CHAPTER 711.

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

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

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

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

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

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

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

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

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

Sec. 90. The said board, in defining the natural beds and bars, shall exercise its judgment liberally in favor of the natural beds and bars, and allow a reasonable margin of the barren bottoms, rather than encroach on a natural bed or bar. The natural beds or bars shall be bounded by straight lines, even though some portions of barren bottoms may thus be necessarily included within such lines.

Sec. 91. If residents of any county, exceeding twenty-four in number, shall, within four months after the filling of said survey and report in such county, file in the Circuit Court for said county a petition, in writing, attested by the oath of some one or more of the petitioners, alleging that five or more adjacent acres of oyster beds, bars, or rocks, in such county, have been omitted from such survey, or that five or more acres of barren bottoms have been included in such survey, and designating the location of same by a plat, or as near as may be with reasonable certainty by such land marks as will locate and designate the beds alleged to have been omitted or included, a Judge of the Circuit Court for the said county, after due notice given to the Board of Shell Fish Commissioners shall proceed to hear testimony and decide the case, as provided in the succeeding section, but this section shall not apply where the ground claimed by the petitioners has been legally taken up prior to the approval of this Act.

Sec. 92. Upon hearing a case presented by petition under the preceding section, the Judge shall determine the question whether the ground referred to in said petition is a natural bed or barren bottom, and his finding on said question shall be final, and shall be entered upon the records of the Board of Shell Fish Commissioners in their office in the city of Annapolis, and properly marked on the copies of the plats as hereinbefore required.

Sec. 93. Such amended survey shall be filed in the offices of the Clerks of the Circuit Court for the counties in which the original surveys hereinbefore provided are required to be filed, and when so filed, shall be conclusive evidence in all the Courts of this State as to whether the area embraced therein is or is not a natural oyster bed, bar or rock.

Sec. 94. Whenever a petition is filed in the Circuit Court for any county as authorized in Section 91 of this Act, the parties so petitioning shall deposit twenty-five dollars, to be returned to the petitioners if the Judge shall determine in favor of the petitioners, but if the Judge shall determine adversely to the petitioners, then said sum to be applied, so far as necessary, to the payment of costs incurred in the proceedings under said petition, and the balance to be returned to said petitioners.

Sec. 95. The said board shall be authorized to call to their assistance the County Surveyor of any county, whenever in their judgment his assistance is necessary, and shall pay him for his services such compensation as is authorized by law for his services in other proceedings.

Sec. 96. The Board of Shell Fish Commissioners shall cause an accurate survey of [illegible] delineation upon the maps and [illegible] bottoms of the [illegible] apeake Bay where grass grows and it is profitable to scrape for soft shell or shedder crabs, and shall have such bottoms properly designated by permanent objects on the shore as provided hereinbefore for natural oyster beds, bars and rocks, which said crabbing sections shall be exempt from leasing for oyster culture.

Sec. 97. One of the steamers of the State Fishery Force shall be kept in commission under the command of the Deputy Commander and subject to the control and direction of the commissioners from the first day of April in each year, until the first day of October following, to assist the board in the performance of the duties imposed upon it by this Act, and the Deputy Commander in each of the several districts of this State shall also be subject to the control and direction of the said commissioners during the closed season for taking and catching oysters with rakes and tongs, during the time the said commissioners shall be engaged in the respective districts in locating natural oyster beds, bars and rocks, and shall give the said commissioners every assistance in their power.

Sec. 98. After the survey provided for herein shall have been completed, it shall be the duty of the Board of Shell Fish Commissioners to lease, in the name of the State of Maryland, tracts, or parcels, of land beneath the waters of this State, whether within the limits of the counties, or elsewhere, in the area to be opened for oyster culture, according to the provisions of this Act, provided that no tract so leased, if situated within the territorial limits of any county in this State, shall contain less than one acre of land, and if situated in any other place, no tract so leased shall contain less than five acres. It shall be the duty of said commissioners to require that the tracts so leased shall be as nearly rectangular as it convenient. It shall be the duty of the said commissioners to demand from each lessee payment of the rent each year in advance. No person shall be permitted, by lease, assignment, or in any other manner, to acquire a greater amount of land than ten acres situated within the territorial limits of any of the counties, or one hundred acres in any other place. Leases shall be made only to residents of Maryland. The terms of such leases shall be twenty years, and the annual rent reserved to the State shall be one dollar per acre for each of the first two years of said term of twenty years; two dollars per acre for the third year; three dollars per acre for the fourth year; four dollars per acre for the fifth year; and five dollars per acre during the remainder of the term. If any part of the rent reserved under such leases shall remain unpaid for more than six months, after the same becomes due, such lease or leases shall be declared void, and the land shall revert to the State, and may be leased again in accordance with the provisions of this Act. The said commissioners may at the request of any lessee, if it shall appear equitable so to do, upon cause shown in writing, cancel his lease as to the whole or a part of the lands leased.

