CHAPTER 47.

An Act to repeal and re-enact, with amendments, Sections 306, 308 and 314 of Article 27, of the Code of Public General Laws of 1904, title "Crimes and Punishment," sub-title, "Mineral Waters, Porter and other Beverages," so as to make the provisions of Sections 306 to 315 both inclusive apply to dealers in milk and cream and their by-products.

Section 1. Be it enacted by the General Assembly of Maryland, That Sections 306, 308 and 314 of Article 27 of the Code of Public General Laws, title "Crimes and Punishment,' sub-title "Mineral Waters, Porter and other Beverages," be and the same are hereby repealed and re-enacted, so as to read as follows:

306. Any and all persons, partnerships, or bodies corporate engaged in manufacturing, bottling, selling or dealing in mineral, soda or aerated waters, wines, beer, lager beer, weiss beer, white beer or other beverages or milk, cream or their by-products, including ice cream in kegs, boxes, trays, carriers, crates, founts, bottles, syphons, jugs, tins, barrels, casks or any other vessels with his, her, its or their name or names or other marks or devices printed, branded, stamped, stencilled, engraved, etched, blown, impressed or otherwise produced upon such kegs, boxes, trays, carriers, crates, founts, bottles, syphons, jugs tins, barrels, casks or any other vessels, may file with the Clerk of the Circuit Court of the County in which his, her, its or their principal office or place of business (or in the case of a foreign corporation, its principal office or place of business or agency) is located, or with the Clerk of the Superior Court of Baltimore City, should such principal office or place of business (or agency as the case may be) be located in the City of Baltimore, a description of the name or names, marks or devices so used by him, her, its or them respectively, and cause such description to be printed twice a week, for two successive weeks, in some daily newspaper published in Baltimore City, if the said principal office or place of business (or agency as the case may be) is located in said City or if the said principal office or place of business (or agency as the case may be) is located in any of the counties of this State, then in some newspaper published in said County once a week for two successive weeks. The description of the name or names, marks or devices, before being filed as aforesaid, shall be signed by the person or persons filing the same, or in case of a partnership, by one or more of the partners, or in case of a corporation, by one of its officers or one of its managers, and shall be acknowledged by the person or persons signing the same as the act of said person or persons, or if said person or persons sign the same for a partnership or corporation, as the act of said partnership or corporation before any person or officer competent to take acknowledgment of deeds. The publication hereby required need only be a brief description, sufficient for the identification of such name, names, marks or devices, and need not contain a certified copy of the acknowledgment. The provisions of Sections 306 to 314 shall apply to all bottles, kegs, boxes, trays, carriers, crates, founts, syphons, jugs, tins, barrels, casks or any other vessels upon which said name or names, marks or devices, shall appear as aforesaid, whether or not any of the same shall be in existence at the time of said filing and publications.

308. After any person, persons, partnership, or body corporate shall have filed and published his, her, its or their description of such name or names, marks or devices in accordance with the provisions of sections 306 to 314, it is hereby declared to be unlawful for any or all other persons, partnerships and bodies corporate to fill in any way any kegs, boxes, trays, carriersfl crates, founts, bottles, syphons, jugs, tins, barrels, casks or any other vessels upon which such name or names or other marks or devices shall be printed, branded, stamped, stenciled, engraved, etched, blown, impressed or otherwise produced, with mineral, soda or aerated waters, wine, beer, porter, ale, cider, ginger ale, small beer, lager beer, weiss beer, or other beverage or with milk, cream or their by-products, including ice cream or to deface, erase, obliterate, cover up or otherwise remove or cancel any such name or names or other marks or devices thereon, or to have on sale, offer for sale, buy, sell, take, give, receive, handle in the course of business, hire, rent, lend, transport, carry in wagons, carts, push carts or other vehicles or to take or collect from ash or garbage receptacles, or from public or private dumps, cellars, yards, lots or premises, or to keep in stock or otherwise store or otherwise dispose of or deal or traffic in the same or any thereof, or any parts or pieces of the same or any thereof, without the written consent of the person, persons, partnerships, or body corporate whose name or names or other marks or devices shall be or shall have been in or upon said kegs, boxes, trays, carriers, crates, founts, bottles, syphons, jugs, tins, barrels, casks or any other vessels, or to wilfully break, destroy or otherwise injure any of the articles mentioned in this section. And any person, persons, partnership or body corporate who shall do any of the acts declared to be unlawful by this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished, for the first offense, by imprisonment of not less than ten days or more than one year, or by a fine of fifty dollars for each of such founts, three dollars for each of such kegs, casks or barrels, and one dollar for each of said boxes, trays, carriers, crates, bottles, syphons, jugs, tins or any other vessels so unlawfully used, filled, kept on sale, offered for sale, sold, bought, given, taken, received, handled in the course of business, hired, rented, lent, transported, carried in wagons, carts, push carts or vehicles of any kind, or taken or collected from ash or garbage receptacles, or from public or private dumps, cellars, yards, lots or premises or kept in stock, or otherwise stored, or otherwise disposed of, dealt in or trafficked in, and for the second offense and subsequent offenses by imprisonment for not less than twenty days nor more than one year, or by a fine of fifty dollars for each of such founts and not less than two dollars nor more than five dollars for each of said kegs, casks, barrels, boxes, trays, carriers, crates, bottles, syphons, jugs, tins or any other vessels so unlawfully used and filled, kept on sale, offered for sale. sold, bought, given, taken, received, handled in the course of business, hired, rented, lent, transported, carried in wagons, carts, push-carts or vehicles of any kind, or taken or collected from ash or garbage receptacles or from public or private dumps, cellars, yards, lots or premises, or kept in stock or otherwise disposed of, dealt in or trafficked in, or by both such fine and imprisonment, in the discretion of the Court or a Justice of the Peace before whom such offense is tried. In the event of one-half to the informer to be collected as other fines are collected.

