CHAPTER 239

"An Act to repeal Section 36, of Article 35, of the Code of Public General Laws of Maryland (of 1904) title 'Evidence,' sub-title 'Commission to take Evidence from other States,' and to enact in lieu thereof,three new sections of said Article 35, to be numbered Sections 36, 36 A and 36 B"

Section 1—Be it enacted by the General Assembly of Maryland, That Section thirty-six (36) of Article thirty-five (35)of the Code (of 1904) of Public General Laws of Maryland, title "Evidence," sub-title "Commissions to take Evidence from other States," be and the same is hereby repealed, and that in lieu thereof, three new sections of said Article thirty-five, numbered thirty-six (36), thirty-six A (36A) and thirty-six B (36 B), be and the same are hereby enacted, as follows:

36—A party to any civil action, suit or special proceeding, pending in a Court without this State either in any State, District or Territory of the United States or in a foreign country may obtain by the special proceedings prescribed in the following two sections of this Article, the testimony of a witness, or witnesses, and in connection therewith, the production of books and papers within this State, to be used in such action, suit or special proceeding.

36A—Whenever any Commission, or process in the nature of a commission, to take the testimony of a witness or witnesses named therein, within this State shall be issued by any Court without the State, either in any State, district or territory of the United States, or in a foreign country, directed to any person, designated by name, title of office or otherwise, in this State, the person so designated as commissioner shall serve notice on the witness or witnesses to be examined under said commission, notice of the time and place appointed for the execution of said commission at least five days before the day so appointed; and whenever the Judge of the Court, wherein such action, suit or special proceeding is pending, is satisfied by the affidavit of either party thereto or otherwise, and it be stated in such commission or process in the nature of a commission, that any witness to be examined under such commission or process, has in his possession or control any paper, writing, written instrument, book or other document, which, if produced, would be competent and material evidence for the parties to such suit or action, or either of them, and said paper, writing, written istrument, book or other document be sufficiently described for identification in said commission or process in the nature of a commission, the said cimmissioner therein appointed shall serve notice as aforesaid of the time and place appointed for the execution of said commission and therein require said witness to bring with him and produce to said commissioner any such paper, writing, written instrument, book or other document, supposed to be in his possession or control, the same to be described or identified in said notice as in said commission.

36B—If any witness, who shall have been duly notified so to do as prescribed in the foregoing section, shall fail to attend at the execution of said commission, or refuse to testify or to answer such questions as may be propounded to him under such commission or shall fail to produce, pursuant to said notice, any book, paper or instrument of writing in his possession or control, or shall refuse to subscribe his deposition, it shall be the duty of the commissioner named in said commission at the request of the court issuing the same, to certify such failure to attend or refusal to testify or subscribe, or to produce books, papers or written instruments, to the Circuit Court for the county or to any Judge of the Supreme Bench of Baltimore City, as the case may be, where said commission is to be executed; and the said court or judge, on receiving the said certificate, shall forthwith issue his order commanding the said delinquent witness on some day and at some place therein appointed to appear before him and show cause why he, the said witness, has so failed to attend or refused to testify or subscribe, or refuse to produce books or papers in his possession or control, a copy of which order shall be served upon said delinquent witness at least five days before the day therein appointed; and if the said witness, after having had such notice of said order, shall neglect or refuse to appear before said Judge, or appearing, shall fail to show good and sufficient cause why he, the said witness, had so failed to attend or refused to testify or subscribe his deposition, or refuse to produce said books or papers before said commissioner, then and not otherwise, the said court or judge may issue an attachment in the name of the State and compel the appearance and answer of such witness in the same manner as any Court in this State would be aut..orized to do if such witness had been summoned to appear before such Courts and had failed to attend or refuse to answer; provided, that the said Court or Judge may extend the time for hearing before him if deemed by him necessary or important.

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

Approved March 31, 1906.

CHAPTER 236.

"An Act to ammend Article 77, of the Code of Public General Laws, title, 'Public Education,' by repealing and re-enacting Chapter 299 of the laws of 1904, which added to said Article, section 139, 140 and 141, under the sub-title, 'School Attendance,' and by adding a new section to be numbered as section 142."

Section 1—Be it enacted by the General Assembly of Maryland, That the sections 139, 140, 141, of Article 77 of the Code of Public General Laws, title, "Public Education," under the sub-title "School Attendance," are hereby repealed and re-enacted as follows, and that a new section be added to follow Section 141, to be numbered and designated as Section 142.

