msa_sc3326_scm8210-0320 ©Maryland State Archives

PUBLIC GENERAL LAWS. PUBLIC GENERAL LAWS. PUBLIC GENERAL LAWS. PUBLIC GENERAL LAWS. PUBLIC GENERAL LAWS. PUBLIC GENERAL LAWS. PUBLIC GENERAL LAWS.

CHAPTER 189.

AN ACT TO ADD AN ADDITIONAL SECTION TO ARTICLE 75, OF THE CODE OF PUBLIC GENERAL LAWS TITLE "PLEADINGS, PRACTICE AND PROCESS AT LAW," NEW SUB-TITLE "SPECIAL FINDING OF FACTS" TO BE DESIGNATED AS SECTION "115 A."

SECTION 1. *Be it enacted by the General Assembly of Maryland*, That a new Section be and the same is hereby added to Article 75, of the Code of Public General Laws, title "Pleadings, Practice and Process at Law" under the new sub-title "Special Findings of Facts" to be known as Section 115 A, to follow Section 115 and to read as folows:

115 A. In all cases where issues of fact are submitted to a jury the court may at its own discretion, or shall at the request of either party, require the jury in addition to rendering a general verdict for the plaintiff or defendant, to find specially upon any particular questions of facts material to the issues on trial, which questions shall be in writing; and in all cases at law where issues of fact are tried before a court without a jury, the said court shall, at the written request of either party, find specially upon any question of facts which it may deem necessary to be determined in order to arrive at its verdict. All such special findings of facts, whether by the jury or by the court, shall be in writing and must be filed with the clerk as part of the record of the case, and in civil cases where a special finding of facts shall be inconsistent with the general verdict rendered at the same trial, the former shall control the latter and the Court must give judgment accordingly; but nothing herein contained shall limit the court's power to grant a new trial or to arrest judgment on motion.

Approved April 3, 1894.

FRANK BROWN, Governor.
JOHN WALTER SMITH,
President of the Senate.
JAMES H. PRESTON,
Speaker of the House of Delegates.

We hereby certify that the aforegoing is a correct copy of an Act of the General Assembly of Maryland, passed January Session, 1894.

J. ROGER McSHERRY,
Secretary of the Senate.
B. L. SMITH,
Chief Clerk of the House of Delegates.

CHAPTER 191.

AN ACT TO REPEAL AND RE-ENACT WITH AMENDMENTS, SECTIONS 11, 14, 15, 24, 26, 30, 32, 33 AND 36 OF ARTICLE 54, OF THE CODE OF PUBLIC GENERAL LAWS OF MARYLAND, AND TO ADD A NEW SECTION TO SAID ARTICLE TO BE DESIGNATED AS "SECTION 33 A."

SECTION 1. *Be it enacted by the General Assembly of Maryland*, That Sections 11, 14, 15, 24, 26, 30, 32, 33 and 36 of Article 54, of the Code of Public General Laws of Maryland, title "Land Office" be, and the same are hereby repealed and re-enacted, so as to read as follows:

11. All monies payable to the State on account of the public lands shall be paid to the Commissioner of the Land Office, whose receipt therefor shall be a good acquittance to the party paying the same; and the said commissioner shall keep an accurate account of all such payments in a book kept for the purpose, and shall account semi-annually, on the thirty-first day of March, and the thirtieth day of September, with the Comptroller, on oath, and pay over to the Treasurer all such monies so received.

14. He shall receive and carefully file among the records of his office, all extracts of deeds transferred to him by the Clerk of the Court of Appeals under said Act of eighteen hundred and seventy-four, Chapter 66, and all such as shall be transmitted [illegible] by the Clerks of the Circuit Courts of the counties, and the Clerk of the Superior Court of Baltimore City, and when he shall receive a sufficient number of such extracts from the same county to form a record book of the proper size, he shall cause the same to be well and substantially bound in leather and placed among the records of his office, and the Comptroller of the Treasury is hereby directed to issue his warrant for such sum or sums of money as from time to time may be necessary for the cost of such binding, and for the purchase of index books and for the repair and re-binding of other record books in the Land Office, upon a certificate of the correctness of the same given by the Commissioner of the Land Office, and the sum of One Thousand dollars, or so much thereof as may be necessary is hereby appropriated annually for said purposes.

15. He is authorized and empowered to continue the indexing of certain land records and extracts of deeds which were transferred to the Land Office from the Court of Appeals under said Act of 1874, Chapter 66, and such extracts of deeds as shall be received by him from the Clerks of the Circuit Courts of the counties and the Clerk of the Superior Court of Baltimore City, for which said service there shall be allowed and paid the same rates allowed by law to the Clerks of the Circuit Courts for similar services, and the Comptroller of the Treasury is directed to issue his warrants for such sum or sums as may from time to time be necessary to meet the cost of such indexing upon the certificate of the correctness of the same given by the Commissioner of the Land Office.

24. Any person desiring to take up vacant land or lands which have escheated, shall obtain a warrant from the Commissioner of the Land Office directed to the surveyor of the county where the land lies, requiring him to survey the same and return a certificate of survey to the Land Office within six months from the date of the warrant, and such warrant may be in the form heretofore used in the Land Office, and may be either a common warrant, a special warrant, a warrant of resurvey, a proclamation warrant or an escheat warrant, whichever may be suited to the case of the party applying for the same.

26. Any person may obtain a common warrant, special warrant or proclamation warrant by applying to the Commissioner of the Land Office and paying him the sum of twenty-five cents for each acre mentioned in such warrant.

30. The surveyor shall return to the Land Office within six months from the date of such warrant a certificate of survey and plot, together with the depositions relating to the possession and occupancy of the lands resurveyed, and proof of the notice by publication or otherwise given to the owners or occupiers of the adjacent lands, an upon the return of such certificate and proofs, if no caveat or objection be made within six months after such return, the Commissioner of the Land Office shall issue a patent thereon to the person, or his heirs or assigns, who obtained such warrant of resurvey.

32. Every warrant issued out of the Land Office shall be executed within six months from the date thereof, and no escheat warrant shall be renewed after six months from its date.

33. Every person who has obtained a warrant to survey or escheat land, shall, within one year from the date of such warrant, pay for the vacant land included in the certificate of survey fifty cents per acre, and shall in addition pay the value of any improvements there may be on such vacant land; but there shall be deducted from the purchase money aforesaid the sum which the party paid as caution upon obtaining the warrant and for land which has escheated two-thirds of the real value of the same and the value of the improvements thereon, if any person shall fail to pay within one year as required by this and the preceding sections, the land may be taken up by any other person under a proclamation warrant or escheat warrant as the case may be.

36. Every certificate of survey shall be returned to the Land Office within six months from the date of the warrant.

SECTION 2. *And be it enacted*, That a new section be, and the same is hereby added to said Article 54, to follow after Section 33, to be designated as Section 33 A, and to read as follows:

33 A. The amounts due the State upon any certificate of survey for fees and for composition or purchase money and the value of improvements are hereby declared to be a lien upon the land surveyed, and the Commissioner of the Land Office is authorized, in his discretion whenever the amount involved justifies it, to enforce said lien either by appropriate action in the name of the State in a court of competent jurisdiction, or by a sale of the certificate of survey, which sale shall be conducted in the following manner. He shall first give notice in writing to the party in whose name said certificate was returned, or to the assignee thereof that unless the amount of the fees, composition or purchase money and value of improvements due on said certificates are paid within the time specified in said notice, not less than sixty days from the date thereof, the said certificates will be offered for sale, and if the amount due the State as aforesaid is not paid within the time specified in said notice, the Commissioner of the Land Office may sell said certificate at public auction for cash, after reasonable notice of such sale inserted in some newspaper published in the county where the land lies, the Commissioner reserving the right to reject any bid, if he deems the price offered inadequate, and the purchaser of such certificate shall be entitled to a patent thereon upon the payment of the price bid, and the fees for patent, in the same manner as an assignee of the certificate would be entitled to patent under the rules of the Land Office, upon exhibition of the proofs of assignment, this section to apply only to those cases in which more than one year has elapsed since the date of the warrant, and nothing herein contained shall prevent any person from obtaining a proclamation warrant on such certificate as fully as if this section had not been enacted.

