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The Transcript.

Thursday, May 13, 1886.

C. G. WOODALL,
EDITOR AND PUBLISHER.

LAWS

Passed at the Session of the General Assembly of Maryland, begun Jan. 6 and ended April 5, 1886.

Ordered to be Published in Conformity with the Acts of 1882, Chapter 251.

CHAPTER 298.

AN ACT to repeal section thirteen, of the Act of eighteen hundred and eighty, chapter one hundred and seventy-two, entitled an Act to repeal sections one, two, three, twelve, thirteen, fourteen, sixteen, seventeen and eighteen, of Article forty-eight, of the Code of Public General Laws, title 'Insolvents,' and to re-enact the same with amendments, and also to add certain new sections to said Article as amended by the Act of eighteen hundred and eighty-four, chapter two hundred and ninety-five, and to repeal sections, twenty-three and twenty-four, of the said Act of eighteen hundred and eighty, chapter one hundred and seventy-two, and to re-enact the same with amendments.

SECTION 1. *Be it enacted by the General Assembly of Maryland*, That section thirteen, of the Act of eighteen hundred and eighty, chapter one hundred and seventy-two, entitled an Act to repeal sections one, two, three, twelve, thirteen, fourteen, sixteen, seventeen and eighteen, of Article forty-eight of the Code of Public General Laws, title 'Insolvents,' and to re-enact the same with amendments, and also to add certain new sections to said Article as amended by the Act of eighteen hundred and eighty-four, chapter two hundred and ninety-five, and sections twenty-three and twenty-four, of the said Act of eighteen hundred and eighty, chapter one hundred and seventy-two, be and are hereby repealed and re-enacted with amendments so as to read as follows:

13. No deed or conveyance executed or lien created by any banker, stockbroker, merchant, manufacturer or trader being insolvent, or in contemplation of insolvency, shall be lawful or valid if the same shall contain any preferences save such as result from operation of law, and save those for the wages or salaries to clerks, servants and employees contracted not more than three months anterior to the execution thereof; and all preferences with the exceptions aforesaid shall be void, howsover the same may be made; provided, the grantor or party creating such lien or preference shall be proceeded against under section twenty-four, or shall apply for the benefit of this Act under section one within four months after the recording of the deed or conveyance or the creation of said lien or preference, and shall be declared or shall become under the provisions of this Act an insolvent.

23. Any person who shall depart from or remain absent from this State with intent to hinder, delay or defraud his creditors or conceal himself to avoid service upon him in any action for the recovery of a debt, and any person who conceals or removes any of his property to prevent the same from being taken under legal process, or makes any assignment, gift, sale, conveyance or transfer of all or part of his estate or property with the intent to delay, hinder or defraud his creditors, or belonging to any of the classes mentioned in section thirteen of this Act when insolvent or in contemplation of insolvency, executes a deed or conveyance giving preferences creates a lien, making any unlawful preferences as therein stated, or otherwise gives such preferences, or belonging to said last mentioned classes when insolvent or in contemplation of insolvency confesses any judgment or allows any judgment to be entered against him by any connivance, or belonging to any of said classes, when insolvent or in contemplation of insolvency fraudulently stops payment or suspends payment of his negotiable paper, and fails to resume the payment thereof within twenty days, or being a banker or broker, shall fail for twenty days to pay any depositor on demand lawfully made, shall be deemed to have committed an Act or Acts of insolvency, as the case may be; provided, the petition mentioned in the succeeding section is filed within four months after the act of insolvency is committed.

24. A petition may be filed in any of said courts having the right to take jurisdiction of the debtor so committing any act of insolvency in the preceding section mentioned by any one or more creditors, the aggregate of whose debts against the insolvent amount to at least the sum of two hundred and fifty dollars at any time within four months after the recording of any of the conveyances, creation of liens or committing of any of the acts of insolvency in this Act specified; the said petition shall allege the facts upon which the application is grounded and pray for process against the debtor, and an adjudication of insolvency and shall be verified by the affidavit of the petitioner, the Court shall thereupon issue summons for the debtor and require him to show cause within not less than five nor more than ten days why such adjudication shall not be made; upon any issue of fact which may arise out of said petition and answer, either party shall be entitled to a trial by jury, but the parties to said cause may waive the jury trial and be heard by Court on the issue in fact, and the trial shall take place at the term during which the petition was filed and as speedily as may be, and if the petition be filed in any Circuit Court for any county during the term, and whilst the jury shall be in attendance thereon the Court shall not discharge the petit jury until the parties to said petition shall file their waiver of a jury trial as hereinbefore provided, and if the petition be filed in any such Court after the jury has been discharged for the term, the Court or any Judge thereof shall, upon the demand of a jury trial by either party as aforesaid order the Sheriff to summon a special jury which shall be convened in not less than five nor more than ten days from the date of such order to hear and determine the question of fact between the parties; provided that the said petition shall be filed more than thirty days prior