139—Every deaf or blind child between six and sixteen years of age, shall attend some school for the deaf or blind for eight months, or during the scholastic year, unless it can be shown that the child is elsewhere receiving regularly thorough instruction during the said period, in studies usually taught in the said public schools to children of the same age provided, that the superintendent or principal of any school for the deaf or blind, or person or persons duly authorized by such superintendent or principal, may excuse cases of necessary absence among its enrolled pupils; and provided, further, that the provisions of this section shall not apply to a child whose physical condition is such as to render its instruction, as above described, inexpedient or unpracticable. Every person having under his or her control, a child between six and sixteen years of age, shall cause such child to attend school or receive instructions as required by this section.

139A—Provided that where the parent, guardian or any other person [illegible] of a deaf or blind child [illegible] out of the State appropriation for the school which the child attends, provided, that three reputable male citizens over the age of twenty-one years residents of the school district in which the said child resides, shall certify under oath that to the best of their knowledge and belief the parent, guardian or other person having control of such child is not financially able to pay the expenses of the child to and from school.

140—Any person who has such a child under his or her control, and and who fails to comply with any of the provisions of the preceding section, shall be deemed guilty of a misdemeanor, and shall upon conviction thereof, before a justice of the peace, be fined a sum not exceeding five dollars for each offence.

141—Any person who induces or attemps to induce any deaf or blind child to absent himself or herself unlawfully from school, or employs or harbors any such child absent unlawfully from school, while said school is in session, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, before a justice of the peace be fined a sum not exceeding fifty dollars for each offence.

142—The principal teacher of every public school in the counties and the Truant Officer of the city of Baltimore, shall within thirty days from the beginning of the school year succeeding the passage of this Act, furnish the Board of County School Commissioners, or the Board of Education of Baltimore City, as the case may be, with the names of all children who are deaf, blind or feeble minded, between the age of six and sixteen years inclusive, living within the boundaries of his or her school district who do not attend school. And the Board of County School Commissioners, or Board of Education of Baltimore City, shall certify forthwith the names of all such deaf, blind or feeble minded children to the respective principals of the State Schools for such children.

Sec. 2—And be it enacted, That this Act shall take effect from the date of its passage. Approved March 31 1906.

CHAPTER 31.

An Act to repeal Sections 4, 9, 13 and 14 of the Acts of the General Assembly of Maryland, Chapter 118, passed by the General Assembly of Maryland, at the December Session, 1845, as amended by the Act of the said Assembly, passed at the January Session, 1888, Chapter 61, and to re-enact the same with amendments to be known as 4, 9 and 13, relating to the obtaining and filing of judgments on the premium notes and to methods of assessments.

Whereas, It is represented to the General Assembly that the members of the Mutual Fire Insurance Company of Kent county, at a meeting called in accordance with the eighth section of its charter, determined that it is desirable for the company and for the community to have its charter amended; therefore be it enacted by the General Assembly of Maryland, that Sections 4, 9, 13 and 14 of the Act to incorporate the Mutual Fire Insurance Company of Kent County, Chapter 118, passed by the General Assembly of Maryland, at the December Session, A. D., 1845, and amended by the Act of said General Assembly, Chapter 61, January Session, 1888, be and the same are hereby repealed, amended and re-enacted, so as to read as follows:

Sec. 4. And be it enacted, that all promissory notes, notes of hand, or other evidence of debt held by the said company, which have been given and may hereafter be given thereto for premiums of insurance, shall be liable for all losses and expenses of the company, and upon the failure of the makers of the same to pay such notes, either in whole or in part, as may be demanded by the president and directors of the company, the president and directors of the compani may proceed to collect the same by due process of law.

Sec. 9. At the end of each calendar year, or ealier, at the option of the board of directors, it shall be the duty of the said board of directors to ascertain whether or not the income of the company has been sufficient to pay the losses and expenses of the company, and in the event that the losses and expenses of the company have exceeded the income and surplus fund of said company, and one per cent. of the premium notes held by the company, then the directors shall shall assess upon all property-hoders whose policies are more than one year old, not having sufficient to the credit of their policies to meet their proportionate part of such deficiency, their proportionate part of such losses and expenses, and shall give notice of the same to such policy holders, and upon their failure to pay the same sixty days from the time of such notice being issued, said directors shall proceed to collect the same by due process of law. But the directors shall not allow at any time the losses and expenses of tne company to exceed its income and surplus fund to an amount exceeding one per cent of its premium notes without making an assessment upon its premium notes as heretofore provided for.