314. The provisions of Sections 306 to 314 ,shall not apply to any person who has taken, given, received or is using such kegs, boxes, trays, carriers, crates, founts, bottles, syphons, jugs, tins, barrels, casks or any other vessels, for the consumption of the mineral, soda or aerated waters, wine, beer, porter, ale, cider, ginger ale, small beer, lager beer, weiss beer or other beverages,or milk, cream or their products, including ice cream, placed therein by the owners, or who after consumption of said contents, is in possession of the same while awaiting the return to the owners; nor shall the provisions of the Sections 306 to 314 apply to any garbage man collecting the same in the regular course of his business, so far as such provisions relate to having such kegs, boxes, trays, carriers, crates, founts, syphons, jugs, tins, barrels, casks, or any other vessels in his possession; (provided it shall be unlawful for any person or corporation to adopt and register under the provisions of this Act, a description mark or devise that has been previously or is at the time of the registering used or in use by any other person or corporation in good faith, whether under the provisions of this Act or otherwise.)

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

Approved March 6, 1906.

CHAPTER 709.

An Act to repeal and re-enact Sections 2, 3, 4, 5 and 6 of Chapter 248 of the Acts of the General Assembly of Maryland, of the session of 1894, entitled "An Act to create a Fire Marshal for the State of Maryland," and re-enact said Sections 2, 3, 4, 5 and 6 of said Chapter 248, of said session of 1894, with amendments."

Section 1. Be it enacted by the General Assembly of Maryland, That Sections 2, 3, 4, 5 and 6 of Chapter 248, of the Acts of the General Assembly of Maryland, of the session, 1894, be and the same are hereby repealed, and hereby re-enacted, so as to read as follows:

Sec. 2. And be it enacted, It shall be the duty of the said Fire Marshal or the Deputy Fire Marshal hereinafter created to examine into the causes, circumstances and origin of all fires occurring within the State to which his attention may be called, and which in his judgment requires examination; and in making said examinations the said Fire Marshal or Deputy Fire Marshal may, when in his judgment said proceedings are necessary, take the testimony on oath of all persons supposed to be cognizant of any facts, or to have the means of knowledge in relation to the matters herein required to be examined and inquired into, and to cause the said testimony to be reduced to writing; and when in his judgment such examination discloses that the fire was of incendiary origin, the Fire Marshal or Deputy Fire Marshal may cause the supposed incendiary to be arrested and charged with the crime; and shall transmit a copy of the testimony so taken to the State's Attorney for the county or city wherein said fire occurred; and upon the request of the owner or insurer of any property destroyed or injured by fire, the said Fire Marshal or Deputy Fire Marshal shall make a written report to the person requesting the same, of the result of the examination made by him regarding said property, and said Fire Marshal shall annually report to the Governor the results of all examinations made by him and the Deputy Fire Marshal.