to the beginning of a new term of said Court, and pending the determination of the application for such adjudication, and pending any question of the validity of any preference by mortgage, judgement or otherwise, and of any gift, sale, assignment, conveyance or transfer or removal of all or any part of the property of the debtor with intent to hinder, delay or defraud his creditors, or to give an unlawful preference to any creditor, endorser or surety, the Court or any Judge thereof shall, on the application of the petitioner, issue an order in the nature of an injunction to restrain the debtor and the mortgage judgment creditor, donee, vendee, assignee, grantee, or other person having the custody or claiming the title to any property or estate of the debtor from selling, dispesing of or in any way interfering with said property or estata until the question of adjudication shall have been determined. and may issue such other orders upon such terms and conditions as the Court may deem necessary for the preservation and safe-keeping of the property in controversy; and the Court shall possess the power to allow any amendments necessary to prevent the rights of the matter; if the allegations of the petitioner shall not be sustained, the respondent shall recover a judgment for costs against the petitioner, and if the allegations be sustained, and are sufficient to warrant the same an adjudication shall be made by the Court that the debtor is insolvent, and therefore and by virtue of the adjudication his right and power to dispose of any part of his estate and property shall cease, and when the Court shall have appointed a preliminary trustee, all such estate and property shall, as soon as the bond of such trustee shall have been approved, be divested out of the insolvent and be vested in the trustee; and thereafter the same proceedings shall be had as hereinbefore prescribed in relation to persons who shall apply for the benefit of the provisions of this Article, and the said debtor shall thereupon immediately execute the schedule and list of debts verified by his affidavit as provided by section one of this Article, and the debtor shall be entitled to his discharge from all debts and contracts made before the filing of the petition in this section mentioned, in the same manner and to the same extent and with the same exception as though he had made application, as provided in section one of this Article, the extention of time in the Act from sixty days as provided in chapter one hundred and seventy-two, Act of eighteen hundred and eighty, to four months, as in this Article provided, shall not apply to persons who before the passage of this Act may have been liable to be proceeded against as herein provided, and who are at the passage of this Act exempted by reason of the expiration of the sixty days from the time of the preference given or lien created.

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

Approved April 7, 1886.

We hereby certify, that the aforegoing is a correct copy of an Act of the General Assembly of Maryland, passed January Session, 1886.

W. G. PURNELL,
Secretary of the Senate.
E. B. PRETTYMAN,
Chief Clerk House of Delegates.

CHAPTER 470.

AN ACT to repeal and re-enact with amendments, sections four and six of Article fifty-three of the Code of Public General Laws, entitled "Landlord and Tenants," sub-title "Tenants Holding Over," as said sections were amended by the Act of eighteen hundred and eighty-two, chapter three hundred and fifty-five.

SECTION 1. *Be it enacted by the General Assembly of Maryland*, That sections four and six of Article fifty-three of the Code of Public General Laws, title 'Landlord and Tenants,' sub-title, 'Tenants Holding Over,' (as amended by the Act of eighteen hundred and eighty-two, chapter three hundred and fifty five,) be and are hereby repealed and re-enated to read as follows:

4. If upon hearing, the said parties or in case the tenant or person in possession, shall neglect to appear after the summons and continuance as aforesaid, proof thereof being made, it shall appear to the justice, and be by him so found that the said lessor had been in possession of the said premises so leased or demised, that the said lease or estate is fully ended and expired, that due notice to quit as aforesaid, had been given to said tenant or person in possession, and that he or they had refused so to do, the justice shall thereupon give judgment for the restitution of the possession of said premises, and shall forthwith issue his warrant to the Sheriff commanding him forthwith to deliver to the lessor, his or her heirs, excutors, administrators or assigns possession thereof in as full and ample manner as the lessor was possessed of the same at the time when the leasing or letting was made, and shall give judgment for costs against the tenant or person in possession so holding over; any tenant who shall feel himself or herself aggrieved by such judgment of said justice shall have the right of appeal therefrom to the Circuit Court of the county or City Court of Baltimore city, upon giving notice of his or her desire so to appeal within ten days from the rendition of said judgment; and if said defendant shall file with said justice, to be by him transmitted with the papers in said case to said court, and sufficient bond with one or more securities, conditioned that he or they will prosecute said appeal and well and truly pay all rent in arrear, and all rent which shall accrue pending the determination of said appeal, then the tenant or person in possession of said premises may retain possession thereof until the termination of said appeal and in case the judgment of said justice shall be affirmed, a warrant as aforesaid, shall be issued to the Sheriff by the Court so determining the same, who shall proceed forthwith to execute the same; if the judgment of the justice shall be against the lessor he shall have the right of appeal at any time within ten days after said judgment shall have been rendered, and the Court to which such appeal is taken shall review said cause and render such judgment as the justice ought to

have rendered, and if the judgment of said court shall be in favor of the lessor, it shall issue a warrant to the sheriff for the restitution of the possession of said premises as hereinbefore provided.

