Public Local Law.

Passed by the Maryland Legislature, Session of 1906, and Operative in Kent County, Maryland.

CHAPTER 227.

AN ACT To Incorporate The Town of Betterton, Kent County, Maryland.

SECTION 1. Be it enacted by the General Assembly of Maryland, that the inhabitants of Betterton, in Kent County, Maryland, be and they are hereby incorporated and created a corporate body under the name and style of "The Commissioners of Betterton," and by that name shall have perpetual succession, sue and be sued, plead and be impleaded in any court of law or equity whatsoever, may purchase and hold real, personal and mixed property, and may sell and convey the same, and may have and use a common seal, and the same alter at pleasure.

SEC. 2. And be it enacted, That the Commissioners of Betterton as hereinafter named shall forwith define and locate the limits of said town, and shall have same filed and recorded in the office of the Clerk of the Circuit Court for Kent County for reference.

SEC. 3. And be it enacted, That the legal voters of Betterton who have resided within the corporate limits six months preceding an election, and all persons who own any interest in real estate in said town, of the age of twenty one years and upwards, shall elect by ballot on the last Saturday of May of each year commencing the last Saturday of May, 1906, three commissioners of the said town of Betterton, all of whom shall be qualified voters of said town elections and above twenty one years of age, and shall serve without pay. And until the last Saturday in May 1906, Howard Turner, James M. Sutton and George William Owens shall be and are hereby constituted Commissioners of said town of Betterton. That a majority of said Commissioners shall constitute a quorum for the transaction of business. The said Commissioners shall meet on the first Saturday in June of each year from and after the first year 1906 and take the oath of office to support and maintain the Constitution and laws of the State of Maryland, and to perform the duties of their offices as Commissioners of Betterton to the best of their ability, without fear, favor, affection or partiality. They shall, therefore, choose one of their number as their president who shall also act as the executive officer of the said commissioners of the said town of Betterton. The said Commissioners shall also choose, not necessarily from among the members thereof a secretary and treasury, who shall continue in office during the term for which said Commissioners are elected, unless sooner removed for cause by said Commissioners, and the said Commissioners shall require of the Treasurer a bond, in a penalty to be by them fixed, conditioned to the faithful discharge of his duties as such treasurer. In case of the absence of the presiding officer from any meeting of said Commissioners, they may choose from among their number a president protem, who shall preside at such meeting. The Treasurer shall in no case pay out any money except upon the written order of the President or executive officer of the corporation, and every officer of the corporation shall promptly upon the termination of his office, turn over to his successor, all property or money pertaining to his office promptly on demand by such successor. All records shall be public and open to inspection at reasonable hours on any day to any citizen of Betterton. In case of removal for cause of any officer, the Commissioners may appoint a successor to act during the pleasure of the Commissioners, or until the next regular election and qualification of such officer.

All money in the hands of the Treasurer shall be applied to the payment of orders drawn by the President in the order in which they are drawn if seasonably presented by the legal holders thereof for payment; but the corporation orders duly executed shall be receivable for corporation taxes, payable by the legal holders thereof.

SEC. 4. And be it enacted, That the said Commissioners of Betterton shall at least ten days prior to the said last Saturday in May 1906, and annually thereafter, give notice of the time and place of holding an election for Commissioners of said town, by posting printed notices in three of the most public places in said town, and at some meeting of the said Commissioners prior to the said last Saturday in May 1906 and each year thereafter, they shall appoint three citizens of the said town of Betterton to act as judges at said election, who before acting as such shall take the general oath prescribed by section six of Article one of the Constitution of Maryland, and shall qualify in the same manner prescribed for the judges of State and County elections in the State; and the said judges shall have power to appoint two competent persons to act as clerks of said election, who shall qualify as provided by existing law for clerks of election, and shall perform their duties in the same manner as is therein prescribed. The polls shall be open at 5 o'clock p. m. and close at 6 o'clock p. m. on such election days; and the said judges shall within three days after each election, notify the persons who shall have received the greatest number of legal votes of their election, and shall make return of such election and shall deposit their polls as directed by the ordinances of said Board of Commissioners and the same persons who shall respectively receive the highest number of votes shall be the Commissioners of the said town for the ensuing year, or until their successors are duly elected and qualified. And the elections held in such town shall not be required to be conducted in conformity to the requirements of Chapter 392, Article 33 of the Acts of 1896, or any amendment thereto.