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

Approved April 3, 1894.

FRANK BROWN, Governor.
JOHN WALTER SMITH,
President of the Senate.
JAMES H. PRESTON,
Speaker of the House of Delegates.

We hereby certify that the aforegoing is a correct copy of an Act of the General Assembly of Maryland, passed January Session, 1894.

J. ROGER McSHERRY,
Secretary of the Senate.
B. L. SMITH,
Chief Clerk of the House of Delegates.

CHAPTER 207.

AN ACT TO AMEND ARTICLE 23 OF THE CODE OF PUBLIC GENERAL LAWS OF THIS STATE, TITLE "CORPORATIONS," SUB-TITLE "TELEGRAPH COMPANIES," AS THE SAME WAS AMENDED BY THE ACT OF 1892, CHAPTER 387, REGULATING THE RENTAL AND USE OF TELEPHONES IN THE CITIES, TOWNS AND VILLAGES OF THE STATE OF MARYLAND, BY ADDING TO SAID ARTICLE AS SO AMENDED BY SAID ACT, TWO ADDITIONAL SECTIONS TO COME IN AFTER SECTION 232 F. OF SAID ARTICLE AS SO AMENDED, AND TO BE DESIGNATED AS SECTIONS 232 F, AND 232 G, TO PERMIT THE MAKING OF SPECIAL CONTRACTS FOR TELEPHONE EQUIPMENT AND SERVICE IN THE CITIES, TOWNS AND VILLAGES OF THE STATE OF MARYLAND, AND TO PROVIDE FOR THE APPOINTMENT OF A COMMISSION TO INVESTIGATE THE AFFAIRS AND OPERATIONS OF THE CHESAPEAKE AND POTOMAC TELEPHONE COMPANY AND THE CHESAPEAKE AND POTOMAC TELEPHONE COMPANY OF BALTIMORE CITY.

SECTION 1. *Be it enacted by the General Assembly of Maryland*, That Article twenty-three of the Code of Public General Laws of this State, title "Corporations," sub-title "Telegraph Companies," as the same was amended by the Act of eighteen hundred and ninety-two, chapter three hundred and eighty-seven, regulating the rental and use of telephones in the cities,towns and villages in the State of Maryland, be and the same is hereby amended by adding to said Article as so amended by said Act of eigthteen hundred and ninety-two, chapter three hundred and eighty-seven, two additional sections to come in after section two hundred and thirty-two E, of said amended Article, and to be designated as sections two hundred and thirty-two F, and two hundred and thirty-two G, which said additional sections shall read as follows:

232 F. But any person, firm or corporation may contract in writing, or partly in print and partly in writing, and not otherwise, with any individual,company or corporation, now or hereafter, owning, controlling, managing or operating any telephone line or lines within the limits of this State for such special form, description and amount of telephone equipment and service, expressed in such contract, as such person, firm or corporation may need, at such rates, and upon such terms and conditions as may be agreed upon between the parties to such contract, and be expressed therein, but shall not otherwise be entitled thereto, and every form of such special contract, made for any year, shall constitute and be a form of contract for like special telephone equipment and service into which every other person, firm or corporation in like situation with the person, firm or corporation so contracting, and desiring a like special form, description and amount of telephone equipment and service shall have a right to enter, in such year, with the party so contracting for such telephone equipment and service; the special contract mentioned in this section shall be entered into before such equipment and service are supplied. Provided however, that nothing in this section shall be so construed as to impair the obligation of the individual, company or corporation owning, controlling managing or operating a telephone line or telephone lines, within the limits of this State, to furnish in accordance with the requirements of sections 232 A, 232 B, 232 C, 232 D, and 232 E, of the Code of Public General Laws (Article twenty-three), title "Corporations," sub-title "Telegraph Companies," as enacted by the Act of Assembly of eighteen hundred and ninety-two, chapter three hundred and eighty-seven, and at the rates of charge mentioned in said sections 232 A, and 232 B, telephone equipment and service of the kind and description which is now furnished by the Chesapeake and Potomac Telephone Company of Baltimore City at the rate of charge mentioned in said sections 232 A, and 232 B, and the said company as a condition precedent to the exercise of any of the powers conferred by this Act shall forthwith file in the office of the Clerk of the Court of Appeals of Maryland to be by said clerk annexed to the original of this Act filed in his office a full and adequate description in detail, and certified by the Governor of this State to be a full and adequate description, of the equipment now used by said company in furnishing the service mentioned in this proviso, which description or a copy thereof duly certified by said clerk shall be taken as a true description of said equipment in all proceedings, whether civil or criminal, which may hereafter be taken to enforce the requirements of this proviso or of the sections of Article 23 therein mentioned, and the said equipment shall always include and secure for each subscriber a separate wire; and if any individual, company or corporation owning, controlling or managing or operating a telephone line or lines within the limits of this State, shall, at anytime hereafter, neglect or refuse to furnish the equipment and service mentioned in this proviso to any person or corporation entitled thereto under the terms of the sections of Article 23 enumerated in said proviso, the said individual, company or corporation so refusing or neglecting, and the officers and agents of any such company or corporation, and the agents of every such individual shall be liable to indictment therefor, and upon conviction thereof shall be fined for each offense not less than fifty dollars, nor more than two hundred dollars in the discretion of the Court; and provided also, that any person entitled to telephone service under the provisions of said sections 232 A to 232 F, both inclusive, but no other person, shall have the right and privilege to use, without extra charge, any other telephone equipment with the consent of the subscriber to the last mentioned equipment, and any individual, company or corporation, or the officers and agents of any such company or corporation, and the agents of every such individual refusing or neglecting to allow such right or privilege, shall be liable to indictment, and upon conviction thereof shall be fined for each offense not less than fifty dollars nor more than two hundred dollars in the discretion of the Court.

232 G. *And be it further enacted*, That there shall be appointed by the Governer, three persons, citizens of the State of Maryland, who shall serve without pay, and shall be styled "Telephone Commissioners," who shall have the powers, and discharge the duties hereinafter mentioned, that is to say, they shall, by a full and thorough investigation, ascertain the amount expended by the Chesapeake and Potomac Telephone Company, or the Chesapeake and Potomac Telephone Company of Baltimore City, in the acquisition of the rights of way and other easements, now held by either of said companies in the State of Maryland, and the amount expended in the construction of the plant, equipment and works now owned by them or either of them, and used in connection with the telephone business in said State of Maryland; and also the cost of furnishing in the City of Baltimore and other places in said State said telephone service,—both that known as the ordinary or grounded service, and also that known as the metallic circuit service; they shall also procure all such other information which in their judgment shall be necessary and proper to determine what ought to be fair and sufficient rates for furnishing such telephone service in the City of Baltimore and other places in the State of Maryland. For the purpose of discharging the duties hereby imposed on them, the commissioners above named are hereby authorized to make such examination of the books, papers and accounts of the companies above named, as shall be necessary for that purpose, and also to summon before them, and examine under oath, to be by them administered, all the officers and agents of said companies and such other persons whom they may deem necessary to examine for the purposes above mentioned, which said summons the sheriffs of Baltimore City and the several counties of Maryland are hereby directed to serve. The said commissioners are also hereby authorized to employ an expert accountant to assist them in the discharge of their duties, the salary to be paid the said accountant and also the necessary expense of the said commissioners in the discharge of their duties, shall be paid by said Chesapeake and Potomac Telephone Co., of Baltimore City; the exercise of the privileges granted by section 232 F of this Article, shall be considered as an assent by the companies above named to the examination authorized to be made by this section of the books, papers and accounts of said companies so far as necessary for the purposes above mentioned, and of their officers and agents. It is hereby made the duty of said commissioners to report, at the next General Assembly of this State, the result of the investigation and examination by this section directed to be made, together with any recommendations they think proper to make upon the subject matter thereof.