6. The provisions of the preceeding sections shall apply to all cases of tenancies from year to year, tenancies by the month and by the week; provided, that in cases of tenancies from year to year, a notice in writing shall be given six months before the expiration of the current year, and in monthly or weekly tenancies a notice in writing of one month or one week, as the case may be, shall be so given, and the same proceedings shall apply so far as may be to cases of forcible entry and detainer, and the benefit of all such proceedings shall inure to the heirs, executors, administrators or assigns of the owner of such estate, as the case may be, in case of removal of such proceedings under a writ of *certiorari*, a sufficient record thereof, shall be the original papers with a copy of the judgment and entries by the justice under his hand and seal.

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

Approved April 7, 1886.

We hereby certify, that the aforegoing is a correct copy of an Act of the General Assembly of Maryland, passed January Session, 1886.

E. B. PRETTYMAN,
Chief Clerk House of Delegates.
W. G. PURNELL,
Secretary of the Senate.

CHAPTER 10.

AN ACT to amend and re-enact section twenty seven of Article sixteen, of the Code of Public General Laws, entitled, 'Chancery,' sub-title 'Divorce.'

SECTION 1. *Be it enacted by the General Assembly of Maryland*, That section twenty seven of Article sixteen of the Code of Public General Laws, title "Chancery," sub title 'Divorce,' be and the same is hereby repealed, amended and re-enacted so as to read as follows:

27. No person shall be entitled to make application for a divorce, where the causes for divorce occured out of this State, unless the party complainant or defendant shall have resided within this State for two years next preceding such application.

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

Approved March 10, 1886.

We hereby certify, that the aforegoing is a correct copy of an Act of the General Assembly of Maryland, passed January Session, 1886.

W. G. PURNELL,
Secretary of the Senate.
E. B. PRETTYMAN,
Chief Clerk House of Delegates.

CHAPTER 504.

AN ACT to repeal section sixty-four, of Article seventy-five, of the Code of Public General Laws, relating to Pleadings, Practice and Process, as amended by chapter two hundred and eighty-three, of the Acts of the January Session, eighteen hundred and sixty-four, and as repealed and re enacted and amended by chapter one hundred and forty-one of the Acts of the January Session, eighteen hundred and seventy-eight, and to re-enact said section amended.

SECTION 1. *Be it enacted by the General Assembly of Maryland*, That section sixty four, of Article seventy five, of the Code of Public General Laws, relating to Pleadings, Practice and Process, as amended by chapter two hundred and eighty-three, of the Acts of January Session, of eighteen hundred and sixty-four, and as repealed and re enacted and amended by chapter one hundred and forty-one, of the Acts of the January Session, eighteen hundred and seventy-eight, be, and the same is hereby, repealed and re-enacted so as to read as follows:

SEC. 64. Whenever any lands or tenements shall be sold by any Sheriff, Constable, Coroner or Elisor, by virtue of any process or execution from any Court or Justice of the Peace of this State or by any Trustee under the decree of any Court of this State; by any Trustee, by appointment of any insolvent Court; by any Trustee under any voluntary deed of trust; by any mortgagee under any power in any mortgage; by any executor or executors, or any other person under any power in a will, and the debtor named in such execution or decree, the insolvent grantor or mortgagor in said deed of trust or mortgage, or any person holding under said debtor, insolvent grantor or mortgagor, by title subsequent to the date of the judgment decree, insolvent proceedings, deed of trust or mortgage, respectively, or any person claiming under the devisor of said will, shall be in actual possession of the land and tenements sold, and shall fail or refuse to deliver possession of the same to the purchaser thereof; excepting, however, case of tenancies created in the lifetime of the devisor which shall be fulfilled, as now allowed by law, the Judge of the Circuit Court of the county in which said lands or tenements may be situate, or if situate in the city of Baltimore, the Judge of the Circuit Court or of the Superior Court of Baltimore city shall, on application in writing, to be verified by the affidavit of the purchaser, or his attorney, unless good cause to the contrary be shown by the party or parties in actual possession as aforesaid, his or their agents or attorneys, or other persons concerned, within not less than fifteen days or more than thirty days from the filing of such application as aforesaid, issue a writ in the nature of a writ of *habere facias possessionem*, reciting therein the proceedings which may have been had in said process, thereby commanding the Sheriff of the county, Coroner or Elisor to deliver possessions of the said lands and tenements to the purchaser thereof; and in cases of sales made by virtue of power contained in wills, the Judge shall grant such writs if it appear on such application that the contract of tenancy entered into between the devisor and tenant in possession has expired, and in cases when the purchaser has entered into an agreement with the person in actual possession of such lands and tenements at the time of such sale to permit such person to remain in possession for a limited period, the Judge shall grant the said writ, if it appears in said application the period limited by such agreement

between the purchaser and the person in possession has expired.