Sec. 99. In case the survey provided for by this Act shall not have been completed within one year from the passage of this Act, then it shall be the duty of the Board of Shell Fish Commissioners to begin the leasing of barren bottoms in the manner, and upon the terms provided in the preceding section, provided that such leasing shall then commence only in those areas in which the survey provided for in this Act shall have been completed.

Sec. 100. For a period of four months after the said survey shall have been completed, or after any area shall have been opened to leasing under the preceding sections, citizens of Maryland, residing in any part of the State who, at the time of the completion of said survey, or at the respective times of the opening for oyster culture of several areas, as the case may be, may be owners of land having a water front upon any part of the said areas so opened to oyster culture, shall have the exclusive right to rent any land open to oyster planting under the provisions of this Act, adjacent to their lands. And for an additional period of six months, after the expiration of the said period of four months all boatmen, residents of this State, who shall be engaged in the business of dredging, scraping or tonging for oysters at the time of the completion of the said survey, or at the respective times of the opening for oyster culture of several areas or if said survey shall be completed, or the said areas shall be opened to oyster culture during the closed season for dredging, scraping, or tonging, as the case may be, then the persons so engaged at the end of the last dredging, scraping or tonging season, shall have the like exclusive right in the order of their respective applications, as the same may be received and opened by the commissioners to rent any adjacent lands, provided that in no event shall any such land owner, boatman, or any other persons, be permitted to rent or to acquire more than ten acres, or one hundred acres as the case may be, dependent upon the situation of the land which is leased or acquired; and provided further, that no such riparian land owner, as is mentioned in this section, shall be entitled to rent the amount of ten acres, or one hundred acres, as the case may be, unless the water front of the land so owned by him, if fronting on water within the territorial limits of a county, be at least two hundred yards, or if fronting on waters in any other place, be at least seven hundred yards. The owners of land having a less water front than is mentioned above, shall be entitled to rent a proportionately less amount of land, dependent upon the length of the front upon water within county limits or elsewhere.

Sec. 101. Blank forms of application shall be furnished upon reasonable charges, to be prescribed by the Board of the Shell Fish Commissioners, to any person desiring the same. All such forms shall be printed and shall be substantially in the following language: Application for a lease to the Board of Shell Fish Commissioners of Maryland. The application of ..... a resident of ..... county, in the State of Maryland, respectfully shows that he is a resident of said State; that he wishes and intends to use the ground hereinafter described for planting or cultivating oysters. He therefore, requests that said board lease to him, in the name and on behalf of the State of Maryland ..... acres of ground located under the waters of the State of Maryland, which ground is more particularly described as follows, to wit: (Describe here.) Dated at ..... Maryland, this ..... day of .... A. D.

_____,

Applicant.

Sec. 102. When the period of ten months will have elapsed after said survey shall have been completed, or after the lands beneath the waters of any areas shall have been opened to leasing under Section 99 of this Act, the Board of Shell Fish Commissioners shall [illegible] or to lease the re- [illegible] residents of Maryland, in the order of their applications as received and opened by said commissioners.

Sec. 103. Any person who may desire to plant and cultivate oysters in the area hereinbefore designated, shall file with the Board of Shell Fish Commissioners an application substantially in the form prescribed in Section 101 of this Act. The applicant shall indicate plainly the location of the land he desires to lease. The application shall be sworn to before a Justice of the Peace of this State. A fee of five dollars shall be paid by the applicant to the Board of Shell Fish Commissioners at the time of filing the application, which fee shall be returned to the applicant if his application shall be for any reason declined.