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

Approved April 3, 1894.

FRANK BROWN, Governor.
JOHN WALTER SMITH,
President of the Senate.
JAMES H. PRESTON,
Speaker of the House of Delegates.

We hereby certify that the aforegoing is a correct copy of an Act of the General Assembly of Maryland, passed January Session, 1894.

J. ROGER McSHERRY,
Secretary of the Senate.
B. L. SMITH,
Chief Clerk of the House of Delegates.

CHAPTER 217.

AN ACT TO REPEAL AND RE-ENACT SECTION FORTY-SEVEN OF ARTICLE FORTY THREE OF THE CODE OF PUBLIC GENERAL LAWS,ENTITLED "HEALTH," SUB-TITLE "PRACTITIONERS OF MEDICINE," AND TO ADD ADDITIONAL SECTIONS THERETO, TO BE DESIGNATED AS SECTIONS 53, 54, 55, 56, 57, 58, 59 and 60 OF SAID ARTICLE:

SECTION 1. *Be it enacted by the General Assembly of Maryland*, That Section 47 of Article 43 of the Code of Public General Laws title "Health," sub-title "Practitioners of Medicine," be and the same is hereby repealed and re-enacted, and that new sections be added to said Article, to be designated as Sections 53, 54, 55, 56, 57, 58, 59 and 60, so as to read as follows:

47. That every license to practice medicine and surgery, issued pursuant to the provisions of this Act, shall be subscribed by the president and secretary of the board before whom the applicant has passed. It shall also have affixed to it by the person authorized to affix the same the seal of said medical and chirurgical faculty or Maryland, or of the Maryland State Homeopathic Medical Society, as the license may require, every such license to be in the following form, and to the following effect:

To All Whom it May Concern, Greeting:

Be it known, that , on the day of , A. D., having offered us satisfactory proof that was more that twenty-one years of age, and had received a proper preliminary education, we therefore give a written order for the examination of said before one of the board of medical examiners of the State of Maryland, that the said was fully examined before our said board and found proficient and qualified to practice medicine and surgery, we, therefore, have granted to said this, our license to practice medicine and surgery in the State of Maryland as a physician and surgeon, and have caused the names president and secretary of our board to be subscribed and the seal of our society to be affixed thereto.

Witness our hands and the seal of our said society, this day of A. D.
President.
Secretary.

[SEAL OF SOCIETY.]

53. From and after the first day of July, 1894, no person shall practice medicine or surgery in the State of Maryland, unless he or she shall be duly registered as a physician or surgeon, in accordance with the provisions of this Act.

54. Every person who was practicing medicine in the State of Maryland, on or before the first day of June, 1892, shall be entitled to be registered as physician or surgeon, or both, upon application to the clerk of the Circuit Court of the county in which he or she may reside or to the Clerk of the Circuit Court of Baltimore City, if the applicant shall reside in Baltimore City, and such application shall be in writing, signed by the applicant, who shall state, under oath, that he or she was in fact a practitioner of medicine or surgery, in the State of Maryland, on or before the first day of June, 1892, and thereupon it shall be the duty of said clerk to register such application and the name of such applicant, as physician or surgeon, or both, in a book to be kept for such purpose, and a certified copy of such entry of registration, under the seal of the Court, shall be legal evidence of such registration in all the courts of the State.

55. All persons who have commenced to practice medicine or surgery, in the State of Maryland, since the first day of June, 1892, or who shall hereafter commence to practice medicine or surgery in this State shall not be entitled to be registered in the Registry of Physicians and Surgeons, as required by law except upon filing with the clerk of the Circuit Court, of the county or city, in which he or she shall reside, a license from one of the duly constituted Boards of Medical Examiners of this State, in accordance with the terms of Sections 47 and 48 of this article, except that physicians and surgeons who have come into this State since said first day of June, 1892, or who shall hereafter come into this State to follow the practice of medicine and surgery, may receive a license, which shall entitle them to be registered as physicians and surgeons, in accordance with law, upon application to one of the duly constituted Boards of Medical Examiners, in accordance with the provisions of Section 56 of this act.

56. Physicians and surgeons of good moral and professional standing, who have come into this State, with intent to follow the practice of medicine and surgery within this State, since the first day of June, 1892, or who shall hereafter come into this State, being graduates of a medical college or university, of good standing, and who have been practitioners of medicine or surgery for more than ten years prior to the date of the application may make application to the president of one of the boards of medical examiners of this State, which application shall be under oath, and shall state where and how long said applicant has been engaged in the practice of medicine and surgery, and from what medical college, university or other institution of learning, he or she has graduated; and thereupon the said board of medical examiners shall have the authority and discretion to require said applicant to undergo an examination, in accordance with the provisions of Sections 41 to 47 inclusive of this article, or may require said applicant to submit to a special examination, the terms and methods of which shall be prescribed by the said board of medical examiners; and upon paying the fee for examination, as set out in Section 45 of this article, after the examination and determination of said board thereupon, that said applicant is qualified to practice medicine and surgery, and that he is entitled to a license, a license shall be issued to him to the same effect as the form of license set out in section 47 of this article; which license shall then be filed and recorded as provided by section 47 of this article and it shall then be the duty of the clerk of the court to register the name of the person so licensed as physician or surgeon, or both, in accordance with the provisions of this Act.

57. All persons whose licenses have been heretofore filed and recorded, in accordance with section 48 of this article shall be held to be duly registered physicians and surgeons within the provisions of section 53 of this article and all persons who shall hereafter receive and file licenses to be recorded in accordance with said section 48, shall be registered as physicians and surgeons under said section, and the fee to be paid for such registration and for the registration of the application to the clerk, or the license therewith as the case may require, shall be one dollar.

58. If any person shall unlawfully obtain and procure himself to be registered as physician or surgeon, either by false and untrue statement contained in his application to the clerk of this court, as required by this article, or by presenting to said clerk a false or untrue license, or one fraudulently obtained by false and fraudulent statements made to one of said boards of medical examiners, he or she shall be deemed guilty of a misdemeanor and shall be fined not less than fifty dollars or more than five hundred dollars, and shall forfeit all rights and immunities obtained or conferred upon him by virtue of such registration, as physician or surgeon.

59. Any person who after the first day of July, 1894, shall practice or attempt to practice medicine or surgery in this State without being registered in accordance with the provisions of this Act, shall be guilty of a misdemeanor and shall be fined not less than ten dollars nor more than two hundred dollars for each offense.

60. The provisions of this act shall not apply to any midwife or person who may render gratuitious services in case of emergency.

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

Approved April 6, 1894.

FRANK BROWN, Governor.
JOHN WALTER SMITH,
President of the Senate.
JAMES H. PRESTON,
Speaker of the House of Delegates.

We hereby certify that the aforegoing is a correct copy of an Act of the General Assembly of Maryland, passed January Session, 1894.

J. ROGER McSHERRY,
Secretary of the Senate,
B. L. LMITH,
Chief Clerk of the House of Delegates.

CHAPTER 221.