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

Approved April 7, 1886.

We hereby certify, that the aforegoing is a correct copy of an Act of the General Assembly of Maryland, passed January Session, 1886.

E. B. PRETTYMAN,
Chief Clerk House of Delegates.
W. G. PURNELL,
Secretary of the Senate.

CHAPTER 375.

AN ACT to add a new section to Article thirty of the Code of Public General Laws, title "Crimes and Punishments," providing for the punishment of carrying dangerous or deadly weapons.

SECTION 1. *Be it enacted by the General Assembly of Maryland*, That the following section be added to Article thirty of the Code of Public General Laws, title Crimes and Punishments.

SECTION —. Every person not being a conservator of the peace, entitled or required to carry such weapon, as a part of his official equipment, who shall wear or carry any pistol, dirk-knife, bowie-knife, slung shot, billy, sand-club, metal-knuckles, razor or any other dangerous or deadly weapon of any kind whatsoever (penknives excepted), concealed upon or about his person, and every person who shall carry or wear any such weapon openly with the intent or purpose of injuring any person, shall upon conviction thereof be fined not more than five hundred dollars or be imprisoned not more than six months in Jail or the House of Correction.

SEC. 2. *And be it enacted*, That this Act shall take effect from the date of its passage, and that all Acts and parts of Acts inconsistent with the provisions of this Act be and the same are hereby repealed.

Approved April 7, 1886.

We hereby certify that the aforegoing is a correct copy of an Act of the General Assembly of Maryland, passed January Session, 1886.

E. B. PRETTYMAN,
Chief Clerk House of Delegates.
W. G. PURNELL,
Secretary of the Senate.

CAAPTER 453.

AN ACT to add a section to Article sixteen of the Code of Public General Laws, title Chancery, under sub title Process, to immediately precede section one hundred and fifteen of said Article and to be numbered 114 A.

SECTION 1. *Be it enacted by the General Assembly of Maryland*, That the following section be and the same is hereby added to Article sixteen of the Code of Public General Laws, title Chancery, under the subtitle Process, to immediately precede section one hundred and fifteen of said Article and to be numbered 114 A.

114 A. Where it shall appear that the Court has jurisdiction of a case, but there is doubt as to the residence of a party against whom process is necessary, or the same be wrongly alleged, several writs may be issued as of course to as many counties within the State, or requisite process concurrently to different places without the State, or both writs and process within and without the State for service upon such party, but if any process hereunder be vexatiously or unnecessarily issued, the Court may order the costs of same to be paid by the party asking or directing the issue of such process.

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

Approved April 7, 1886.

We hereby certify that the aforegoing is a correct copy of an Act of the General Assembly of Maryland, passed January Session, 1886.

E. B. PRETTYMAN,
Chief Clerk House of Delegates.
W. G. PURNELL,
Secretary of the Senate.

CHAPTER 426.

AN ACT to refund to the owners or captains of vessels engaged in the business of catching oysters with scoop or dredge for money paid into the treasury in excess of the amount due by them for State License for the catching of oysters for the oyster season of the year eighteen hundred and eighty four and eighteen hundred and eighty five, and to appropriate a sum of money for the payment thereof.

SECTION 1. *Be it enacted by the General Assembly of Maryland*, That the Comptroller be, and he is hereby directed to issue his warrants upon the Treasury for amounts of money due the owners or captains of vessels licensed to dredge oysters, who were required by chapter five hundred and eighteen of the Acts of eighteen hundred and eighty-four to take out a license at the beginning of the oyster season of eighteen hundred and eighty-four and eighteen hundred and eighty-five, for the privilege of dredging oysters in the waters of this State for that season, but for which privilege for a portion of said season they had already paid a license to the State.

SEC. 2. *And be it enacted*, That the amounts to be paid such owners or captains of vessels shall be such a proportion of the whole amount of the license fee as the time for which they were already authorized to catch oysters is to the whole oyster season for dredging for that year.

SEC. 3. *And be it enacted*, That the Comptroller is hereby authorized to ascertain the respective amounts due, and the sum of ten thousand dollars is hereby appropriated, or so much thereof as may be necessary to defray the payment of the same.

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

Approved April 7, 1886.

We hereby certify that the aforegoing is a correct copy of an Act of the General Assembly of Maryland, passed January Session, 1886.

E. B. PRETTYMAN,
Chief Clerk House of Delegates.
W. G. PURNELL,
Secretary of the Senate.

CHAPTER 322.

AN ACT to add section 1 A to section one of Article eighteen of the Code of Public General Laws providing for a Claims Docket in the Courts of Equity of this State in case of voluntary trusts, and under decrees upon creditors' bills for payment of debt and other cases.