Secs. 13 and 14. And be it enacted, That in all cases where property may be insured under this Act, where an assessment upon any policy of the company has been made, after due notice has been given, the party insured shall have sixty days to pay such assessment, and after the expiration of the said sixty days, in case the said assessment has not been paid, the said policy holder or policy holders shall forfeit all benefit under his or her policy, and the company shall not be liable for any loss that may occur under any of his or her policies, until such assessment or assemments have been fully paid, but such payment after default shall reinstate the policy or policies only from the time of such payment, and the company shall not be liable for any losses that may occur during the time of such default under any of the policies of the said policy holder or holders.

Approved Feb. 27, 1906.

CHAPTER 19.

An Act to add a new Section to Article 14 of the Public General Laws 1904, title "Bills of Lading, Storage and Elevator Receipts," relating to warehouse receipts, to come in after Section 11 of said Article, and be called Section. 12.

Section 1. Be it enacted by the General Assembly of Maryland that a new Section be and the same is hereby added to Article 14 of the Code of Public General Laws 1904, title "Bills of Lading, Storage and Elevator Receipts," to come in after Section 11 of said Article, and to be called Section 12 and to read as follows:

12. Bonded warehouses of the United States known as distillery warehouses as defined by and existing under the laws of the United States of America and situated in this State, shall be deemed to be warehouses within the contemplation and meaning of this Act, and such distillery warehouses shall be subject to all the provisions of this Article not inconsistent with the laws of the United States regulating the conduct and [illegible] of such distill[illegible] and all warehouses [illegible] Article as fully to all intents and purposes as the warehouse receipts of any other warehouseman, corporation or person conducting a general warehousing business in this State.

Approved February 27, 1906.

CHAPTER 475.

An Act to repeal and re-enact with amendments Section 12, of Article 52, of the Code of Public General Laws of 1904, title "Justices of the Peace,' sub-title "Criminal Jurisdiction," and to re-enact the same with amendments.

Section 1. Be it enacted by the General Assembly of Maryland, That Section 12, of Article 52, of the Code of Public General Laws of 1904, title "Justice of the Peace," sub-title "Criminal Jurisdiction," be and the same is hereby repealed and re-enacted with amendments, so as to read as follows:

Sec. 12. The several Justices of the Peace of the State of Maryland (except in the City of Baltimore, and in Talbot, Harford, Montgomery and Frederick counties), are hereby invested with, and shall have hereafter jurisdiction to hear, try and determine all cases involving the charge of any offence, crime or misdemeanor, not punishable by confinement in the penitentiary or involving a felonious intent, which may be committed within their respective counties; and shall have jurisdiction to hear, try and determine all prosecutions or proceedings for the recovery of any penalty for doing or omitting to do any act within their respective counties, the doing of which or the omission to do which, is made punishable under the laws of this State by any pecuniary fine or penalty, or by imprisonment in jail or in the Maryland House of Correction, all of which acts or omissions are hereby declared to be criminal offences; and the said justices shall have power to issue all process, and to do all acts which may be necessary for the exercise of their said jurisdiction, and may pronounce judgment and sentence in all such cases coming before them, in the same manner, and to the same extent as the Circuit Courts for said counties could, if such cases had been tried before said Courts; provided, however, that the accused when brought before any such justice, on being informed by him of his right to trial by jury, freely elects to be tried before such justice, and provided further, that a jury trial be not prayed in such case on the part of the State by the States Attorney. If after a trial before the justice either party shall feel aggrieved by his judgment there shall be a right of appeal within ten days to the Circuit Court for the County in which the alleged offense is charged to have been committed(and in all cases where a jury trial is prayed by the State, or the accused elects to be tried by jury, or appeals from the judgment of the justice, the justice shall take from the accused his recognizance with sufficient surety conditioned for his personal appearance to answer said charge at the then session (if there be a session) of the Circuit Court of their respective counties or the next session of said Court, if it be not then in session; and in default of the accused entering into such recognizance the justice shall commit him to jail for his appearance at such Court to answer such charge and shall at once return the recognizance, if there be one, and all papers and proceedings in such case, including a copy of his judgment (in appeal cases) together with the name and residence of the witnesses for the prosecution to the Clerk of said Court who shall place such case on the appeal docket of said Court and issue subpoenas for the witnesses named by the justice, and the case shall be then tried in said Court on the information or warrant. When an appeal shall be taken by the accused after the execution of sentence has begun, by confinement in jail or the Maryland House of Correction, the justice on sufficient surety being given for the accused's appearance at Court as hereinbefore required, shall at once transmit an order reciting this fact to the officer in whose custody he may be, and directing his discharge, and in default of such surety being given, the justice shall send a commitment to the sheriff of the County commanding him to receive the prisoner and hold him for his appearance at Court to answer said charge; and on the presentation of a copy of such commitment by the sheriff to the officer in whose custody the prisoner may be, such officer shall at once deliver the prisoner to the sheriff; and it shall be the duty of the sheriffs of the several counties of this State upon receipt of such commitment to forthwith obtain such prisoner, if he be not in his custody.