AN ACT TO REPEAL SECTIONS 98, 99 AND 100 OF ARTICLE 16, OF THE CODE OF PUBLIC GENERAL LAWS AND TO RE-ENACT THE SAME AS AMENDED SO AS TO AUTHORIZE ANY COURT WHICH MAY HAVE APPOINTED A GUARDIAN, COMMITTEE OR TRUSTEE OF THE PROPERTY OF A PERSON NON-COMPIS MENTIS, TO ORDER OR DECREE UPON THE APPLICATION OF SUCH GUARDIAN, COMMITTEE OR TRUSTEE A SALE, LEASE OR SURRENDER OF A LEASE OF ANY REAL LEASEHOLD OR PERSONAL PROPERTY TO WHICH SUCH PERSON NON-COMPIS MENTIS MAY BE ENTITLED WITHOUT ANY PROCESS OR ORDER OF PUBLICATION AND TO GIVE TO ANY SUCH ORDER OR DECREE AS MAY HERETOFORE HAVE BEEN PASSED THE SAME EFFECT AS IF IT HAD BEEN PASSED AFTER THE PASSAGE OF THIS ACT.

SECTION 1. *Be it enacted by the General Assembly of Maryland*, That Sections 98, 99 and 100 of Article 16, of the Code of Public General Laws be and the same are hereby repealed and re-enacted so as to read as follows:

98. The court which may have appointed a guardian, committee or trustee of the property of a person non-compis mentis may upon the application of such guardian, committee or trustee without any process or order of publication order or decree the sale of any real leasehold or personal property to which such person non-compis mentis may be entitled and order the money arising therefrom to be invested in stocks or other property or in mortgages on real estate or in other safe securities as the court may deem most advantageous to such person non-compis mentis and on the death of such person non-compis mentis, the principal arising from any such sale shall pass to and vest in the person or persons in whom such property would have vested if the same had not been sold, any decree or order which may have been heretofore passed for the sale of the property of any person non compis mentis shall have the same effect as if it had been passed after the adoption of this section.

99. The court which may have appointed a guardian, committee or trustee of the property of a person non-compis mentis may upon the appplication of such guardian, committee or trustee without any process or order of publication order or decree any real or leasehold property of a person non-compis mentis to be leased for any term of years or may order or decree the surrender of any lease of the estate or property of such person non-compis mentis to be accepted and the same to be demised anew on such terms and conditions as the court may direct.

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

SECTION 2. *And be it further enacted by the General Assembly of Maryland*, That this Act shall take effect immediately on its passage.

Approved April 6, 1894.

FRANK BROWN, Governor.
JOHN WALTER SMITH,
President of the Senate.
JAMES H. PRESTON,
Speaker of the House of Delegates.

We hereby certify ,That the aforegoing is a correct copy of an act of the General Assembly of Maryland, passed January session, 1894,

J. ROGER McSHERRY,
Secretary of the Senate.
B. L. SMITH,
Chief Clerk of the House of Delegates.

CHAPTER 232.

AN ACT TO REPEAL SECTION 124 A OF ARTICLE 27 OF THE CODE OF PUBLIC GENERAL LAWS, TITLE "CRIMES AND PUNISHMENTS," SUB-TITLE "GAMING" AS ENACTED BY THE ACT OF 1890 CHAPTER 206 AND TO RE-ENACT THE SAME WITH AMENDMENTS.

SECTION 1. *Be it enacted by the General Assembly of Maryland*, That section 124 A of article 27 of the Code of Public General Laws title "Crimes and Punishments" sub-title "Gaming," as enacted by the act of 1890, chapter 206 be and the same is hereby repealed and re-enacted with amendments so as to read as follows:

SECTION 124 A. It shall be unlawful for any person or persons or association of persons to gamble or make books and pools on the result of any trotting race or running race of horses or race of any kind, or to establish, keep, rent or use or knowingly suffer to be used or occupied any house, building or portion of a building, vessel or place on land or water for the purpose of making or selling therein any book or pool or of otherwise betting therein or thereon upon the result of any trotting race or running race of horses or race of any kind, provided nothing in this section shall render it unlawful for any person to make a pool or a book or to bet within the grounds of any agriculture association or upon any horse race which shall be held within the same grounds, race course or driving park upon which said person shall so make a pool or a book or shall so bet upon the same day on which said race shall be so held on not more than thirty days in any one calendar year; any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to a fine not exceeding five hundred dollars, one-half to go to the informer, or imprisonment in jail for a period of not less than six months nor more than one year.

SEC. 2. *And be it further enacted*, That this act shall take effect from the date of its passage, but nothing herein contained shall apply to or effect any civil or criminal proceedings actually pending at the date aforesaid.

Approved April 3, 1894.

FRANK BROWN, Governor.
JOHN WALTER SMITH,
President of the Senate
JAMES H. PRESTON,
Speaker of the House of Delegates.

We hereby certify that the aforegoing is a correct copy of an Act of the General Assembly of Maryland, passed January Session, 1894.

J. ROGER McSHERRY,
Secretary of the Senate,
B. L. LMITH,
Chief Clerk of the House of Delegates.

CHAPTER 246.

AN ACT TO ADD A NEW SECTION TO ARTICLE 27 OF THE CODE OF PUBLIC GENERAL LAWS, TITLE, "CRIMES AND PUNISHMENTS," SUB-TITLE "HEATING STEAM PASSENGER CARS," TO FOLLOW SECTION 150, AND TO BE NUMBERED SECTION 150 A.

SECTION 1. *Be it enacted by the General Assembly of Maryland*, That a new section be and the same is hereby added to article 27 of the Code of Public General Laws. title "Crimes and Punishments," sub-title "Heating Steam Passenger Cars" to follow Section 150 and to be known as Section 150 A, and to read as follows:

150 A. The provisions and requirements of section 150 of this article shall not apply to passenger cars while the same are in use as a part of a mixed train, that is to say: where passenger cars are attached to freight cars and together make up a train, so far as the same shall apply to Allegany and Garrett counties.

SEC. 2. And be it enacted that this act shall take effect from the date of its passage.

Approved April 3, 1894.

FRANK BROWN, Governor.
JOHN WALTER SMITH,
President of the Senate.
JAMES H. PRESTON,
Speaker of the House of Delegates.

We hereby certify ,That the aforegoing is a correct copy of an act of the General Assembly of Maryland, passed January session, 1894,

J. ROGER McSHERRY,
Secretary of the Senate.
B. L. SMITH,
Chief Clerk of the House of Delegates.

CHAPTER 247.

AN ACT TO PROVIDE FOR THE TREATMENT AND CURE OF HABITUAL DRUNKARDS.

SECTION 1. *Be it enacted by the General Assembly of Maryland*, That any inhabitant of this State who is of kin to or a friend of an habitual drunkard as hereinafter defined, may petition the Circuit Court of the county of the residence of such drunkard or the Circuit Court of Baltimore city if said habitual drunkard resides therein, for leave to send such drunkard at the expense of said county or city of Baltimore to such institution for the medical treatment of drunkenness as the said court may designate. Which petition shall set forth the name, age and condition of such habitual drunkard and that such drunkard or those of his kin petitioning are not financially able to incur the expense of his cure, and shall set forth that said drunkard is willing and will agree to attend such institution for the cure of drunkenness; which petition shall be verified by the person making such request, and shall contain in addition thereto the written agreement of such habitual drunkard to take such treatment and obey the rules of the institution administering the same, and the names of three taxpayers in the county of his residence, or of Baltimore City, if he resides therein, stating that they are familiar with the facts set forth in the petition, and that they are familiar with the financial circumstances of such drunkard and of the petitioning kin, and think it a proper case for assistance from the County wherein the said habitual drunkard resides, or Baltimore City if he resides therein.

