies.

SECTION 1. *Be it enacted by the General Assembly of Maryland*, That a new section be and it is hereby added to Article 97 of the Annotated Code of Maryland, title "Weights and Measures," said new section to be known as Section 44, to follow immediately after Section 43 of said Article, and to read as follows:

44. In addition to the powers of inspection, regulation and adjustment of scales, beams, weights and measures conferred by this Article upon the inspectors appointed by the County Commissioners of the several counties, and by the Comptroller of Baltimore City, the State Board of Agriculture shall, through its officers, agents and employees, have the authority and power to inspect, regulate and adjust any or all scales, beams, weights and measures used in the several counties of the State and in the City of Baltimore in the vending or purchasing of agricultural products and farm supplies which are directed by law or are usually sold by weight or measure. The said State Board of Agriculture shall have and exercise, through its officers, agents and employees, all the authority and power conferred by this Article upon the inspectors appointed by the County Commissioners of the several counties, and by the Comptroller of Baltimore City, including the power to condemn any scale, beam, weight or measure which it is impossible to repair, and to prohibit the use of and to remove and destroy or otherwise dispose of the same. The authority and power hereby conferred shall be exercised in such manner, by such method or methods and at such time or times as shall be determined upon by the said State Board of Agriculture, and the said Board shall have power to make or cause to be made an inspection or inspections of such scales, beams, weights and measures as, in its discretion, the public interest shall require.

Any person, firm or corporation, or any officer, agent or employee of such person, firm or corporation refusing to have his, her, their or its scales, beams, weights or measures inspected, regulated or adjusted by the said State Board of Agriculture, or its officers, agents or employees as authorized by this Article, or refusing to carry out the lawful orders of the said Board, its officers, agents or employees, or interfering in any way with the exercise of the authority conferred by this Article, shall, upon conviction, be subject to the penalties provided therefor in this Article. The provisions of this section shall be construed as additional and supplemental to, and not in substitution for or in conflict with, any of the other sections of this Article.

SEC. 2. *And be it further enacted*, That this Act shall take effect June 1 1924.

Approved April 9, 1924.

CHAPTER NO. 432

A BILL ENTITLED

AN ACT to add a new section to Article 27 of Bagby's Annotated Code of Public General Laws of Maryland, to come in after Section 213A, under the new sub-title "Game Preserves,"