SECTION 1. *Be it enacted by the*

General Assembly of Maryland, That it shall be the duty of the Clerks of the several Courts of Equity of this State to provide a well bound and suitable book, to be styled The Claims Docket, in which in all cases of voluntary trusts, or under decrees for payment of debts, or in other cases in which creditors may prove their claims in said Court, shall be entered the names of the creditors, the character of their claims, the amount of the same and when proven, in alphabetical order.

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

Approved April 7, 1886.

We hereby certify, that the aforegoing is a correct copy of an Act of the General Assembly of Maryland, passed January Session, 1886.

W. G. PURNELL,
Secretary of the Senate.
E. B. PRETTYMAN,
Chief Clerk House of Delegates.

CHAPTER 441.

AN ACT to add five new sections to Article sixteen of the Code of Public General Laws, title "Chancery," to follow section one hundred and twenty of said Article, and be numbered consecutively, 123 A, 123 B, 123 C, 123 D, and 123 E.

SECTION 1. *Be it enacted by the General Assembly of Maryland*, That the following five sections be and they are hereby added to Article sixteen of the Code of Public General Laws, title "Chancery," to follow section one hundred and twenty-three and be numbered consecutively 123 A, one hundred and twenty-three B, one hundred and twenty-three C, one hundred and twenty-three D, and one hundred and twenty-three E, viz:

123 A. The court may, at any stage of a cause or matter, on the application of any party thereto, or party in interest, by motion or petition, or of its own motion, order the issue of a mandate (affirmative injunction) or injunction, directing and commanding any party to such cause or matter, or any party properly brought before it under the existing practice, to do or abstain from doing any act or acts, whether conjointly or in the alternative, whether in the nature of specific performance or otherwise, named in such mandate or injunction, and may make such terms and conditions (as to security, &c.,) as to it may seem fit, preliminary to the granting of such mandate or injunction.

123 B. Any party to the cause or matter, party in interest or party against whom such mandate or injunction may issue, may move to have the same discharged or dissolved, and an appeal may be taken by any of such parties from the order granting such mandate or injunction, or the refusal to discharge or dissolve the same, in such cases and in such manner and on such terms as is allowed in case of injunctions.

123 C. The court may at any stage of any cause or matter concerning property, real or personal, on application, or of its own motion, pass such order as to it may seem fit, with regard to the possession of same, *pendente lite*, or the receipt of the income thereof, on such terms preliminary thereto (as to security, &c.,) as to it may seem just, subject to the same right to move for its discharge, and the same right of appeal as is given in the last section

123 D. The court may on such terms and conditions (as to security, &c.,) preliminary thereto, as to it may seem fit, in any cause or matter, upon application by any party thereto, or party in interest, or of its own motion, pass an order charging the income of the interests or dividends on any property, real or personal, or chose-in-action, for any purpose; and the same shall take effect from the time when it shall be by copy served on, or otherwise come to the knowledge of the person or persons, or corporation (through its proper officer,) whose duty it might be to pay the same to the person, persons or corporations otherwise entitled to same; but such person, persons or corporations, or any of them, or the person or persons, or corporation, whose duty it is to pay the same, or any party to the cause or matter, or in interest, shall be entitled to apply by petition or motion for the discharge or such order, and such order, or the refusal to discharge the same, shall be subject to the same right of appeal as that given in section one hundred and twenty-three B.

123 E. All orders or writs issued under the foregoing sections, shall bind any person or persons, or corporation against whom the same may be passed or issued from the time when the passing or issuing of the same shall come to the knowledge of such person or persons or corporation, by service or otherwise.

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

Approved April 7, 1886.

We hereby certify that the aforegoing is a correct copy of an Act of the General Assembly of Maryland, passed January Session, 1886.

E. B. PRETTYMAN,
Chief Clerk of the House of Delegates.
W. G. PURNELL,
Secretary of the Senate.

CHAPTER 80.

AN ACT supplemental to and to amend an Act, passed March thirty-first, eighteen hundred and eighty-four, chapter one hundred and fifty-seven entitled an Act to prevent the spread of infectious or contagious diseases among the live stock of this State.

SECTION 1. *Be it enacted by the General Assembly of Maryland*, That a commission is hereby established which shall be known under the name and style of the State Live Stock Sanitary Board, to consist of three commissioners who are practically engaged in the breeding of live stock, who shall be appointed by the Governor by and with the advice and consent of the Senate, immediately on the approval of this Act, and biennially thereafter at such time as executive appointments are required by law to be made, and who shall hold their offices until their successors are duly appointed and qualified.