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

Approved April 3, 1906.

CHAPTER 59.

An Act to add two new sections to Article 93 of the Code of Public General Laws, title "Testamentary Law," sub-title "Wills," the first section to follow Section 313 and to be designated as Section 313A, the Second to follow 322, and to be designated as Section 322A.'

Section 1. Be it enacted by the General Assembly of Maryland, That two new sections be and the same are hereby added to Article 93 of the Code of Public General Laws, title "Testamentary Law," sub-title "Wills" the first of said sections to follow Section 313 and to be designated as Section 313A, and the second of said sections to follow Section 322, to be designated as Section 322A, and to read as to said several sections as follows:

313A. No devise or bequest hereafter made or heretofore made in any will or testament which shall hereafter be probated or any real or personal property of the value of five thousand dollars or less in trust or otherwise for the purpose of providing for the perpetual care or keeping in good order and condition, or making repairs to any lot, vault, mausoleum, or other place of sepulture belonging to any individual or several individuals, in any cemetery or graveyard intended for the burial of members of the family, family connections, relatives or friends of the owner thereof, or of their successors in ownership, shall be held to be void as offending the rule against perpetuities.

322A. No conveyance, assignment, or devise of any burial lot in any cemetery or graveyard, to any trustee in trust to hold the same in trust perpetually, or for any lesser period for the interment therein of any persons named or described, or of any family or descendants, or for the care and protection thereof against desecration or inujry, shall be held void as a violation of the rule against perpetuities.

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

Approved March 8, 1906.

CHAPTER 65.

An Act to add five sections to Article 21 of the Code of Public General Laws of 1904, title "Conveyancing," to be known as Sections 28A, 28B, 28C, 28D, 28E, [illegible] follow Section hereby added to Article 21 of the Code of Public General Laws of 1904, title "Conveyancing," and to be known as Sections 28A, 28B, 28C, 28D and 28E, and to read as follows:

28A. A release of a vendor's lien retained in any deed of conveyance may be made in the following form, or to the like effect; I hereby release the vendor's lien retained in the above (or within) deed.

Witness my hand and seal this—— day of ——— (Seal.)

28B. Such release may be written by the vendor, or his assignee, upon the record in the office where the deed is recorded, and attested by the Clerk of the Court.

28C. Or such a release may be endorsed on the original deed by the vendor of his assignee; and upon such deed, with the release thereon endorsed, being filed in the office in which the deed is recorded, the clerk shall record such release at the foot of said deed.

28D. Every release executed in either of the above modes shall be construed and deemed sufficient to release said lien, as fully and effectually as any instrument of writing whatever could do.

28E. A release or assignment may be made by an executor or assignee in the same manner and form and with like effect as by the vendor; this section to apply to every assignee whether he claims by direct assignment from the vendor or his executor or under a series of assignments.

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

Approved March 8, 1906.

CHAPTER 320.

An Act to repeal section 200 of Article 81, of the Code of Public General Laws, entitled 'Revenue and Taxes,' and to re-enact the same with amendments.

Section 1—Be it enacted by the General Assembly of Maryland, That Section 200 of Article 81, of the Code of Public General Laws, entitled "Revenue and Taxes," be and the same is hereby repealed and re-enacted with amendment thereto, as follows:

200—The several boards of County Commissioners, shall in addition to the powers now vested in them by law, have the power to value and assess all personal property and to revise all valuations and assessment of real property in their respective counties, and to lower or increase said assessments of real and personal property, and take steps for the discovery of all unassessed property of every kind. Whenever they shall purpose to alter or change any assessment, or make any new assessments, they shall before said assessment is made, give five days' notice thereof in writing to the owner of the property to be assessed, and if such owner be not found within the limits of their county, then to the person in possession of the property to be assessed, or in whose custody the same may be, or if it be land and no one be in the apparent occupancy thereof, then by a notice posted on said land. Said respective boards of County Commissioners shall have full power to appoint such agents, assessors and clerks, as may in their discretion be necessary to enable them to carry into effect their powers under this Article, but the listing of personal property shall not take place or be made until the year 1908, when the same shall be taken and made under the order and direction of the said respective boards of County Commissioners as well as the additional powers conferred by this article, which are hereby intended to be made and are made full and ample for that purpose, and said listing shall also be made every six years thereafter. All the penalties and requirements prescribed on sections 173 to 203 both inclusive, as the same were enacted, and so numbered by the Acts of 1896, chapter 120, 1896, chapter 140, 1896, chapter 142, and 1896, chapter 143, so far as the same are applicable both as to the owners of property, and assessors or clerks appointed by the respective boards of County Commissioners, and the said boards themselves, whether sitting to hear appeals or otherwise, shall be in force as fully as if said sections, as contained in said Acts were herein re-enacted, and apply to all assessments and valuations made by said assessors or County Commissioners at any time under this article, and particularly to the listing of personal property in the year 1908, and every six years thereafter, so far as the same may be applicable and practicable. There shall always be an appeal to the Board of County Commissioners from the acts of all assessors or agents appointed by them hereunder, or others authorized to act as assessors under the laws of this State.