Sec. 104. If such applicant be a resident of the State of Maryland, and if no objections to the issuing of the lease asked for in any such application be filed with the commissioners within the period of thirty days after such application is made, or as soon as any objections that may have been filed to the granting of such lease will have been finally overruled by said commissioners, the said commissioners upon payment by the applicant of a further fee of two dollars and a half, in addition to the fee of five dollars, which is to accompany his application, shall cause to be entered in a book or books to be known as "The Register of Titles to Oyster Lands," the name of the applicant, with a concise but clear description of the land applied for. A survey of such land at the expense of the applicant shall be made by the Board before the entry, if, in its opinion, said survey is necessary to an accurate description thereof. The payment of the proper fees due for the application and the record in the register required by this section to be kept, shall constitute between the State and the applicant the relation of landlord and tenant for the term of twenty years, from the record of the lands so applied for as aforesaid, at the annual rentals provided in section 98 of this Act.

Sec. 105. The relation of the landlord and tenant, stated in section 104, shall have all the incidents attaching to that relation as the same exists under the laws of Maryland, excepting only the following particulars:

First. The only remedy of the State for non-payment of the rent of oyster lands shall be the strict enforcement of the provisions set forth in section 98 of this Act. Upon the non-payment of any rent for the time therein mentioned, it shall be the duty of the Board of Shell Fish Commissioners, after a written notice of not less then ten days to the lessee, to declare the lease vacated by stamping the word "void" in distinct letters across the description in the register; second, land leased under this Act shall be used only for the purpose of planting and cultivating oysters; third, no right shall exist to redeem or purchase any land of the State so leased; fourth, any other modifications caused by the provisions of this Act.

Sec. 106. The Commissioners shall at once notify the lesee of the record in the register required by section 104, and the lessee shall, as soon thereafter as practicable, not exceeding thirty days from the receipt of said notice, cause the ground designated as leased to him to be plainly marked out by stakes, buoys, or monuments, under the supervision of the commissioners. At least four of such stakes, buoys and monuments shall have the initials of the lessees plainly marked upon them, and such stakes, buoys or monuments shall be at all times during the existence of said lease continued by the said lessee or his legal representative.

Sec. 107. This Act is not intended to apply to any lands owned by private persons, the bounds of which extend below low water into or beneath the waters of this State. This Act shall not be so construed as to apply to any creek, cove or inlet, less than one hundred yards in width at its mouth at low tide.

Section 108. Any person who has, prior to the passage of this Act, lawfully appropriated or taken up any land in this State, for the purpose of planting, bedding or cultivating oysters thereon, may become a lessee of said land for the term of twenty years from the passage of this Act, with all the incidents, including the payment of the rents, of the leases contemplated by this Act, provided such person gives written notice to the Board of Shell Fish Commissioners of his intention to become such lessee within six months after the passage hereof. The holding of any person who may have appropriated any such land shall become void and of no effect in law, upon the expiration of the said period of six months from the passage hereof, if no such notice of intention will have been given within said period of six months.

Sec. 109. The lessee of any land leased for the purpose of planting and cultivating oysters shall have exclusive ownership of and title to all oysters planted by him or existing on the land leased.

Sec. 110. No assignment or transfer of any interest acquired by this Act shall be valid for any purpose if made to a non-resident if this State. If any such assignment is attempted to be made, all interest of the grantor, or assignor, shall revert to the State, as if no lease had ever been made. If any assignment of any interest created by this Act is attempted to be made to any corporation, or joint stock company, all the interest of the grantor or assignor shall revert to the State as if no lease had ever been made. If any assignment of any interest created by this Act is attempted to be made to any person in such a way that the assignee shall become the holder of more than ten acres, or one hundred acres, as the case may be, according to the location of land leased under this Act, all interest of the grantor, or assignor, in case of such an assignment, shall revert to the State as if no lease had been made.