Sec. 3. And be it enacted, That the Fire Marshal and Deputy Fire Marshal, in the absence of the Fire Marshal, shall have power to subpoena witnesses and to compel their attendance before him or them to testify in relation to any matter which is, by the provisions of this Act, a subject of inquiry and investigation by the said Fire Marshal or Deputy Fire Marshal, and shall also have power to cause to be produced before him, or them, such papers as he or they may require in making such examinations, the said Fire Marshal and Deputy Fire Marshal in the absence of the Fire Marshal, shall be and they are hereby authorized to administer oaths and affirmations to persons appearing as witnesses before him, or them; and false swearing in any matter of proceeding aforesaid shall be deemed perjury and shall be punishable as such; and the said Fire Marshal and Deputy Fire Marshal shall have the authority at all times of the day or night, in performance of the duties imposed by the provisions of this Act, to enter upond and examine any building or premises where any fires shall have occurred, or which at the time may be burning, and also the power to enter upon at any time any building adjacent to that in which the fire occurred should he deem it necessary in the proper discharge of his duties; and the said Fire Marshal and Deputy Fire Marshal shall have authority to inspect public buildings, such as school houses, churches, opera houses, theatres, hospitals, asylums, public halls, factories, hotels and other buildings of like character, and to compel the owner or owners thereof to provide sufficient fire escapes or other means of exit as he, the said Fire Marshal, shall direct for the benefit and safety of the occupants of said building, and the said Fire Marshal shall give thirty days' notice to the owner or owners of such buildings to provide such fire escapes or other means of exit as in his judgment shall be deemed necessary, and upon failure or refusal of the said owner or owners of such buildings to comply with the said notice of the said Fire Marshal, the said Fire Marshal shall cause the said person or persons to be arrested, and upon conviction before any Justice of the Peace of the city or county of the State of Maryland wherein the owner or owners reside, or their respective building or buildings may be located, they shall be deemed guilty of a misdemeanor, and shall pay the fine of not more than one hundred dollars ($100) or less than twenty-five dollars ($25) for each offense, and an additional fine of five dollars ($5) for each and every day thereafter such violations shall continue, and if the accused shall feel himself aggrieved by the judgment of the Justice of the Peace, he shall have the right of appeal to the Circuit Court for the county and have a jury trial; this Act shall, however, not conflict with any existing laws now fully covering the same in any of the towns or cities of the State of Maryland.

Sec. 4. And be it enacted, That the entire expenses of the office hereby created shall not exceed fifty-five hundred dollars ($5,500) a year, which shall be paid out of moneys paid into the State Treasury by or for the insurance companies doing business in this State; and immediately upon the qualification of the Fire Marshal, as provided herein, the Treasurer of the State shall, upon the warrant of the Comptroller, pay to the said Fi[illegible] Marshal the sum of twenty-[illegible] dred [illegible] salary of twenty-five hundred dollars $2,500) per annum, payable in monthly instalments; and he shall have the power and authority and shall appoint a Deputy Fire Marshal, who shall also act as clerk to the Fire Marshal, and who shall have all the powers and authority herein enumerated and granted to him, to whom the said Fire Marshall shall pay the sum of twelve hundred dollars ($1,200) as a salary per annum, also payable in equal monthly instalments; he shall also be allowed out of said moneys a sum not exceeding five hundred dollars ($500) a year for office rent, and may from time to time employ such other clerical and other assistants, and provide himself and the Deputy Fire Marshal with such means of conveyance as in his judgment the necessities of the office require; and when in the proper discharge of their duties the said Fire Marshal and Deputy Fire Marshal shall be compelled to go outside of the limits of the city of Baltimore or the place of their residence, they shall be allowed their traveling, hotel and other necessary expenses; he shall also provide himself with such office fixtures and appliances as the needs of the office may require; and at the end of each year, accounting from the date of his qualifications as Fire Marshal, he shall make to the Comptroller, under oath, a full report of the receipts and disbursements received and made by him during the preceding year, and shall at the same time pay into the State Treasury any balance of said sum of fifty-five hundred dollars ($5,500) that may then remain unexpended; and the said Fire Marshal shall keep or cause to be kept full and accurate account of the finances of his office, and shall also keep or cause to be kept an accurate record of his official Acts.

Sec. 5. And be it enacted, That the Fire Marshal shall have an office in the city of Baltimore, but in making examinations as to fires occurring outside of the city of Baltimore, the Fire Marshal or the Deputy Fire Marshal, or both, when, in his judgment, the proper discharge of his or their duties require it, shall visit the county, town or city, where such fire or fires occurred or where it is necessary to examine building as to proper fire escapes or exits therefrom.

Sec. 6. And be it enacted, That the Fire Marshal or Deputy Fire Marshal shall at the request of the Board of Fire Commissioners of the city of Baltimore, or the County Commissioners of any county, or the municipal authorities of any incorporated city or town in this State, make to them a written report of the examinaion made by him or them regarding any fire happening within their respective jurisdiction.

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

Approved April 3, 1906.

CHAPTER 161.

An Act to repeal Sections 78, 79, 80, 81, 82, 84, 85 and 86 of Article 39 of the Code of Public General Laws, entitled "Fish and Fisheries," subtitle, "Trout and Other Fish," as the same were amended by Chapter 358 of the Acts of 1902, and to re-enact the same with amendments."