SECTION 2. When such petition is filed, any Judge of the Circuit Courts referred to in section one; shall, if satisfied from examination, that the facts set forth in the petition are true and that the said drunkard has been a resident of the County or of Baltimore City for six months next preceding the application, and that such drunkard of his own free will desires to take such treatment, send such habitual drunkard to some institution for the cure of drunkenness; provided said institution is located in the State of Maryland and that the managers of such institutions will agree to treat such patient for a sum not to exceed $100, but such Court shall not be compelled to send such habitual drunkard to any institution making a lower bid than the sum herein specified, unless in their judgment the best interest of such drunkard shall be promoted thereby, and the said Judge of the Circuit shall thereupon make an order that the expense of such treatment be paid out of the Treasury of the County or City of Baltimore, as the case may be, in the same manner that other claims against such County or City of Baltimore for the administration of Justice are paid, provided that no County or the City of Baltimore shall be required to send the same habitual drunkard to any institution for the medical treatment of drunkenness a second time at its expense.

SECTION 3. No provision of this act shall be at any time construed as in any way abrogating, limiting or abolishing the powers of Judges of Circuit Courts under Section 47, Article 16 of the Code of Public General Laws, providing for the committal of inebriates.

SECTION 4. The officers of whatever institutions may be designated for the treatment of the habitual drunkards, payment for whose cure is provided by this act, shall become sworn officers of the Court committing said habitual drunkards to their care, and shall have power to enforce such reasonable rules as may be necessary for the administration of treatment to the patient provided for and created by this Act, but they shall receive no fee or compensation from any County or the City of Baltimore other than the sum provided and limited by Section 2. of this Act.

SECTION 5. A drunkard as mentioned in the foregoing sections of this act shall be deemed to include any person who has acquired the habit of using spirituous, malt or fermented liquors, cocaine or other narcotics to such a degree as to deprive him or her of reasonable self-control.

SECTION 6. And be it enacted that this act shall take effect from the date of its passage.

Approved April 3, 1894.

FRANK BROWN, Governor.
JOHN WALTER SMITH,
President of the Senate.
JAMES H. PRESTON,
Speaker of the House of Delegates.

We hereby certify that the aforegoing is a correct copy of an Act of the General Assembly of Maryland, passed January Session, 1894.

J. ROGER McSHERRY,
Secretary of the Senate.
B. L. SMITH,
Chief Clerk of the House of Delegates.

CHAPTER 258.

AN ACT TO REPEAL SECTIONS 127 OF ARTICLE 23 OF THE PUBLIC GENERAL LAWS OF MARYLAND, TITLE "CORPORATIONS," SUB-TITLE "INSURANCE DEPARTMENT" AND TO RE-ENACT THE SAME WITH AMENDMENTS.

SECTION 1. *Be it enacted by the General Assembly of Maryland*, That Section 127 of Article 23 of the Public General Laws of Maryland title "Corporations" sub-title "Insurance Department" be and the same is hereby repealed and re-enacted so as to read as follows:

Section 127. Any person, body politic or corporate partnership or association who or which shall make, negotiate or solicit within this State any contract of Insurance or shall effect an Insurance or Insurances or pretend to effect an Insurance or Insurances or connect any other person or persons with them in any policy they may at the time hold or shall do any business of Insurance of any kind or make any guaranty contract or pledge for the payment of annuities or endowments or money whether the amount thereof be fixed or contingent to the families or representatives of any policy or certificate holder or the like or shall advertise or circulate any card, circular,notice or open or keep any office for the transaction of said business,except an Insurance broker duly licensed, without fully complying with all the provisions of this subtitle of this Article shall be subject to the fines and penalties imposed by Section 138 of this Article and the term Insurance Company as used in this Article shall be taken to embrace every corporation, association,partnership or individual engaging in such business and every such corporation, association, partnership or individual, making any engagement for the payment of any money or other benefits in the event of sickness,accident or death or other contingency either to the member, policy or certificate holder or by whatsoever name the same may be known or to their families or representatives or entering into any contract or agreement in which the chances or probabilities of the duration of life or the rate of mortality or hazard of occupation are in any way involved as an element or condition of such contract or agreement shall be deemed and taken to be a life Insurance Company within the meaning of this Article and shall be subject to all the requirements of law applicable to said life insurance company provided that the said business may be conducted on the mutual or co-operative plan and that all such organizations shall prior to beginning business and thereafter have in force bona fide application for membership from at least one hundred persons and in case said organization issues its certificates for a maximum sum of less than five hundred dollars, these said applications shall at least equal Ten Thousand Dollars of Insurance and if any certificate of insurance on one life be issued in excess of five hundred dollars then they shall at least equal the amount of insurance now required by law for a mutual company and in addition thereto comply with the seven following sections of this Article for said mutual or co-operative organizations provided that nothing herein contained shall be construed to apply to the granting of relief or benefits to members or their families by any societies of a purely and exclusively religious,charitable or benevolent description which are not operated with a view to a profit by their officers or members.

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

Approved April 6, 1894.

FRANK BROWN, Governor
JOHN WALTER SMITH,
President of the Senate.
JAMES H. PRESTON,
Speaker of the House of Delegates.

We hereby certify that the aforegoing is a correct copy of an Act of the General Assembly of Maryland, passed January Session, 1894.

J. ROGER McSHERRY,
Secretary of the Senate.
B. L. SMITH,
Chief Clerk of the House of Delegates.

CHAPTER 262.

AN ACT TO ADD A NEW SECTION TO ARTICLE 27 CODE OF PUBLIC GENERAL LAWS, TITLE "CRIMES AND PUNISHMENTS," SUB-TITLE "PERJURY" TO COME IN AFTER SECTION 226 AND TO BE DESIGNATED AS SECTION 226 A, AND TO REPEAL AND RE-ENACT WITH AMENDMENTS SECTION 227 AND 228 OF SAID ARTICLE.

SECTION 1. *Be it enacted by the General Assembly of Maryland*, That a new section be and the same is hereby added to Article 27 of the Code of Public General Laws, title "Crimes and Punishments," sub-title "Perjury" to follow Section 226 and to be designated as Section 226 A, and that Sections 227 and 228 of said Article be, and the same are hereby repealed and re-enacted with amendments to read as to the three several sections as follows:

226 A. Any person who shall make oath or affirmation to two contradictory statements, each of them in one of the cases enumerated in Section 226 of this Article, and in either case shall make such oath or affirmation wilfully and falsely, shall be deemed guilty of perjury, and to sustain an indictment under this section, it shall be sufficient to allege and prove that one of the said two contradictory statements is or must be false and wilful without specifying which one.

227. Any person who shall procure another to make a false oath or affirmation in any of the cases embraced in the two preceding sections, shall be deemed guilty of subornation of perjury.

228. Every person who shall be convicted of "perjury" or "subornation of perjury" shall be sentenced to imprisonment in the jail or penitentiary for not more than ten years.

Approved April 6, 1894.

FRANK BROWN, Governor.
JOHN WALTER SMITH,
President of the Senate.
JAMES H. PRESTON,
Speaker of the House of Delegates.

We hereby certify that the aforegoing is a correct copy of an Act of the General Assembly of Maryland, passed January Session, 1894.

J. ROGER McSHERRY,
Secretary of the Senate.
B. L. SMITH,
Chief Clerk of the House of Delegates.

CHAPTER 263.

AN ACT TO REPEAL AND RE-ENACT WITH AMENDMENTS SECTION 264, OF ARTICLE 23, OF THE CODE OF PUBLIC GENERAL LAWS TITLE "CORPORATIONS" SUB-TITLE "DISSOLUTION OF CORPORATIONS," WHEREAS IT HAS BEEN DETERMINED BY THE COURT OF APPEALS THAT CORPORATIONS ARE NOT SUBJECT TO THE INSOLVENT SYSTEM, AND THEREFORE THE INITIAL EXPRESSION IN SAID SECTION IS TO SUCH AN EXTENT AMBIGUOUS, AS TO INTERFERE WITH THE USEFULNESS OF THE SECTION.