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

Approved April 3, 1906.

CHAPTER 766.

An Act to repeal Section 5 of Article 62 of the Code of Public General Laws, entitled "Marriage," and re-enacted the same with amendments.

Section 1. Be it enacted by the General Assembly of Maryland, That Section 5 of Article 62 of the Code of Public General Laws, entitled "Marriage," be and the same is hereby repealed and re-enacted, so as to read as follows:

Sec. 5. That before the Clerk of any of the Courts aforesaid shall issue any license, he shall examine on oath the person making application for same, to ascertain, first, the full name of the parties; second, their place of residence; third, their age; fourth, their color; fifth, whether married or single; sixth, whether related or not, if so, in what degree of relationship; seventh if ever divorced; which facts shall be set out in printed form to be signed by the person making the application.

Sec. 2. And be it further enacted, That this Act shall take effect on January 1st, 1907.

Approved April 5, 1906.

CHAPTER 783.

An Act to repeal Section 83 of Article 21 of the Code of Public General Laws of the State of Maryland, and to re-enact the same with amendments.

Section 1. Be it enacted by the General Assembly of Maryland, That Section 83 of Article 21 of the Public General Laws of the State of Maryland, title, "Conveyancing," be and the same is hereby repealed and re-enacted with amendments, so as to read as follows:

83. All deeds intended to convey or create an estate of inheritance or freehold of any declaration or limitation of use, or any estate above seven years, and all mortagages, bonds of conveyance and bills of sale, which have been executed subsequent to the passage of the Act of the General Assembly of Maryland passed at the January Session, 1858, Chapter 208, and which have not been acknowledged and recorded according to the laws existing at the time of said execution or where the certificate of acknowledgment is [illegible] form thereto and [illegible] Valid as between [illegible] listing at the time of their making, and as if the same had been duly recorded, provided, the said deeds, mortgages, bonds of conveyance and bills of sale in other respects are in conformity with the laws, and provided further, that nothing in this section shall effect the interest of bona fide purchasers or creditors, without notice, who may have become so previous to the passage of this Act.

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

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

Approved April 5, 1906.

CHAPTER 271.

An Act to add a new section to Article 24 of the Code of Public General Laws of 1904, title, "Costs" to be designated Section 10, for the purpose of providing for the taxing as a part of the costs the premium paid for any surety bond in action at law or in equity.

Section 1—Be it enacted by the General Assembly of Maryland, That the following additional section be added to the Code of Public General Laws of 1904, title, "Costs" to be known as Section 10 of said Article.

10—When in any action or proceeding at law or in equity a bond is required to be filed and the surety upon such bond so executed is a surety company authorized by the laws of this State to qualify upon bonds then the party entitled to receive costs may include therein such reasonable sum as have been paid by him to such surety for executing such bond.

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

Approved April 2, 1906.

CHAPTER 536.

An Act to add a new Section to the Code of Public General Laws of 1904, to be known as Section 461A of Article 27, entitled "Crimes and Punishments," sub-title, "Jurisdiction, Procedure and Sentence," to immediately follow Section 461, and to read as follows:

Section 1. Be it enacted by the General Assembly of Maryland, That a new Section be and the same is hereby added to the Code of Public General Laws of 1904, to be known as Section 461A of Article 27, entitled "Crimes and Punishments," sub-title, "Jurisdiction, Procedure and Sentence," to immediately follow Section 461, andto read as follows:

461A. In all cases where the law prescribing a punishment for crime fixes a maximum and a minimum penalty therefor, the judge of the Criminal Court of Baltimore and the several judges of the Circuit Courts of the counties, may, in lieu of the minless penalty so prescribed, impose a less penalty of the same character; provided, however, that nothing herein contained shall be construed as affecting any maximum penalty fixed by law, or the punishment for any crime where the law provides one and only one penalty.