SECTION 2. And be it enacted, That it shall be the duty of said Board as far as possible to protect the health of the domestic animals of the State from all exotic, contagious or infectious diseases, and glanders in horses, and for this purpose it is authorized and empowered to establish, maintain and enforce such quarantine, sanitary or other regulations as it may deem necessary, and shall maintain an office in the City of Baltimore, and be clothed with all the powers and duties imposed on the Governor by the said Act of eighteen hundred and eighty-four, chapter one hundred and fifty-seven, except the power to appoint a Chief Veterinary Inspector, it shall institute and prosecute diligent inquiries in the several counties, and ascertain as far as possible the exact condition of the health of the live stock in said counties, and to seek to have such counties as shall be found to be free from contagious or infectious diseases exempted from existing or future quarantine regulations of other States or Territories, and the Local Boards of Health in the several counties shall investigate all reported cases of contagious or infectious diseases of live stock in their respective counties, and if found to be contagious or infectious, shall report tne same at once to the said State Live Stock Sanitary Board.

SECTION 3. And be it enacted, That each member of said board shall be paid the sum of five dollars per day, and necessary expenses for time actually spent in the discharge of his duties.

SECTION 4. And be it enacted, That the sum of three thousand dollars per year be and the same is hereby appropriated, or so much thereof as may be necessary, to meet the necessary expenses of said board, including rent, printing, &c.

SECTION 5. And be it enacted, That it shall be the duty of all persons practicing veterinary medicine in this State to report immediately to said board all cases of infectious or contagious disease among live stock, which may come to their knowledge, and a failure so to do for forty-eight hours after he or they shall come into such knowledge, shall be deemed a misdemeanor, and on conviction thereof, shall be fined a sum not exceeding fifty dollars for each offence.

SECTION 6. And be it enacted, That it shall be unlawful for any person to inoculate any animal in this State with the virus of any infectious or contagious disease incident to animals without the consent of said Live Stock Sanitary Board, and that any person convicted of this offence, shall be fined a sum not less than one hundred nor more than five hundred dollars in the discretion of the Court.

SECTION 7. And be it enacted. That for the performances of the duties imposed on them by the Act of which this is supplemental, all constables, sheriffs or deputy sheriffs or other State officers, shall be paid as for the performances of similar duties under existing laws.

SECTION 8. And be it enacted, That it shall be the duty of all States Attorneys to prosecute all persons accused of violating this Act or the Act to which this is a supplement.

SECTION 9. And be it enacted, That all rules and regulations formulated and issued by said board in pursuance of the powers hereby conferred on them shall have the force of law, and all violations thereof shall be punished as provided in the original Act of eighteen hundred and eighty-four, chapter one hundred and fifty seven, and all appraisements of animals to be slaughtered or of buildings to be destroyed,

shall be approved by said board before such animals are slaughtered or such buildings destroyed, and said board shall have the discretion to have such appraised animals destroyed or quarantined.

SECTION 10. And be it enacted, That so much of section eight, of the Act of eighteen hundred and eighty-four, chapter one hundred and fifty-seven, as limits the amount to be used in any two years for the payment of animals slaughtered, be and the same is hereby repealed, and that all Acts or parts of Acts inconsistent with this Act, be and the same are hereby repealed.

SECTION 11. And be it enacted, That this Act shall take effect from the date of its passage.

Approved April 1. 1886.

We hereby certify, that the aforegoing is a correct copy of an Act of the General Assembly of Maryland, passed January Sessior, 1886.

E. B. PRETTYMAN,
Chief Clerk of the House of Delegates.
W. G. PURNELL,
Secretary of the Senate.

CHAPTER 101.

AN ACT to repeal sections eleven, twelve and fourteen of chapter thirty-six of the Acts of eighteen hundred and seventy-two, entitled "an Act to add a new Article to the Code of Public General Laws, regulating the inspection of tobacco, and to repeal section twenty of said Act, as the same was amended by chapter two hundred and twenty-eight of the Acts of eighteen hundred and seventy-two, entitled an Act to repeal and re-enact section twenty of an Act passed at the present session of the General Assembly of Maryland, entitled, "an Act to regulate the Inspection of Tobacco," and to re-enact the same with amendments, an to add certain new sections to said Article.

SECTION 1. *Be it enacted by the General Assembly of Maryland*, That sections eleven, twelve and fourteen of chapter thirty-six of the Acts of eighteen hundred and seventy-two, entitled "an Act to add a new Article to the Code of Public General Laws, regulating the Inspection of Tobacco," and that section twenty of said Act, as the same was amended by chapter two hundred and twenty-eight of the Acts of eighteen hundred and seventy-two, entitled "an act to repeal and re-enact section twenty of an Act passed at the present session of the General Assembly of Maryland, entitled "an Act to regulate the Inspection of Tobacco," be and the same are hereby repealed and re-enacted so as to read as follows:

SEC. 2. Every Inspector shall have uncased and break every hogshead of tobacco that may be delivered for inspection in not less than five different places for Maryland and Ohio and not less than three different places for Kentucky and Virginia, and in as many more places as may be necessary to fully determine the contents of said hogshead; and if the Inspector shall be of the opinion that such tobacco is sound, clean and in good order, then he shall select from each break as many bundles as will correctly represent the different qualities of tobacco contained in the break, and the bundles so selected shall be considered the sample of the hogshead; he shall also have the hogshead properly marked with its number, the year of inspection, and the name legibly written of the owner on each head and on the bilge, and shall have the tare and net weight marked with iron on the bilge.