SECTION 1. *Be it enacted by the General Assembly of Maryland*, That Section 264, of Article 23, of the Code of Public General Laws, title "Corporations," sub-title "Dissolution of Corporations" be and the same is hereby repealed and re-enacted with an amendment so as to read as follows:

264. Whenever any corporation in this State shall have been determined by legal proceedings, to be insolvent, or shall be proven to be insolvent by proof offered under any bill filed under the provisions of this section, it shall be deemed to have surrendered its corporate rights, privileges and franchises, and may be adjudged to be dissolved after the hearing, according to the practice of the Courts of Equity in this State, upon a bill filed for that purpose, in the Circuit Court of Baltimore City, or in the Circuit Court No. 2, of Baltimore City, if the principal office of the corporation is located therein, or in the Circuit Court of any county, if the principal office or place of business of said corporation be therein located, or if the certificate of its incorporation be recorded therein; and such bill may be filed by any stockholder, share-holder or creditor of said corporation, or by the Attorney General of the State of Maryland, or by the State's Attorney of the city or county in which the principle office of said corporation is located. But this section shall not apply to any railroad company chartered by this State.

Approved April 6, 1894.

FRANK BROWN, Governor.
JOHN WALTER SMITH,
President of the Senate.
JAMES H. PRESTON,
Speaker of the House of Delegates.

We hereby certify that the aforegoing is a correct copy of an Act of the General Assembly of Maryland, passed January Session, 1894.

J. ROGER McSHERRY,
Secretary of the Senate.
B. L. SMITH,
Chief Clerk of the House of Delegates.

CHAPTER 273.

AN ACT TO REGULATE THE PRACTICE OF VETERINARY MEDICINE AND SURGERY IN THE STATE OF MARYLAND.

SECTION 1. *Be it enacted by the General Assembly of Maryland*, That a commission is hereby established to be known under the name and style of "The State Veterinary Medical Board," to consist of five commissioners who shall be members in good standing of some School of Veterinary Medicine, who shall be appointed by the Governor every four years, and who shall hold their office until their successors are duly appointed and qualified with power in and to said Board to adopt By-Laws and Regulations, such as they may deem advisable to carry into effect the provisions of this Act, provided the said By-Laws shall not conflict with the Constitution or laws of this State or of the United States.

SECTION 2. It shall be unlawful for any person or persons to practice veterinary medicine and surgery in the State of Maryland without having previously obtained a diploma from a college duly authorized to grant such students of Veterinary Medicine and Surgery or to those who have passed satisfactory examinations before the State Veterinary Medical Board, or as herein provided for.

SECTION 3. The said State Veterinary Medical Board shall hold their meetings at such times and places as they may deem best, which times and places shall be set out fully and regularly in their by-laws.

SECTION 4. The said State Veterinary Medical Board shall examine all diplomas as to their genuineness, and each applicant not holding a diploma shall submit a theoretical and practical examination before the State Veterinary Medical Board, said examination to be written, oral, or both, which examination, if passed to the satisfaction of the said Board, shall entitle the applicant to practice Veterinary Medicine and Surgery, subject to provisions and regulations of this Act and regulations of the said Board.

SECTION 5. All examinations of persons not graduates shall be made directly by the State Veterinary Medical Board, and the certificates given by the said Board shall authorize the possessors to practice Veterinary Medicine and Surgery in the State of Maryland. All examinations of un-graduated practitioners must take place before the thirty-first day of December, eighteen hundred and ninety-four. After that date no certificate shall be granted except to persons presenting diplomas from legally chartered colleges.

SECTION 6. Any person shall be regarded as practicing Veterinary Medicine and Surgery, within the meaning of this Act, who shall have received a license as mentioned in Section 4. But nothing in this Act shall be construed to prohibit members of the medical profession from prescribing for domestic animals in case of emergency and collecting a fee therefor: nor to prohibit gratuitous services in an emergency, nor to prevent any person from practicing Veterinary Medicine and Surgery on any animal belonging to himself or herself. And this Act shall not apply to Commissioned Veterinary Surgeons in the United States Army.

SECTION 7. *And be it enacted*, That it shall be the duty of such Board to keep a register of all practitioners qualified under this Act practicing Veterinary Medicine and Surgery or any branches thereof in this State, and to cause the same to be published at least once a year in two newspapers published in the City of Baltimore.

SECTION 8. *And be it enacted*, That the said Board shall within six months from the date hereof, prepare said register, in which the names of all graduate practitioners in the State at the time and in actual practice shall on application to the said Board, be inserted without examination, and shall also on application insert the names of such persons who are practitioners in actual practice without a diploma or certificate or qualification from a recognized school, who have been in practice for five years and upwards, prior to the passing of this Act, upon proof to the said Board that they have been so practicing. That all persons practicing at this time and not having been so practicing for five years antecedent to this Act shall undergo an examination before the said Board, and if found by said Board competent to practice, the persons so examined and approved shall be entitled to registration.

SECTION 9. *And be it enacted*, That the said Board shall have power to reject any applicant for registration whose examination papers or diplomas are not satisfactory.

SECTION 10. *And be it enacted*, That on and after six months from the date of the approval of this Act, no person shall be permitted to practice Veterinary Medicine or Surgery or any branch thereof, in the State of Maryland, who does not possess a diploma issued from a College or School of Veterinary Medicine, duly incorporated and legally licensed to issue diplomas, and if said diplomas shall be issued after the first day of January 1895, it shall be received only from a College or School of Veterinary Medicine which shall require a three years course of study before issuing said diploma, and shall have passed such examination or test as may be from time to time instituted as a test of qualification by such Board, and persons producing such certificates or diplomas who pass such test examination shall on payment of such fees as hereinafter are provided for, be registered as Veterinary practitioners.

SECTION 11. *And be it enacted*, That no monies shall be paid out of the State Treasury for the use or purposes of this Act.

SECTION 12. *And be it enacted*, That any person not registered who shall practice Veterinary Medicine and Surgery or any branch thereof within the State of Maryland, shall be deemed guilty of a misdemeanor and shall be fined in the sum of not less than One Hundred not more than Five Hundred dollars for each offense, or imprisonment in the House of Correction, for any term not less than three months, not more than twelve months, for each and every offense.

SECTION 13. *And be it enacted*, That the said Board shall be the prosecutor in all cases under this Act and that such fine and imprisonment may be imposed by any Justice of the Peace of the City of Baltimore, or any county where such offense may be committed.

SECTION 14. *And be it enacted*, That a moiety of the fine imposed under this Act shall be paid to the informer, and the other moiety shall be paid into the county treasury wherein the offense shall be committed.

SECTION 15 A. *And be it further enacted*, That in any part of any election district of any county in the State where it may not in the judgment of the owner of the animal be advisable to secure the services of a duly authorized veterinary surgeon, then the person or persons desiring to obtain advice as to the physical condition of any animal or animals belonging to him or her may procure the services of any person that he or she may desire, to give such advice or to perform any services for the relief of his or her animal or animals that may be necessary.

SECTION 16. *And be it enacted*, That this Act shall take effect from the date of its passage.

Approved April 6, 1894.

FRANK BROWN, Governor.
JOHN WALTER SMITH,
President of the Senate.
JAMES H. PRESTON,
Speaker of the House of Delegates.

We hereby certify that the aforegoing is a correct copy of an Act of the General Assembly of Maryland, passed January Session, 1894.

J. ROGER McSHERRY,
Secretary of the Senate.
B. L. SMITH,
Chief Clerk of the House of Delegates.

CHAPTER 284.

AN ACT TO PROVIDE FOR THE ELECTION OF AN ADDITIONAL JUDGE OF THE SUPREME BENCH OF BALTIMORE CITY AS AUTHORIZED BY THE AMENDMENT OF THE CONSTITUTION PROVIDED FOR BY THE ACT OF 1892, CHAPTER 313 AND ADOPTED BY THE PEOPLE AT THE GENERAL ELECTION ON NOVEMBER 7, 1893.