Sec. 2. And be it further enacted, That all laws and parts of laws in conflict herewith, be and th esame are hereby repealed.

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

Approved April 3, 1906.

CHAPTER 342.

An Act to make valid, deeds and mortgages, bonds of conveyance and bills of sale, wanting or defective in the acknowledgment, affidavit or certificate thereof.

Section 1. Be it enacted by the General Assembly of Maryland, That Section 82 of Article 21 of the Code of Public General Laws of the State of Maryland, title 'Conveyancing," as enacted by Chapter 258 of the Acts of the said General Assembly of 1904, be, and the same is nereby repealed and re-enacted as follows:

82. All deeds, mortgages, bonds of conveyance and bills of sale, which have been hertofore executed and acknowledged, but not acknowledged or sworn to according to the laws existing at the time of said execution and acknowledgment, or where the certificate of acknowledgment or affidavit is not in the prescribed form, shall be, and the same are hereby made valid to all intents and purposes, as if the said acknowledgment and certificate thereof, or affidavit and certificate thereof, had been made in accordance with the laws existing at the time of their making; provided, the said deeds, mortgages, bonds of conveyance and bills of sale, in other respects are in conformity with the laws and recorded in the records of the proper county or counties or city; and provided further, that nothing in this section shall affect the interests of bona fide purchasers or creditors, without notice, who may become so previous to the passage of this Act.

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

Approved April 3, 1906.

CHAPTER 270.

"An Act to add a new section to Article 93 the Code of Public General Laws, title 'Testamentary Law,' sub-title 'Administration,' to be designated as Section 38 B."

Section 1—Be it enacted by the General Assembly of Maryland, That the following additional section be added to the Code of Public General Laws, title "Testamentary Law," sub-title "Administration," to follow Section 38 A, and to be known as Section 38 B of said Article.

38 B—Any administrator, executor guardian, committee, receiver, trustee, assignee or other fiduciary or party of whom a bond, undertaking or other obligation is required, is authorized to agree or arrange with his surety or sureties, either for a general or a special deposit for safekeeping of any and all moneys, assets and other property for which he is or may be responsible with a bank, savings bank safe deposit or trust company authorized by law to do business as such, and situate in the city of county in which his said bond may have been filed and in such manner as to prevent the withdrawal or alienation of such money, assets or other property, or any part thereof, without the written consent of such surety or sureties, or an order of a court or a judge therof, made on such notice to such surety or sureties as the court or judge may direct.

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

Approved April 2, 1906.

CHAPTER 378.

An Act to amend Article 27 of the Code of Public General Laws of Maryland of 1904, title "Crimes and Punishments," sub-title "False Pretenses," by adding a new section thereto, following immediately after Section 115 and to be known and designated as Section 115A.

Section 1. Be it enacted by the General Assembly of Maryland, That Article 27 of the Code of Public General Laws of Maryland, of 1904, title "Crimes and Punishments," sub-title "False Pretenses," be and [illegible] hereby amended [illegible] of money shall be obtained or property purchased by aid of such statement in writing, referred to in the preceding section, and in said statement the party to be charged shall state that he conducts a specific kind of business, and keeps books of account of said business, then, if at the expiration of any term of credit obtained by him in so purchasing said property, he shall fail to pay for the same within sixty days thereafter, he shall at all times during the period of ninety days subsequent to such failure to pay, upon the request of the persons from whom said property was purchased, or their agents duly accredited in writing, produce upon notice of five days his said books of account, and each and every one of them mentioned or described in said statement, and permit the persons from whom the said property was purchased, or their agents duly accredited in writing, to fully examine such books of account, and each and every one of them mentioned or described in said statement, and to make copies of any part thereof. Upon such request being made, failure to produce said books of account, and each and every one of them mentioned or described in said statement, shall be presumptive evidence that each and every pretense relating to the purchaser's means or ability to pay in said statement contained were false at the time of making said statement, and were known to the purchaser to be false.

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

Approved April 3, 1906.

CHAPTER 248.

"An Act to ammend Article 27 of the Code of Public General Laws, title 'Crimes and Punishments,' by adding thereto a section to follow immediately after Section 447, under the sub-title 'Procedure, Indictments, Amendments,' to be known as Section 447 A."

Section 1—Be it enacted by the General Assembly of Maryland, That Article 27 of the Code of Public General Laws, title "Crimes and Punishments," be and the same is hereby amended by adding thereto, to follow immediately after Section 447, the following section, under the sub-title "Procedure, Indictments, Amendments."