Whereas, It is desirable to secure greater uniformity in the laws of this State governing the protection and increase of the food fishes in all the waters of this State above the point where the tide ebbs and flows, in order to a more equitable and effectual enforcement thereof;

Section 1. Be it enacted by the General Assembly of Maryland, That Sections 78, 79, 80, 81, 82, 83, 84 85 and 86 of Article 39 of the Code of Public General Laws of Maryland entitled "Fish and Fisheries," sub-title, "Trout and other Fish," as amended by the Acts of 1902, Chapter 358, be and the same are hereby repealed and re-enacted so as to read as follows:

78. No person shall catch or in any manner take or kill in any waters of this State, above a point where the tide ebbs and flows, any black bass, pickerel or pike perch, otherwise known as wall-eyed pike, and California salmon ,between the first day of April and the fifteenth day of June, both inclusive, in each and every year, in any manner whatsoever, nor at any time, save only with rod, line and single hook, baited with natural bait, or tied with artificial fly, or with a spoon or spinner, each equipped with a single hook, or of any size less than eight inches, measuring in the case of each fish from the tip of the nose to the end of the caudal fin or tail, under a penalty of five dollars ($5.00) for each fish so unlawfully caught, taken or killed.

79. No person shall catch, or in any manner take or kill, in said waters, at any time, any white perch of any size less than seven inches in length, or any yellow perch of any size less than eight inches in length, or any pike less than fourteen inches in length, or any rock, otherwise known as striped bass, or any taylor of any size less than ten inches in length, measuring in the case of each fish, from the tip of the nose to the end of the caudal fin or tail.

80. No person shall, in this State, in an manner or at any time, so obstruct any stream above where the tide ebbs and flows, in which trout or other fish have been placed by the State or natural government, so that said fish shall not have free access up and down said stream, under a penalty of not less than ten dollars ($10) nor more than twenty-five ($25) for every such offense.

81. Every owner of a dam or dams upon any of the said waters of this State is hereby required to make and keep in repair, or cause to be made and kept in repair, and placed upon said dam or dams at least one fish ladder of such a character as to enable fish to have a free course up and down said waters at all times, under a penalty of not less than twenty-five ($25) nor more than one hundred dollars ($100), for each and every offense.

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

83. No person shall at any time empty any seine or net of any description whatsoever upon the beach, sh[illegible] land bordering upon any of th[illegible] this State, above tide, yellow perch of any size less than eight inches in length, or any rock fish or striped bass, or any taylor of any size less than ten inches in length or any pike of any size less than fourteen inches in length, measuring in each case of each one of the said fish from the tip of the nose to the end of the caudal fin or tail; but every person so using any seine or net of any description shall immediately and carefully cull over and return alive, if possible, to water of not less than twelve inches deep, all of the aforesaid fish therein captured of any size less than the aforesaid respective lengths, under a penalty of not less than twenty-five dollars ($25) nor more than one hundred dollars ($100) for each and every offense; provided, however, that nothing in this section contained shall prevent anyone from capturing and destroying, in any manner, save only by the way prohibited by Section 82 of this Act, any German carp, or any leather carp, or any carp of any description whatsoever of any size.

84. All justices of the peace of this State in and for the city or county wherein the offense shall be committed, shall have jurisdiction to hear and determine all prosecutions for the purpose of enforcing fines and penalties collectible under the provisions of this Act, and all such fines and penalties are hereby expressly made subject to the provision of Sec- passed at the session of 1896; and in all cases where such prosecutions are begun or instituted by any person tion 8 of Chapter 293 of the Acts of the General Assembly of Maryland, other than the State Game Warden, or one of his Deputy Game Wardens of this State, and shall result in the collection of a fine or fines, then one-half of such fine or fines, after the proper court costs, or costs of the magistrate in convicting the offender shall have been paid, shall be paid to the informer, and the other half to the school fund of the city or county in which said prosecution is conducted. It shall be unlawful for any person or persons in any manner to throw or cause to be thrown any slab of timber or other substance across or into any stream, under a penalty of two dollars ($2) for each fish so caught, taken or killed.