SECTION 1. *Be it enacted by the General Assembly of Maryland*, That in order to give effect to the amendment of the Constitution as provided in the Act of 1892. Chapter 313, entitled "An Act to add an additional section to Article four of the Constitution of this State" which said amendment was adopted by the people at the general election held on November 7th, 1893, there shall be elected another Judge of the Supreme Bench of Baltimore City by the legal and qualified voters of said city at the election to be held in said city on the Tuesday next after the first Monday of November eighteen hundred and ninety-four, the said Judge when so elected to be subject to all the provisions of the Constitution relating to the Supreme Bench of Baltimore City and the several Judges thereof, and to be assigned to the performance of such judicial duties as said Supreme Bench shall from time to time indicate.

Approved April 6, 1894.

FRANK BROWN, Governor.
JOHN WALTER SMITH,
President of the Senate.
JAMES H. PRESTON,
Speaker of the House of Delegates.

We hereby certify ,That the aforegoing is a correct copy of an act of the General Assembly of Maryland, passed January session, 1894,

J. ROGER McSHERRY,
Secretary of the Senate.
B. L. SMITH,
Chief Clerk of the House of Delegates.

CHAPTER 287.

AN ACT TO ADD AN ADDITIONAL SECTION, RELATING TO THE MEASURE OF DAMAGES IN ACTIONS FOR CERTAIN INJURIES TO REAL PROPERTY, TO ARTICLE SEVENTY-FIVE OF THE CODE OF PUBLIC GENERAL LAWS, TITLE "PLEADINGS, PRACTICE AND PROCESS AT LAW," TO FOLLOW IMMEDIATELY AFTER SECTION EIGHTY-SEVEN OF SAID ARTICLE, AND TO BE NUMBERED EIGHTY-SEVEN A.

SECTION 1. *Be it enacted by the General Assembly of Maryland*, That an additional section, relating to the measure of damages in actions for certain injuries to real property, be added to Article 75 of the Code of Public General Laws, title, "Pleadings, Practice and Process at Law," to follow immediately after section 87 of said article and to be numbered 87 A.

87 A. In the absence of fraud, negligence or wilful trespass the measure of damages for the wrongful working and abstracting of another's mineral is the value of the minerals in their native state before severance to the person from whose property they were taken at the time of the taking; but if one furtively or in bad faith works and abstracts minerals from the land of another, the party so offending may be charged with the whole value of the minerals taken, and allowed no deduction in respect of his labor and expense in getting them.

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

Approved April 6, 1894.

FRANK BROWN, Governor.
JOHN WALTER SMITH,
President of the Senate.
JAMES H. PRESTON,
Speaker of the House of Delegates.

We hereby certify that the aforegoing is a correct copy of an Act of the General Assembly of Maryland, passed January Session, 1894.

J. ROGER McSHERRY,
Secretary of the Senate.
B. L. SMITH,
Chief Clerk of the House of Delegates.

CHAPTER 295.

AN ACT TO AMEND ARTICLE 23 OF THE CODE OF PUBLIC GENERAL LAWS, TITLE "CORPORATIONS," SUB-TITLE "INSURANCE DEPARTMENT," BY ADDING FURTHER NEW ADDITIONAL SECTIONS AFTER SECTION 143 D TO BE KNOWN AS SECTIONS 143 E, F, G, H, I, J, K, L, M, N, O, P, Q, R.

SECTION 1. *Be it enacted by the General Assembly of Maryland*, That Article 23 of the Code of Public General Laws, Title "Corporations" sub-title "Insurance Department," be amended by adding a sub-title, designated "Fraternal societies, orders or associations." And also adding fifteen new sections to follow immediately after Section 143 D of said Article to be designated as Sections 143 E, 143 F, 143 G, 143 H, 143 I, 143 J, 143 K, 143 L, 143 M, 143 N, 143 O, 143 P, 143 Q, 143 R, to read as to said respective Sections as follows:

Fraternal Beneficiary, Societies Orders or Associations.

SEC. 143 E. A Fraternal beneficiary association is hereby declared to be a corporation, society or voluntary association, formed or organized and carried on for the sole benefit of its members and their beneficiaries, and not for profit. Each such association shall have a lodge system, with ritualistic form of work and a representative form of government, and shall make provision only for the payment of benefits in case of sickness, disability or death of its members, subject to their compliance with its constitution and laws. The fund from which the payment of such benefits shall be made, and the fund from which the expenses of such association shall be defrayed, shall be derived from fees, assessments and dues collected from its members. Payment of death benefits may be made only to the widow, children, grandchildren, mother, father, brother, sister, grand-parent, aunt, uncle, niece, nephew, first cousin, next of kin who would be distributees of the member's personal estate if he died intestate, to affianced husband or affianced wife of the member, or to persons dependent upon the member for food,lodging, clothing or education, and to none other. Provided that payment can only be made to a beneficiary by reason of dependency when it is established by documentary proof to the satisfaction of the executive officers of such association, that the fact of such dependency as herein provided existed at the member's death and no benefit certificate shall issue designating a beneficiary by way of dependency unless such dependency shall be fully set forth in writing and established by documentary proof to the the satisfaction of said executive officers, prior to the issuance thereof, a benefit shall not be assignable except to the beneficiaries above specified and then only by the consent of such association, attested by its seal and the signature of its supreme secretary and supreme executive officer, but the member may surrender his Benefit Certificate and have a new one issued to any one or more of the beneficiaries, as above specified, in the manner provided by the constitution and Laws of such association. Such association shall be governed by the provisions of Sections 143 E to Sections 143 R (both inclusive) of this Article, and shall be exempt from the provisions of the insurance laws of this State, and no law hereafter passed shall apply to them unless they be expressly designated therein, provided that any corporatoins or associations, orders or societies operating on the lodge system and having ritualistic work in their lodges, councils or societies whose business it is in whole or in part to pay at the expiration of a fixed period of not less then five years, a sum not exceeding the maximum amount named in their certificates or paying dividend with drawal surrender, or old age benefits, or paying such certificates at the expiration of life expectancy, may conduct their business in this State, under the provisions governing fraternal beneficiary societies, orders or associations with this exception that no such corporation or association shall be permitted to begin, do or continue business in this State, until it shall have first deposited with the Insurance Commissioners of this State, the sum of ten thousand dollars in dividend, bearing securities satisfactory to said Commissioners, as a guarantee for the payment of Certificates issued by it, which deposit shall be constantly maintained at that amount. Provided, however, that any such corporation or association organized under the laws of any other State, which may have under the laws of the State of which it is a citizen a deposit of equal value for the purpose herein mentioned shall upon proof of the existence of such deposit, not be required to make the same with the Insurance Commissioners of this State.

SEC. 143 F. Any such association coming within the description of a Fraternal Beneficiary Association, as set forth in Section 143 E of this Article organized under the laws of this or any other State, Province or Territory, and now doing business in this State, may continue such business, provided that it hereafter comply with the provisions of Sections 143 H and 143 I, regulating annual reports, and the designation of the Commissioner of Insurance as the person upon whom process may be served as hereinafter provided; and shall file with the Commissioner of Insurance a duly certified copy of its Charter or Act of Incorporation, its form of Benefit Certificate also a Certificate of the proper officer of such State, Province or Territory, certifying that such association is authorized to conduct its business therein, where the laws of such State, Province or Territory require an annual report of the operations of such Association, or where its laws authorize such certificate, and thereupon said Commissioner of Insurance shall issue a certificate to said association authorizing it to continue to do business in this State, for which he shall receive the sum of twenty-five dollars; but if said association be incorporated under the Laws of this State, or if it be a foreign corporation and by the laws of the State of its incorporation shall not be required to make report or the certificate referred to in this Section shall not be authorized by such law, then the Commissioners of Insurance shall make examination of its affairs in manner as provided in the next succeeding section (Section 143 G) in like case, before issuing such certificate, and until a certificate is refused after examination had as provided, such association shall continue to do business in the State as heretofore. Immediately upon the passage of this Act the Commissioner of Insurance shall notify the Supreme Secretary and the State Secretary of all associations described in Section 143 E now doing business in this State, of the provisions of this and the following Section, and said association shall file the papers in this section required to be filed within two months after receiving said notice. The expense of the examination required under this section for associations incorporated under the laws of this State shall not exceed fifty dollars.