Sec. 111. It shall be lawful for any tonger, between the 15th day of April and the 15th day of May in any year to take oysters from such natural beds or bars in the tonging districts of the Chesapeake Bay and its tributaries, as the commission may mark out for that purpose, and under such regulations as said commission may from time to time prescribe; and provided, however, that said oysters may be sold only for the purposes now permitted under the existing laws of Maryland, during the season of the year above mentioned; and in addition thereto, to persons engaged in the industry of planting and cultivating oysters within the area designated by this Act, the same to be delivered only upon lands which may have been leased under the provisions of this Act for said purposes of planting or cultivation.

Sec. 112. It shall not be necessary for any holder of oyster land under this Act to take out any license for dredging, scraping or tonging oysters on any land so held by him, and oysters on such land may be taken in any manner and at such time [illegible] fully and without authority take or remove oysters from any land leased under the provisions of this Act, or shall willfully injure or interfere with the oysters of such land in any manner or injure the oysters thereupon situated; or remove, alter or interfere with the stakes, buoys, or monuments marking the same, shall, upon conviction thereof, for the first offense, be sentenced to imprisonment in jail or in the penitentiary, in the discreiton of the Court, for not less than three months and not more than two years, and for the second, or any subsequent offense, be sentenced to imprisonment in the penitentiary for not less than two years and not more than five years.

Sec. 114. Any person, who shall work a dredge, scrape, or pair of tongs, or any other implement for the taking any other implement for the taking of oysters upon any land leased under the provisions of this Act without the consent of the lessee or owner, or who shall, while upon or sailing over any such ground or bed, cast, haul, or have overboard any such dredge, scrape or pair of tongs or other implement for the taking of oysters, under any pretense, or for any purpose whatever, without the consent of such lessee or owner, upon conviction thereof, shall, for the first offense, be fined not less than fifty dollars, nor more than two hundred and fifty dollars, or in the discretion of the Court, be imprisoned in jail, or in the penitentiary for not less than three months, nor more than one year or shall be both so fined and imprisoned, and for the second, or any subsequent offense, shall be sentenced to imprisonment in the penitentiary for not less than two years nor more than five years.

Sec. 115. Any person who shall make his boat fast to a State buoy,, or remove the same, or in any manner interfere therewith the same shall, in the discretion of the Court upon conviction thereof, be sentenced to the penitentiary for a term of not less than one year, or more than two years.

Sec. 116. In addition to other penalties herein provided, any person convicted of a violation of this Act under either of the three preceding sections, shall be and is hereby denied the right to take out any license to dredge, scrape or tong for oysters in any of the waters of this State, for the period of three years after said conviction.

Sec. 117. It shall be the duty of all officers and members of the State Fishery Force to arrest persons violating this Act, and to patrol such waters of the Chesapeake Bay and its tributaries as they may be directed by the Board of Public Works to patrol, for the purpose of preventing violations of this Act.

Sec. 118. The revenues arising from the operation of this Act shall be applied in the folling manner:

First. To the payment of all salaries, expenses, surveys, outlays and disbursements, authorized by this Act; second, the balance, if any, to be paid at the end of each year into the Treasury of the State, leaving, however, a balance at the end of each year of ten thousand dollars with the Board of Shell Fish Commissioners, to be applied to the current expenses of its office for the ensuing year. All moneys so paid as aforesaid into the treasury of the State shall be placed to the credit of a special fund, called the "Special Road Fund."

Sec. 119. The Board of Shell Fish Commissioners shall annually prepare and pubish in pamphet form a full report of its transactions during the year prior thereto, as well as a statement of the operations of this Act, and an account of the receipts and disbursement hereunder. The said report shall also contain a detailed statement of the lands leased under this Act with names of the lessees. The said commissioners shall also in its reports make such recommendations as it may deem proper concerning further legislation or changes in the present oyster laws, and shall present the said reports to the General Assembly of Maryland.

Sec. 2 And be it enacted, That this Act shall take effect from the date of its passage, and all laws of Maryland inconsistent with this Act shall be, and the same are hereby repealed.

Approved April 2, 1906.

CHAPTER 182.

An Act to repeal and re-enact with amendments Section 153 of Article 33 of the Public General Laws, title "Elections," sub-title "Primary Elections," as repealed and re-enacted by Chapter 682 of the Acts of 1904."