447A—In any indictment for murder or manslaughter, or for being an accessory thereto, it shall not be necessary to set forth the manner or means of death. It shall be sufficent to use a formular subtantially to the following effect: "That A. B., on the..... day of .....nineteen hundred and ....., at the county aforesaid, feloniously (wilfully and of deliberately premeditated malice aforethought) did kill (and murder) C. D.

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

Approved March 31, 1906.

CHAPTER 537.

An Act to repeal and re-enact, with amendments, Section 276 of Article 93 of the Code of Public General Laws of Maryland, entitled "Testamentary Law," sub-title "Sales.".

Section 1. Be it enacted by the General Assembly of Maryland, That sections 276 of Article 93 of the Code of Public General Laws of Maryland, enttitled "Testamentary Law,' subtitle "Sales," be and the same is hereby repealed and re-enacted so as to read as follows:

276. No executor or administrator shall sell any property of his decend-shall sell any property of his decedent without an order of the Orphans' Court granting his letters, being first had and obtained authorizing such sale; and any sale made without an order of Court previously had as aforesaid shall be void, and no title shall pass thereby to the purchaser; provided, however, that all sales or leasehold property heretofore made by executors or administrators without a previous order of the Orphans' Court authorizing the same, but which have been duly reported to and finally ratified by said Orphans' Court, shall be valid to all effects and purposes as if such previous order had been obtained.

Approved April 3, 1906.

CHAPTER 704.

An Act to repeal and re-enact with amendments Section 425 of Article 27 of the Code of Public General Laws of Maryland, title "Crimes and Punishments," sub-title "Vagrants and Tramps."

Section 1. Be it enacted by the General Assembly of Maryland, That Sections 425 of Article 27 of the Code of Public General Laws of Maryland, title "Crimes and Punishments,' subtitle "Vagrants and Tramps," be and the same is hereby repealed and re-enacted with amendments, so as to read as follows:

425. Every person, not insane, who wanders about in this State and lodges in market houses, market places, or in other public buildings, or in barns, outhouses, barracks, or in the open air, without any fixed place of residence, and without having any lawful occupation in the city, town or county in which he may so wander, and without having any visible means of support, shall be deemed to be a tramp, and to be guilty of a misdemeanor, and shall be subject to imprisonment in the House of Correction, at the discretion of the Court or Justice of the Peace hearing the charge, for a period of not less than thirty days nor more than one year; provided that in Talbot, Somerset, Wicomico and Worcester counties the Court or Justice of the Peace may sentence such offenders to the county jails of the respective counties instead of the House of Correction. This section not to apply to Allegany county.

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

Approved April 3, 1906.

CHAPTER 503.

An Act to repeal and re-enact, with amendments, Section 355 of Article 23 of the Code of Public General Laws of Maryland, known as the Code of 1904, title "Corporations," sub-title "Turnpike, Plank Road and Passenger Railway Companies"

Section 1. Be it enacted by the General Assembly of Maryland, That Section 355 of Article 23 of the Code of Public General Laws of Maryland, known as the Code of 1904, title "Corporations," sub-title "Turnpike, Plank Road and Passenger Railway Companies," be and the same is hereby repealed and re-enacted, so as to read as follows:

355. If within six months after the date of an order of the Court forfeiting the right of the corporation to charge tolls, the said road shall not have been put in good order and repair within the limits of the county in which said order may have been passed, the said road, within said county, shall be forfeited by the corporation, and shall vest in the county commissioners, who shall cause the same to be put and kept in good order and repair, and collect tolls sufficient for that purpose [illegible] as the original corporation constructing said road; provided, however, that whenever proceedings as aforesaid have been instituted against a turnpike company incorporated under any special Act of Assembly containing provisions for penalties or forfeitures other than those in this article prescribed, it shall be the duty of the clerk of the Court in which such proceedings were so instituted upon the expiration of a period of six months after the passage of the order of Court prescribed in Section 353 of this article, to certify to the Governor of Maryland the fact, if such be then the case, that such order was passed and stands unrevoked, whereupon it shall be the duty of the Governor t direct the States Attorney of said county to forthwith file a petition in such Court in the name of the State of Maryland praying the forfeiture of the charter of the company so in default and reciting the proceedings aforesaid, and thereafter the proceedings shall be as prescribed in Section 367 to 372, inclusive, and Section 374 of this article; and upon the passage by the Court of a final order of forfeiture the road shall vest in the County Commissioners as hereinbefore provided.

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

Approved April 3, 1906.