SEC. 12. If any inspector shall upon examination of any hogshead of tobacco have reason to suspect that the same is trash or false packed, he shall cause the same to be shaken out and repacked, and shall charge for so doing the sum of two dollars per hogshead, the same to be paid by the owner or his agent; and if any Inspector shall find that the package, cask or hogshead containing said tobacco is constructed of green or unseasoned timber, it shall be his duty to uncase said tobacco, and furnish a new and dry package, cask or hogshead for the same at the cost and expense of the owner of said tobacco or his agent, said cost and expense not to exceed, however, the sum of one dollar for each package, cask or hogshead so furnished.

SEC. 14. Any person or persons who shall pull out or break off any leaf or leaves or otherwise intermeddle or tamper with any sample of tobacco after it shall have passed from the custody or control of the Inspector, shall upon conviction thereof in the Criminal Court of Baltimore city, be fined not less than one hundred dollars for each offense, and no person or persons whatsoever, except the Inspector and Tying Clerk, shall be permitted to handle any bundles of tobacco drawn for the purpose of a sample, until after the same shall have been properly tied up and sealed by the Tying Clerk; and any unauthorized person or persons handling said tobacco in violation of the provisions of this section shall forfeit and pay a fine of twenty dollars for each offense, to be recovered before any Police Justice of said city of Baltimore as other fines are now recovered.

SEC. 20. The several Inspectors of tobacco shall charge for reconditioning and repacking all stayed tobacco the following prices: for one or two breaks, one dollar; full stay, two dollars, to be paid by the owner or his agent; for re-inspection of Maryland and Ohio tobacco, one dollar for each hogshead re-inspected; for re-inspection of all other kinds, two dollars for each hogshead re-inspected; for redrawing hogsheads of Maryland and Ohio tobacco fifty cents, and for redrawing all other kinds one dollar for each hogshead redrawn, to be paid by the owner or his agent; the charge of outage shall be two dollars for every hogshead not exceeding eleven hundred pounds, and twelve and a half cents additional for every hundred pounds over eleven hundred pounds, to be paid by the shipper of the tobacco or his agent.

SEC. 2. *And be it further enacted, &c.*, That the following sections to be known and designated as sections eleven A, eleven B, eleven C, thirty A, and thirty B, be and they are hereby added to said Article.

SEC. 11 A. Whenever any dispute shall arise concerning the correctness of any sample furnished by an Inspector of tobacco, under the seal of the State, said controversy shall be referred to a committee of arbitration, consisting of three persons to be selected as follows: one thereof shall be selected by the Inspector of the warehouse in which the disputed inspection shall have been made, one thereof shall be selected by the claimant or claimants or his or their agents, and the two thus selected, shall select the remaining member of said committee; provided however, that no person shall be so selected, or if selected, shall be competent to serve as a member of any committee of arbitration, who shall have a direct or indirect interest in the tobacco in controversy.

SEC. 11 B. The said committee of arbitration when duly constituted and appointed shall fully examine and investigate all the facts concerning the subject in controversy before them, and to that end they shall have power to send for persons and papers, to compel the attendance of witnesses, to administer oaths, and to examine witnesses on oath, they shall determine all questions which may be submitted to them by a majority vote, and shall assess whatever damages if any, they may adjudge due by reason of any false or erroneous inspection and from their finding or award there shall be no appeal. All damages shall be assessed upon the basis of the market value of the particular grade of tobacco on the date of the reclamation; and no claims on tobacco shipped to any point in the United States, shall be considered or allowed after the expiration of six months from the date of its inspection, nor after the expiration of nine months from the date of its inspection, if shipped to any foreign country; nor shall any claim be allowed upon tobacco which shall have changed by fermentation.

SEC. 11C. The Inspector of the warehouse in which the tobacco was originally inspected, shall pay the amount of any award made in writing and under seal by any committee of arbitration, duly constituted as hereinbefore provided, to the party or parties thereto entitled within thirty days after the date thereof, and shall take the receipt of the claimant, or his agent, for the same, which said receipt together with said award, signed and sealed by said committee of arbitration, or a majority of them, shall be returned by said Inspector to the Comptroller of the Treasury in said Inspector's next thereafter ensuing report, and shall be a voucher for money expended.

SEC. 30 A. The name of the owner or owners of every hogshead of tobacco delivered for inspection at any State warehouse in the city of Baltimore shall be legibly marked or stenciled thereon, and it shall be the duty of the Inspector to retain for inspection every hogshead of tobacco not so marked or stenciled until the name of the owner or owners thereof shall have been ascertained and placed thereon.