SEC. 143 G. Any such association coming within the description of a Fraternal Beneficiary Association as set forth in section 143 E of this article, organized under the laws of any other State, Province or Territory, and not now doing business in this State, shall be admitted to do business within this State when it shall have filed with the Commissioner of Insurance a duly certified copy of its charter and articles of association, and a copy of its constitution or laws, certified to by its Secretary, or corresponding officer, together with an appointment of the Commissioner of Insurance of this State as a person upon whom process may be served as hereinafter provided; and shall pay said Commissioner of Insurance a fee of twenty-five dollars for filing said charter, copy of constitution and laws and appointment of attorney; and provided that such association shall be shown by certificate to be authorized to do business in the State, Province or Territory in which it is incorporated or organized in case the laws of such State, Province or Territory shall provide for such authorization;and in case the laws of such State, Province or Territory do not provide for any formal authorization to do business on the part of any such association, then such association shall be shown to be conducting its business in accordance with the provisions of Sections 143 E to Sections 143 R (both inclusive) of this article, for which purpose the Commissioner of Insurance of this State may personally, or by some person to be designated by him, examine into the condition, affairs, character and business methods, accounts, books and investments at its home office, which examination shall be at the expense of such association, and shall be made within thirty days after demand therefor and the Commissioner of Insurance shall be paid by said association for such examination the actual travelling expenses and not more than ten dollars per day for each day actually employed in such examination, not to exceed fifty dollars in the aggregate.

The Commissioner of Insurance shall issue a certificate to such association qualified as required in this section, authorizing it to do business within this State, for which certificate said association shall pay to said commissioner the fee of twenty-five dollars.

SEC. 143 H. Every such association doing business in this State shall on or before the last day of March of each year, make and file with the Insurance Commissioner of this State a report of its affairs and operations during the year ending on the thirty-first day of December immediately preceding, which annual report shall be in lieu of all other reports required by any other law. Such reports shall be upon appropriate blank forms to be provided by the Insurance Commissioner and shall be verified under oath by the duly authorized officer of such association, and shall be published, or the substance thereof, in the annual report of the Insurance Commissioner under a separate part, entitled "Fraternal Beneficiary Associations." The Insurance Commissioner is authorized and empowered at any time to address any additional inquires to any such association in relation to its doings or condition, or any other matter connected with its transactions relative to the business contemplated by Sections 143 E to Sections 143 R (both inclusive) of this Article, and such officers of such associations as the Insurance Commissioner may require, shall promptly reply in writing under oath to all such inquires, if so required and in case after such inquiry the Insurance Commissioner shall have reason to believe that such association is insolvent or cannot meets its obligations to its beneficiaries or certificate holders, or is conducting its business in an illegal manner, he may by some person designated by him, examine the accounts, books and investments of said association, at its home office at the expense of said association, not to exceed in the aggregate the sum of fifty dollars. Each such association on filing its annual report shall pay to the Insurance Commissioner the sum of twenty five dollars.

SEC. 143 I. Each such association now doing or hereinafter admitted to do business within this State and not having its principle office within this State and not being organized under the laws of this State, shall appoint in writing the Insurance Commissioner, on his successor in office to be its true and lawful attorney upon whom all lawful process in any action or proceeding against it may be served, and in such writing shall agree that any lawful process against it which is served on said Insurance Commissioner shall be of the same legal force and validity as if served upon the association, and that the authority shall continue in force so long as any liability remains outstanding in this State. Copies of such certificate certified by said Insurance Commissioner shall be deemed sufficient evidence thereof, and shall be admitted in evidence with the same force and effect as the original thereof might be admitted. Service upon such attorney shall be deemed sufficient service upon such association. When legal process against any such association is served upon said Insurance Commissioner, he shall immediately notify the association of such service by letters prepaid and directed to its Resident Secretary, and Supreme or Chief Secretary, or corresponding officers; and shall within two days after such service forward in the same manner a copy of the process served on him to such officers. The plaintiff in such process so served shall pay to the Commissioner of Insurance at the time of such service a fee of five dollars which shall be recovered by him as part of the taxable costs, if he prevails in the suit. The Insurance Commissioner shall keep a record of all processes served upon him, which record shall show the day and hour when such service was made.

SEC. 143 J. The Insurance Commissioner of this State shall furnish to each of said Associations doing business within this State as provided by Sections 143 E to Sections 143 R (both inclusive) of this Article, two abstracts of its annual report, prepared for publication, for which it shall pay him the sum of four dollars.

SEC. 143 K. Such association shall not imploy paid agents in soliciting or procuring members except in the organizing or building up of subordinate bodies or granting members, inducements to procure new members.

SEC. 143 L. The money or other benefits, charity relief or aid to be paid, provided or rendered by any association authorized to do business under Sections 143 E to Sections 143 R (both inclusive) of this Article shall not be liable to attachment by trustee, garnishee or other process and shall not be seized, taken, appropriated or applied by any legal or equitable process, or by operation of law,to pay any debt or liability of a certificate holder or of any beneficiary named in a certificate; or of any person who may have any right thereunder.

SEC. 143 M. Any such association organized under the laws of this State, may provide for the meetings of its legislative or governing body, in any other State, Province or Territory, wherein such association shall have subordinate bodies, and all business transacted at such meetings shall be valid in all respects as if such meetings were held within this State, and where the laws of any such association provide for the election of its officers by votes to be cast in its subordinate bodies, the votes so cast in its subordinate bodies in any other State, Province or Territory, shall be valid as if cast within this State.

SEC. 143 N. Any person, officer, member, examining physician, who shall knowingly or wilfully make any false or fraudulent statement or representation, in or with reference to any application for membership, or for the purpose of obtaining any money or benefit in any association transacting business under Under Sections 143 E to Sections 143 R (both inclusive) of this Article, shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars or imprisonment in the City or County jail for not less than thirty days nor more than one year, or both, in the discretion of the Court; and any person who shall wilfully make a false statement of any material, fact or thing in a sworn statement as to the death or disability of a certificate holder in any such association for the purpose of procuring payment of a benefit named in the certificate of such holder, and any person who shall wilfully make any false statement in any verified report or declaration under oath required or authorized under the provisions of Sections 143 E to Sections 143 R (both inclusive) of this article, or either of them, shall be guilty of perjury, and shall be proceeded against and punished as provided by the statutes of this State in relation to the crime of perjury.

Section 143 O. Any such association refusing or neglecting to make the report as provided in Section 143 H shall be excluded from doing business within this State in procuring new members. Said Insurance Commissioner must within sixty days after failure to make such report, or in case any such association shall exceed its powers or shall conduct its business fraudulently or shall fail to comply with any of the provisions of Sections 143 E to Sections 143 R (both inclusive) of this article, immediately commence an action against such association to enjoin the same from carrying on any business. And no injunction against any such association shall be granted by any court, except on application as set forth in this section. No association so enjoined shall have authority to continue business until such report shall be made, or overt act or violation complained of shall have been corrected nor until the costs of such action be paid by it, provided that the court shall find that such association was in default as charged, whereupon the Insurance Commissioner shall reinstate such association and not until then shall such association be allowed to again do business in this State. Any officer, agent or person acting for any association or subordinate body thereof, within this State, in procuring new members, while such association shall be so enjoined or prohibited from doing business pursuant to this section shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than twenty five dollars nor more than two hundred dollars or by imprisonment in the city or county