CHAPTER 410.

An Act to repeal Section 5 of Article 93, of the Code of Public General Laws, entitled 'Testamentary Laws.' sub-title "Account," and to re-enact the same with amendments.

Section 1. Be it enacted by the General Assembly of Maryland, That Section 5, of Article 93, of the Code of Public General Laws of Maryland, entitled "Testamentary Law,' sub-title "Account," be and the same is hereby repealed and re-enacted with amendments, so as to read as follows:

Sec. 5. And be it enacted, That on the other side shall be tested the disbursements by him made, viz: First, funeral expenses to be allowed at the discretion of the Court according to the condition and circumstances of the deceased, not to exceed three hundred dollars; second, charges for medical attendance in last illness to be allowed at the discretion of the Court according to the condition and circumstances of the deceased, not to exceed fifty dollars; third, the debts of the deceased proved or passed, as herein directed, and paid or retained; fourth, the allowance for things lost or which have perished without the party's fault, which allowance shall be according to the appraisement; fifth, his commissions, which shall be at the discretion of the Court not under two per cent., nor exceeding ten per cent. on the first twenty thousand dollars of the estate, and on the balance of the estate not more than two per cent.; sixth, his allowance for cost and extraordinary expenses (not personal) which the Court may think proper to allow, laid out in the recovery or security of any part of the estate; and the Court may allow him credit for live stock killed for the necessary use of the family before a sale.

Approved April 3, 1906.

CHAPTER 398.

An Act to repeal and re-enact, with amendments, Section 8 of Article 68 of the Code of Public General Laws of Maryland, title "Notaries Public."

Section 1. Be it enacted by the General Assembly of Maryland, That Section 8 of Article 68 of the Code of Public General Laws of Maryland, title "Notaries Public," be and the same is hereby repealed and re-enacted, so as to read as follows.

8. A Notary may exercise all functions of the office of Notary in any other county or city than the county or cit for which he may be appointed, with the same power and effect in all respects as if the same were exercised in the county or city for which he may be appointed.

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

Approved April 3, 1906.

CHAPTER 585.

An Act to repeal Sections 2, 13, 14A, 15½ and 16 of Chapter 179 of the Acts of 1902, and to be re-enacted, so as to read as follows:

Section 1—Be it enacted by the General Assembly of Maryland, That Section 2, 13, 14 A, 15½ and 16, Chapter 179 of the Acts of 1902, be and the same are hereby repealed.

Sec 2—And be it further enacted, That no person, on or after the 1st day of July following the passage of this Act, shall open, conduct or keep a pharmacy in this State, either as a principal or agent, unless such a person shall have obtained a pharmacist's certificate, as hereinafter provided, and no pharmacy shall be at any time left in charge of any person who is not a certified pharmacist, a certified acting pharmacist, or a certified assistant pharmist, to compound prescriptions, or sell or dispense poisonous drugs; and, providing, that in the case of a certified assistant pharmacist he shall not be left in charge of any pharmacy in this State for a period of more than twenty-four hours, and then acting only in the temporary absence of a certified acting pharmacist, regularly and continuously employed in that pharmacy. It shall, however, be lawful for physicians and dentists to compound and dispense their own prescriptions; but unlawful for any person, dealer or firm, not a certified pharmacist, a certified acting pharmacist, or certified assistant pharmacist, to compound a physician's prescription. Any person violating this section shall, upon conviction, be deemed guilty of a misdemeanor and fined not more than one hundred dollars for each offence.

Sec 3—Every person receiving a Pharmacist's or assistant Pharmacist's certificate, shall keep the same conspicuously posted in his place of business. Violation of this section shall be punishable by a fine of $25 in each instance.

Sec. 14 A—And be it further enacted, That it shall be within the power of the Maryland Board of Pharmacy to enter into reciprocal relations with the Boards of Pharmacy of such other states as do likewise, and whose requirements are satisfactory as regards the awards and interchanging of certificates for registration of registrated Pharmacists. Applications for registration under this clause to produce satisfactory documents bearing upon his previous examination from the secretary of that board, and paying the secretary of the Maryland Board of Pharmacists the accustoned fee. Applicants, in addition, will be required to furnish satisfactory record as to his morality, sobriety, and close observance of the more important laws touching the life of pharmacist.

Sec 16—And be it further enacted, that the provisions of this Act shall not apply to Talbot county.

Sec. 17. Provided, however, That nothing in this Act shall be construed as preventing general merchants of the counties of the State or of Baltimore city, from seling such drugs and medicines as having heretofore been handled by the general merchants [illegible]

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