SEC. 30 B. It shall be the duty of the several Inspectors of Tobacco to carefully return all bundles of tobacco other than samples which may be drawn in sampling, and all bundles which may be displaced in uncasing tobacco, to the hogshead from which the same were drawn or displaced; and any Inspector of tobacco who shall knowingly violate the provisions of this section, shall be deemed guilty of misconduct in office, and shall be liable to removal therefrom.

SEC. 3. *And be it enacted, &c.*, That all Acts or parts of Acts inconsistent with the provisions of this Act, be and the same are hereby repealed.

SEC. 4. *Be it enacted, &c.*, That this Act shall take effect from the date of its passage.

Approved March 24, 1886.

We hereby certify that the aforegoing is a correct copy of an Act of the General Assembly of Maryland, passed January Session, 1886.

E. B. PRETTYMAN,
Chief Clerk of the House of Delegates.
W. G. PURNELL,
Secretary of the Senate.

CHAPTER 317.

AN ACT to add an additional section to Article seventy-five of the Code of Public General Laws, entitled "Pleadings, Practice and Process," to be numbered section one hundred and thirty-two.

SECTION 1. *Be it enacted by the General Assembly of Maryland*, That the following be and the same is hereby added to Article seventy-five of the Code of Public General Laws, entitled "Pleadings, Practice and Process," as an additional section, to be numbered one hundred and thirty-two, viz:

132. It shall be lawful for the court in any action at law or cause in equity, or in any judicial proceeding upon the application of any party thereto, and on such terms as to it may seem just, to make any order for the detention, preservation or inspection of any property being the subject of such action, cause or proceeding, and for all or any of the purposes aforesaid, to authorize any person or persons to enter upon or into any land or building in the possession of any party to such action, cause or proceeding, and for all or any of the purposes aforesaid, to authorize any samples to be taken or any observations to be made, or experiment to be tried, which may seem necessary or expedient for the purpose of obtaining full information or evidence.

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

Approved April 7, 1886.

We hereby certify, that the aforegoing is a correct copy of an Act of the General Assembly of Maryland, passed January Session, 1886.

E. B. PRETTYMAN,
Chief Clerk of the House of Delegates.
W. G. PURNELL,
Secretary of the Senate.

CHAPTER 498.

AN ACT to repeal section two hundred and fifty, of Article ninety-three, of the Code of Public General Laws, title "Testamentary Law," sub-title "Orphans' Court," and to re-enact the same with amendments.

SECTION 1. *Be it enacted by the General Assembly of Maryland*, That section two hundred and fifty, of Article ninety-three, of the Code of Public General Laws, title "Testamentary Laws," sub-title "Orphans' Court," be and the same is hereby repealed and re-enacted so as to read as follows:

SEC. 250. On such plenary proceeding if the deposition shall be taken in writing and recorded, and if either party require it, the court shall direct an issue or issues to be made up and sent to any court of law convenient for trying the same, and the issue shall be tried in the said court of law as convenient, without any continuance longer than may be necessary to procure the attendance of witness, and the power of the court of law, and the proceeding thereto relative shall be as directed by law respecting the trial of issues, and the Orphans' Court shall give judgment or decree upon the bill and answer and depositions, or the finding of the jury, and may in all cases of contest award costs in their discretion, and compel payment by attachment and fine, or by attachment and sequestration, or by *feri facias*.

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

Approved April 7, 1886.

We hereby certify, that the aforegoing is a correct copy of an Act of the General Assembly of Maryland, passed January Session, 1886.

E. B. PRETTYMAN,
Chief Clerk of the House of Delegates.
W. G. PURNELL,
Secretary of the Senate.

CHAPTER 477.

AN ACT to regulate the inspection and sale of Commercial Fertilizers in the State of Maryland.

SECTION 1. *Be it enacted by the General Assembly of Maryland*, That every package of commercial fertilizers sold, offered or exposed for sale for manurial purposes within this State, shall have plainly stamped thereon the name of the manufacturer, the place of manufacture, the net weight of its contents, and an analysis stating the per centum therein contained of nitrogen, or its equivalent in ammonia, in an available form of potash soluble in water, of available phosphoric acid of moisture, and the materials from which said nitrogen or its equivalent in ammonia, phosphoric acid and potash are derived, with an allowance of not more than two per centum variation in the amount of ammonia, three per centum of the amount of phosphoric acid and one per centum of the amount of potash

SEC. 2. *And be it enacted*, That every manufacturer, importer or dealer in commercial fertilizer shall, before selling or offering to sell any commercial fertilizer within this State, take out a license for the sale of fertilizer, which license shall be rated upon the amount contemplated to be sold as follows: for one hundred t