Section 1. Be it enacted by the General Assembly of Maryland, That section 153 of Article 33 of the Public General Laws, title "Elections,' sub-title "Primary Elections," as repealed and re-enacted by Chapter 682 of the Acts of 1904, be and the same is hereby repealed and re-enacted so as to read as follows:

153. Primary Elections for Mayor, Comptroller, President of the Second Branch Council and members of the City Council of Baltimore shall be held in all respects according to the foregoing provisions, except that the day for holding the same shall be the first Tuesday of April of the year in which the municipal elections in said City of Baltimore are to be held, and at every general registration held in Baltimore City, subsequent to the passage of this Act there shall be provided in the registration books an additional column, headed "Party Affiliation," and the board of registers shall enter in this column the name of the political party, if any, to which the voter is inclined and with which the voter desires to have himself recorded as affiliated. It shall be the duty of the board of registry to explain to each voter that the statement of such party affiliation does not bind him to vote for the candidates of such party at any given election; also, that he has the right to decline to state any party affiliation, but that no one who is not recorded upon the registry as affiliated with a particular political party will be qualified to vote at subsequent primary elections of said political party. Whenever a voter declines to state his party affiliation, the word "Declined" shall be written opposite his name under such column, so that there shall be written in such column opposite the name of every registered voter either his party affiliation or the word "Declined." And in all primary elections thereafter held, any person so registered as affiliated with a given political party shall have the right to receive and vote the official ballot of that party and of no other. And at any intermediate registration subsequent to the close of the next general registration such voter may appear before the board of registry, and upon his identity being established to the satisfaction of the majority of the board of registry, he shall have the right to require the said board of registry to make, alter or strike out any entry in the column headed "Party Affiliation" opposite his name in the registry. It shall be the duty of the board of registry to enter in the column headed [illegible] entry [illegible] out, [illegible]

CHAPTER 474.

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

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

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

400. The person in charge of said engine, at a signal or request of any person riding a horse, or of any person leading or driving a horse, or other draft animal, have passed to a safe distance, in the meantime making as little noise as possible with the steam.

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

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

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

Approved April 3, 1906.

CHAPTER 373.

An Act to add four new Sections to Article 16 of the Code of Public General Laws, title "Chancery," subtitle "Pleading, Practice and Process," to be known as Sections 200A 200B, 200C and 200D, and to come in after Section 200 of said Article, providing a method of procedure by fiduciaries for making distribution or delivery of property where unknown persons may be entitled, or the residences of persons known or supposed to be entitled are unknown, and for protecting the interests of such persons, and for proprotecting fiduciaries making distribution or delivery of property.

Section 1. Be it enacted by the General Assembly of Maryland, That four new Sections be added to Article 16 of the Code of Public General Laws, title "Chancery,' sub-title "Pleading, Practice and Process," to be known as Sections 200A, 200B, 200C, and 200D, and to come in after Section 200, and to read as follows:

Section 200A. Whenever it shall be the duty of any fiduciary (meaning by the term "fiduciary," any trustee, executor, administrator, receiver or other fiduciary), to make any delivery or distribution of any property in the possession or control of such fiduciary and said fiduciary shall apprehend that there may be persons living unknown to such fiduciary, who may be entitled to shares thereof, or whose rights will be affected by such distribution or delivery, said fiduciary may apply by bill or petition to the Court of Equity in the county or city in which said fiduciary resides or has his or its principal office or place of business, praying the said Court to assume jurisdiction over the said property, and the distribution and delivery thereof, or if a Court of Equity already has jurisdiction of said property, said application may be made to such Court. All persons known to such fiduciary to have any interest in said property shall be named or described and made parties to the proceedings, and their interests shall be stated or set forth, and there shall be a statement in the bill or petition, by which said application to the Court is made, showing why such fiduciary apprehends that there may be persons living unknown to him or it who may be interested in said property, or whose rights would be affected by said distribution or delivery, and as near as practicable who such persons may be supposed to be. And it shall be the duty of the said Court to examine said bill or petition, and any papers filed therewith, and upon being satisfied that sufficient effort has been made by such fiduciary to ascertain whether there are such unknown persons, shall pass an order directing the said fiduciary to give notice by publication to such supposed unknown persons, whether they be residents or non residents of this State, of the substance and object of said Bill or petition, and warning them to appear by a day therein stated, which shall not be less than ninety days after the passage of said order, and said notice shall be published for such length of time as the Court may direct in some newspaper, as in cases of notice by publication to non residents. The defendants named in said Bill or Petition shall be summoned, or if they be non residents of this State, shall be duly notified by publication as in other cases of equity. And after the expiration of said period fixed in said order, for the appearance of said unknown persons, the Court shall proceed as in other suits in equity, and shall, by its decree, direct to whom the said fiduciary shall make distribution or delivery of said property, and if in the opinion of the said Court, it shall be doubtful whether or not there are unknown persons who are entitled to a share or shares of said property, it may, in its discretion, require the persons to whom it shall direct the distribution or delivery thereof to be made to file a bond or bonds to the State of Maryland in such penalty as it shall prescribe, with the clerk of the said court, conditioned to make restitution to such unknown person or persons of his, her or their shares of said property, when his, her or their rights thereto shall be established; or the said court may require said fiduciary to hold or transfer and deliver to a trustee or receiver to be appointed by it the share or shares to which such unknown person or persons would be entitled if in existence to be held, and the income thereof accumulated for such time as the said court may direct, in order to afford full opportunity for such unknown person or persons to appear and assert their rights, and may order the delivery or distribution thereof whenever said unknown persons shall appear and establish their rights thereto, or when it shall be convinced that there are no unknown persons entitled to any share of said property. And the said court may defer the passage of the said decree from time to time if it shall deem it necessary in cases of doubt as to the existence of persons who may be entitled, but the discretion of the said court as to requiring bond and de[illegible] of said decree, [illegible] cumulating [illegible] And any fiduciary making distribution or delivery of any property in obedience to such decree or order shall be protected from any claim in respect thereof by such unknown person or persons, his, her or their heirs, personal representatives or assigns.

Section 200B. And be it further enacted, That whenever any fiduciary shall have property to distribute or deliver, and there shall be persons entitled to shares thereof, or whose rights therein will be affected by such distribution or delivery, and such persons shall be known to such fiduciary to be in existence, but it shall not be known to said fiduciary whether said persons are residents of this State or not, or if residents of this State, where they may be served with the process of the court, they may, by special leave of the court upon good cause shown, be proceeded against as non residents; and if their names be not known to such fiduciary, they may be described as nearly as practicable.

Section 200C. And be it further enacted, That the said court may assign counsel to protect the interest of such supposed unknown person or persons known to exist whose names or places of residence are unknown, and that the fees of such counsel shall be fixed by the Court, and be paid out of said property, or such part thereof as the Court shall determine ought to bear the same.

Sec. 200D. And be it further enacted, That this Act and the three preceding sections thereof shall not be interpreted as a repeal of construction of existing law, or of the jurisdiction and powers of Courts of Equity, and that the remedy hereby provided is intended to be additional to and not in substitution for any other existing remedy.

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

Approved April 3, 1906.

CHAPTER 468.

An Act to Regulate the Taking of Oysters in the Potomac River.

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

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

Approved, April 5, 1906.

CHAPTER 180.

An Act to provide for the safety of guests and occupants of hotels and apartment houses in the City of Baltimore.

Section 1. Be it enacted by the General Assembly of Maryland, That any building or buildings now used as hotels or apartment houses, or that shall hereafter be used as such, shall have installed in said building or buildings large fire gongs, which shall be rung only in case of fire or danger of fire, so as to notify and warn the occupants thereof.

Sec. 2. And be it enacted, That the gongs provided for in the preceding section shal be of such size as shall be designated by the Inspector of Buildings of Baltimore city, and shall be placed one at each stair landing and one at each end of every corridor or hall, and so put up, arranged and connected that each gong can be sounded from the main office.

Sec. 3. And be it further enacted, That any owner, agent, lessee or manager of any building or buildings used or occupied as a hotel or apartment house, that shall neglect or refuse to comply with the provisions of this Act shall be deemed guilty of a misdemeanor, and upon indictment and conviction thereof shall be fined not less than $250 nor more than $1,000, for each offense.

Sec. 4. And be it enacted, That the provisions of this Act shall not apply to buildings of twelve rooms or less.

Sec. 5. And be it enacted, That this Act [illegible] take effect from the first [illegible]

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