85. No person shall have in possession, expose for sale, sell or buy any of the aforesaid, alive or dead, in the city of Baltimore, or in any of the counties of this State during the aforesaid respective closed season or dates, except white perch, between which it is made unlawful, by the preceding sections of this Act, to catch or kill the same, or at any time of any size less than there is provided, whether such fish so had in possession, exposed for sale, sold or bought, shall have been caught, trapped or in any other manner taken or killed in that county, or in any other county of this State, or in any other State, Territory or county, under a penalty for having in possession, exposing for sale, selling or buying of each such fish similar in amount, respectively, to that hereinbefore made, and provided for the illegal catching of the same; but nothing in this section contained shall be so construed as to prevent any of the Fish Commissioners of this State, in pursuance of their capacity as fish culturists, or any other person or corporation which shall first obtain a certificate in writing from the State Game Warden, to the effect that such persons or corporations are engaged in the scientific culture or propagation of fish from having in his or its possession alive at any time any fish for the purpose of said scientific culture or propagation only, and to obtain said certificate said persons or corporations must file with the State Game Warden an application and affidavit to the truth and bona fides thereof, made by the person or officer of the corporation requesting the same, and taken before any officer competent to administer an oath in this State; and said affidavit and application shall be retained and kept on file by said State Game Warden, but the possession of any of the aforesaid fish during any of the aforesaid closed seasons or dates between, which it is hereinafter made unlawful to catch or trap the same, or any size less than lawful size, shall in every instance be prima facie evidence of unlawful purpose or steams in the State of Maryland.

86. That all Acts or parts of Acts and all sections and parts of sections of the Code, both of General and Local Laws, and all amendments of and additions and supplements thereto, now in force in the State of Maryland, inconsistent with the provisions of this Act, with the exception only of Chapter 427 of the Acts of the General Assembly of Maryland, passed at the session of 1896, be and the same are hereby repealed; provided that nothing in this Act shall apply to Frederick, Baltimore, Howard, Cecil, Kent, Queen Annes, Harford, St. Mary's Wicomico, Charles, Talbot, Worcester, Calvert or Somerset Counties, or to Baltimore City.

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

Approved March 27, 1906.

CHAPTER 703.

An Act to repeal and re-enact with amendments Section 24 of Article 33 of the Code of Public General Laws of Maryland, title "Elections," as amended by Chapter 254 of the Acts of the General Assembly of Maryland, passed at the session of 1904.

Section 1. Be it enacted by the General Assembly of Maryland, That Section 24 of Article 33 of the Code of Public General Laws of Maryland, title "Elections," as the same was amended by Chapter 254 of the Acts of the General Assembly of Maryland, passed at the session of 1904, be and the same is hereby repealed and re-enacted with amendments, so as to read as follows:

24. In the counties a new general registration shall be made by each Board of Registry in the year 1910, such new general registration shall be made in the same way, at the same time, and under the same rules and provisions in all respects as are in this Article made for the first general registration; and the respective Boards of Supervisors of Elections in the several counties are hereby authorized and required to furnish, whenever in the judgment of said Boards it may be necessary, new books of registry for use in any of the districts or precincts in the said several counties, for the transcribing of the names of qualified voters residing therein, from the registration books in use. The said transcribing shall be done in the office of the Board of Supervisors of Elections by two clerks, to be selected, one by the Supervisors representing the majority party, an done by the Supervisor representing the chief minority party, as the parties are now constituted in this State.

The transcribing shall be done by the said clerks, both present at the same time, and new books after being transcribed shall correspond in all respects and if they do not correspond [illegible] General Assembly of Maryland, That said work is finished, naming the said two clerks and the Board of Supervisors of Elections as defendants and the said court shall have the power to make such order for the correction of said books as may be proper, any political party that polled more than one percent of the vote cast at the last election may, through its political committee, if it has one, or by citizens representing the said party, if there be no political committee, name a watcher and substitute watcher who shall be permitted to attend at the transcribing of said names, and have power to examine the said books during the sittings of the said clerks for the said work and for a period of five days thereafter in the presence of said Board of Supervisors.

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

Approved April 5, 1906.

CHAPTER 337.

An Act to add an Additional Section to Article 16 of the Code of 1888 of Public General Laws of Maryland, 'Chancery,' sub-title, 'Trustees,' to come in after Section 215, and to known as 210A.

Section 1—Be it enacted by the General Assembly of Maryland, That an additional section be and hereby is added to Article 16 . the Code of 1888 of the Public General Laws of Maryland, title, "Chancery," sub-title "Trustee," to come in after Section 215 and to be known as Section 215 A, and to read as follows:

Section 215 A—Whenever a ground rent reserved by leases or sub-lease heretofore or hereafter created, is now redeemable or hereafter becomes redeemable, and the owner of the leasehold or sub-leasehold estate, subject to said rent may desire to redeem the same, and at the time of such desired redemption the title of said rent is vested in a trustee under a will, deed or other instrument for any trust, use or purpose, but without a power of sale in such trustee, or is vested in a life tenant with remainder over, vested or contingent, or is vested in the holder of a defeasible estate, but without a power of sale in such life tenant or such holder of a defeasible estate, any Court having Chancery Jurisdiction in the city or county where the land is situated, out of which said rent is payable, may upon the exparte petition of such trustee or life tenant or holder of a defeasible estate, or upon the petition of the owner of the leasehold or sub-leasehold who is entitled to redeem and after notice by service of process upon such trustee or life tenant, or holder of a defeasible estate or after notice by publication of trustee or life tenant or holder of a defeasible estate be a non-resident, order the conveyance of the reversion or sub-reversion and rent or sub-rent, in such land by such trustee or life tenant, or holder of a defeasible estate to the owner of the leasehold or sub-leasehold interests therein upon the payment of the sum of money for which the said rent or subrent may be redeemable together with a due proportion of the accruing rent to the date of such payment. Any deed delivered by such trustee or life tenant or holder of a defeasible estate in pursuance of such order of Court and duly recorded, shall vest in the owner of the leasehold or sub-leasehold estate, his heirs, executors, administrators and assigns, all right, title, interest and estate of such trustee or life tenant or holder of the defeasible estate, and of all other persons who are or may be entitled to any right, title, interest or estate in and to such reversion or sub-reversion, rent or sub-rent either at law or in equity, and whether such other persons so entitled may have vested or contingent interests therein, or whether such persons or any of them are, or are not, in being a. the date of such redemption. Any petition filed under this section by or against a trustee or life tenant or holder of a defeasible estate, will be sufficient in law and equity if the trustee or life tenant or holder of the defeasible estate be a party thereto, and it shall not be necessary for any cestuique trestent, remaindermen or other persons beneficially interested in the subject matter of the petition to be a party to such petition, they being represented by the trustee or life tenant or holder of the defeasible estate for the purpose of the proceedings. Every petition shall set forth the location and description of the land, the date and place of record of the lease or sub-lease by which such reversion and rent were created, the amount of the annual rent, the amount for which the same is redeemable, and also that such notice as may be required by law or by the lease or sub-lease has been given by the owner of the leasehold or sub-leasehold and such other facts as may be necessary to properly present the matter to the Court, and such petition shall be sworn to by the party filing the same. The money received from the owner of the leasehold or sub-leasedhold for the redemption of such rent or sub-rent shall be forthwith accounted for to the Court by the trustee or life tenant or holder of the defeasible estate receiving the same, and the Court shall make such orders in reference to the investment of the same as may be proper to the end that the said money shall be held in place and stead of the redeemed reversion and rent so as to enure in like manner to the benefit of the persons entitled to said reversion and rent. Before receiving the redemption money, the trustee or life tenant or holder of the defeasible estate shall give bond to the State of Maryland, in the penalty of double the amount of the redemption money, with a surety or sureties to be approved by the Court or the clerk thereof, unless such trustee or life tenant or holder of the defeasible estate has previously given a bond which protects the redemption money, or unless such trustee has been excused from giving bond by the instrument creating the trust. Where a life tenant or the holder of a defeasible estate is the owner of the reversion and rent ,the Court may instead of directing the life tenant or holder of the defeasible estate to execute such deed and receive the redemption money, appoint a trustee to execute the deed and to receive the redemption money, The Court costs of the proceeding including the expense of obtaining a corporate bond (the amount of such expense being subject to the direction of the Court) shall be paid out of the money received for the redemption of the rent. No purchaser shall be required to see to the application of the purchase money.

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

Approved April 3, 1906.

CHAPTER 294.

An Act to establish a State Board of Forestry and to promote forest interests and arborculture in the State.

Section 1. Be it enacted by the General Assembly of Maryland, That there shall be a State Board of Forestry, consisting of seven members, the Governor, Comptroller, President of John Hopkins University, President [illegible] Maryl[illegible]ate Agricultural [illegible] in the manufacture of lumber within this State; who shall be appointed by the Governor, to serve for a term of two years, which Board shall act without compensation, save for actual necessary expenses incurred in the performnce of their official duties.

Sec. 2. And be it enacted, That there shall be appointed by the Board of Forestry, a State Forester, who shall have a practical knowledge of forestry, and who shall be a trained forester; his compensation shall be fixed by the Board, and shall not exceed $2,000 per annum, and reasonable traveling and field expenses incurred in the performance of his official duties. He shall, under the general supervision of the State Board of Forestry, have direction of all forest interests, and all matters pertaining to forestry within the jurisdiction of the State. He shall have charge of all forest wardens in the State, and aid and direct them in their work; take such action as is authorized by law to prevent and extinguish forest fires; enforce all laws pertaining to forest and wood land, and prosecute for any violation of such laws; collect data to forest destruction and conditions; direct the protection and improvement of State parks and forest reserves, and co-operate with land owners as described in Section 4 of this Act. He shall annually deliver a course of lectures at the Maryland Agricultural College bearing upon forestry and silviculture, subject to the approval of the trustees of the College, and as far as his duties as State Forester will permit, carry on an educational course of lectures on Forestry at the aFrmers' Institutes, and similar meetings within the State. He shall act as secretary of the State Board of Forestry, and shall prepare for the Board annually a report on the progress and condition of State Forest work and recommend therein plans for improving the State system of forest protection, management and replacement.

Sec. 3. And be it enacted, That the State Board of Forestry shall have the power to purchase lands in the name of the State, suitable for forest culture and reserves, at a price which shall not exceed five dollars per acre, using for such purposes any surplus money not otherwise appropriated, which may be standing to the credit of the Forest Reserve Fund; and to make all rules and regulations governing State Reserves ;and that the Governor of the State is authorized, upon the recommendation of said State Board of Forestry to accept gifts of land to the State, the same to be held, protected and administered by the State Board of Forestry as State Forest Reserves, and to be used so as to demonstrate the practical utility of timber culture and as a breeding place for game. Such gifts must be absolute except for the reservation of all mineral and mining rights over and under said lands, and a stipulation that they shall be administered as State Forest Reserves, and the Attorney General of the State is directed to see that all deeds to the State of lands menioned above are properly executed, before the gift is accepted.

Sec. 4. And be it enacted, That the State Forester, shall upon request, under the sanction of the State Board of Forestry, and whenever he deems it essential to the best interests of the people of the State, co-operate with counties, towns, corporations and individuals in preparing plans for the protection, management and replacement of trees, woodlots and timber tracts, under an agreement that the parties, obtaining such assistance pay at least field expenses of the men employed in preparing said plans.

Sec. 5. And be it enacted, That whenever the State Forester considers it necessary, he may apply to the Governor to commission such persons as he may designate, to act as Forest Wardens of this State, to enforce the forest laws and to carry out all the purposes of this Act. If the Governor approve such persons he may appoint them Forest Wardens for a term of two years, but they shall be subject to removal at any time at the pleasure of the Governor. Such Wardens shall receive no salary from the State, but only such compensation from time to time as the Forester may allow them for special services actually rendered. Forest Wardens thus appointed shall, before entering upon the dutiea of their office, take the proper official oath before the clerk of the Court of the county in which they reside; after which they shall, while holding said office, possess and exercise all the authority and power held and exercised by constables at common law under the statutes of this State, so far as arresting and prosecuting persons for all violations of any of the laws or rules and regulations enacted or to be enacted for the protection of the State forestry reservations, or for the protection of the fish and game contained therein, are concerned.

Sec. 6. And be it enacted, That it shall be the duty of the Forest Wardens to enforce all forest laws of this State; to protect the State Forest Reserves and see that all rules, regulations and laws are enforced; to report any violation of law to the State Forester at the time of its occurrence; to assist in apprehending and convicting offenders, and to make an annual report to him as to forest conditions in their immediate neighborhood. When any Forest Warden shall see or have reported to him a forest fire, it shall be his duty to immediately repair to the scene of the fire and employ such persons and means as in his judgment seem expedient and necessary to extinguish said fire. He shall keep an itemized account of all expenses thus incurred and send such account immediately to the State Forester.

Sec. 7. And be it enacted, That the expenses incurred in fighting or extinguishing any fire under the direction of the State Forester or a Forest Warden shall be borne by the county in which the fire occurred, and shall be payable in full by the County Commissioners of such county upon the receipt of an itemized account with vouchers approved by the State Forester.

Sec. 8. And be it enacted, That the Boards of County Commissioners of the several counties of this State are hereby authorized to levy and appropriate money for purposes of forest protection, improvement and management; and said boards shall have recourse under an action at law, for debt against any land owner, individual or corporation on whose account they shall have been obliged to pay out money for fighting fire for the amount which they have expended for such purpose.

Sec. 9. And be it enacted, That the State Forester shall furnish notice printed in large letters upon cloth calling attention to the dangers of forest fires and to forest fire and trespass laws and their penalties; such notices shall be distributed by the State Forester to Forest Wardens and posted by them in conspicuous places upon State Forest Reserves, and along the highways in forest-covered country.

Sec. 10. Be it enacted, That every individual or [illegible]ration that [illegible] guilty of a misdemeanor, and upon conviction be punishable by a fine of not less than $25 or more than $1,000, or imprisonment for not less than thirty days or more than one year, or both such fine and imprisonment.

Sec. 11. And be it enacted, That it shall be unlawful for any person or corporation as land owner to set, or procure another to set fire to any woods, brush, logs, leaves, grass or clearing upon their own land, unless they shall have previously taken all possible care and precaution against the spread of such fire to other lands not their own, by previously having cut and piled the same, or carefully cleared around the land which is to be burned, so as to prevent the spread of such fire. The setting of fire contrary to the provisions of this section, or allowing it to escape to the injury of adjoining lands, shall be prima facie proof of wilfulness or neglect, and the land owner from whose land the fire originated shall be liable in a civil action for damages for the injury resulting from such fire, and also for the cost of fighting and extinguishing the same.

Sec. 12. And be it enacted, that logging and railroad locomotives, donkey or threshing engines, and other engines and boilers, operated in, through or near forest or brush, which do not burn oil as fuel, shall be provided with appliances to prevent the escape of fire and sparks from the smokestacks thereof, and with devices to prevent the escape of fire from ashpans and fire boxes. Failure to comply with these requirements shall be a misdemeanor punishable upon conviction by a fine of not less than $10 nor more than $100 for such and every offense thus committed.

Sec. 13. And be it enacted, That all individuals or corporations causing fires by violations of Sections 10, 11 and 12 of this Act shall be liable to the State, and to the county in which the fire occurred, in an action for debt to the full amount of all expenses incurred by the State or county in fighting and extinguishing such fire.

Sec. 14 And be it enacted, That Justices of the Peace of this State, in the county wherein the offence shall have been committed shall have jurisdiction to hear and determine all prosecutions for the purpose of enforcing fines and penalties, collectible under the provisions of this Act, not exceeding the amount of $100.00, and of holding the offender, under proper bail if necessary, for hearing before the Circuit Court, committing them to the county jail until such hearing, if the required bail is not furnished. It shall be the duty of the State's Attorneys of the several counties, to prosecute all violators of Section 10 of this Act.

Sec. 15. And be it enacted, That all money received as penalties for violations of the provisions of this Act, less the cost of collection and not otherwise provided for, together with any amount obtained from the State Forest Reserves, shall be paid into the State Treasury to the credit of the Forest Reserve Fund, which fund is hereby created; and the moneys in said fund are hereby appropriated for purposes of forest protection, management, replacement and extenaion under the direction of the State Board of Forestry.

Sec. 16. And be it enacted, That there is hereby appropriated the sum of thirty-five hundred dollars (3,500) annually for the fiscal years 1907 and 1907 for carrying out the provisions of this Act, and for the payment of salaries and expenses herein provided for.

Sec. 17. And be it enacted, That all Acts or parts of Acts inconsistent with the provisions of this Act are hereby repealed.

Sec. 18. And be it further enacted, That this Act shall take effect from the date of its passage.

Approved April 5, 1906.

CHAPTER 290.

An Act to provide for the appointment of a Commission to investigate the condition of the Adult Blind in the State of Maryland, and to report on the expediency of the establishment by the State of Institutions for them and making an appropriation for the necessary expenses of said Commission, and assistance for certain classes of blind people pending said report.

Section 1.—Be it enacted by the General Assembly of Maryland, That within sixty days after the passage of this Act, the Governor shall appoint a commission of five persons, who shall serve without pay, and who shall be known as "The Commission for improving the condition of the Adult Blind in the State of Maryland."

Sec. 2. And be it enacted, That it shall be the duty of this Commission to secure a complete list of all blind persons in the State of Maryland, and make a record of their names, ages, and financial condition, together with the cause and extent of their blindness, their capacity for educational and industrial training, and such other facts as may seem of value; and that on or before the 31st day of December, 1907, they shall file with the Governor a full report of their findings, together with such recommendations for improving the condition of the Adult Blind in this State as may seem to them advisable.

Sec. 3. And be it enacted, That the Commission may aid those of the Adult Blind whom they consider worthy in finding employment, and in furtherance thereof they may furnish material and tools to an amount not exceeding $50 to any one individual, and they may place in a home or homes such indigent blind women as appear to them worthy and to have no other means of support, provided, however, that the total expenditure on any such woman, shall not exceed two hundred dollars per annum.

Sec. 4. And be it enacted by the General Assembly of Maryland, That the sum of fifteen hundred dollars annually for the fiscal years of 1907 and 1908 be and the same is hereby appropriated to be paid out of any money in the treasury not otherwise appropriated.

Approved April 5, 1906

CHAPTER 534.

An Act to provide that a power to sell, mortgage, lease or otherwise dispose of real or personal estate contained in any will hereafter probated or in any deed or other instrument hereafter executed, shall be construed to be appurtenant to the fiduciary office unless a contrary intention is expressly declared.

Section 1. Be it enacted by the General Assembly of Maryland, That whenever, by any will hereafter probated or by any deed or other instrument hereafter executed, a power to sell, mortgage, lease or otherwise dispose of real or personal estate shall be given to any one or more trustees, executors or other fiduciary officers, such power whether discretionary or otherwise, shall be construed to be appurtenant to the fiduciary office, and shall pass to and be exercisable by any surviving trustees, executor or other fiduciary, or by any successor in the office however appointed; unless an intention to the contrary is expressly declared in [illegible]

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