SEC. 5. And be it enacted, That if it shall happen that any of the persons voted for and duly elected, shall from any cause fail to qualify, then and in that case, the person receiving the next highest number of votes shall be deemed to have been elected, and shall be so informed by the judges of election, and shall thereupon be entitled to qualify as one of said Commissioners.

SEC. 6. And be it enacted, That in case of death, resignation, refusal to act or disqualification of any Commissioner the remaining Commissioners, not less than a quorum, shall choose some person duly qualified and eligible, a commissioner for the unexpired term.

SEC. 7. And be it enacted, That the said Howard Turner, James M. Sutton and George William Owens, hereinbefore appointed Commissioners of said town, shall meet within thirty days from the passage of this act, and take the oath of office prescribed before justice of the Peace for Kent County, and organize as a board by the election of one of their number as president, who shall act as executive officer; and appoint a secretary and treasurer, policeman and a collector of taxes and such other officers as may be found necessary, and do and perform all things required or allowed to be done by the Commissioners of Betterton under the provisions of this Act; and they are hereby invested with all the powers and are to perform all the duties authorized or required to be done by the Commissioners of said town under this Act, and shall continue in office until the first election under this Act, and until their successors are elected and qualified.

SEC. 8. And be it enacted, that the President of said Board of Commissioners, by virtue of his office as president shall have all the jurisdiction and powers of a justice of the peace, except as to the recovery of debts, and may call upon any officer of said town entrusted with the receipts and expenditures of public money for a statement of his accounts as often as he may think necessary. He shall see that the ordinances of the board are duly and faithfully executed, and shall report annually to the board of commissioners, at their first annual meeting, the general state of the affairs of the town, with an accurate account of all moneys received and expended during the preceding year to be made public for the information of the citizens.

SEC. 9 And be it enacted, that the Commissioners of said town shall meet regularly at least once a month in the months of June, July, August and September, and as often during the remainder of the year as they may deem proper, for the dispatch of business.

SEC. 10. And be it enacted, That said Commissioners shall fix the compensation and fees of all officers appointed by said board. They shall keep a journal of their proceedings and enter the yeas and nays on any question, resolution or ordinance at the request of any member.

SEC. 11. And be it enacted, That the said commissioners shall have the power to suppress all disorderly meetings, to prohibit the use of profane indecent, seditious or riotous language, drunkenness, fighting and disorderly conduct in said town; to regulate the firing of cannon, guns, pistol, squibs or any kind of firearms and fireworks in said town; to prevent the running at large in said town, of all animals; to prevent any immoderate riding or driving through the streets of said town, with carriage, stage, cart, wagon, sleigh, bicycle, or any other vehicle, or on horseback, so as to endanger the lives, limbs or property of the citizens or corporation, or disturb the quiet enjoyment of the streets or thoroughfares of said town, to prevent indecent exhibitions of every kind; to preserve order and secure persons and property from violence, danger or destruction within said town, and prescribe fines, penalties and forfeitures for the violation of any of the said ordinances, but no fine or penalty shall exceed the sum of twenty five dollars and all fines and penalties imposed by said ordinance shall be collected as other fines, penalties and forfeitures are collected under the laws of the State; and all fines when collected, shall be promptly paid to the treasurer of the corporation for the use of the town; and in case of default in the payment of such fines, penalties and forfeitures, and the costs attending their imposition and collection of the same, the offender may be imprisoned in the town or county jail for a term not exceeding thirty days, in the same manner as commitments are made for fines imposed by the Circuit Court for the judicial district in which said town is situated, on conviction for misdemeanor, but any party fined or subject to a fine or forfeiture, may, after the same be imposed, supersede or stay the same for five days by giving ample security to the officer imposing the same and any party subject to a fine, penalty or forfeiture, by virtue of any of the provisions of this act, shall have right of appeal within five days thereafter to the Circuit Court of Kent county, upon giving ample security for the payment of such fine and costs. All ordinances shall be posted for five days in some public place in said Betterton and the certificate of the secretary entered upon the records of the corporation shall be due evidence of the passage and publication of the ordinance respectively. All ordinances shall be enforced from and after the date of their last respective publication.

SEC. 12. And be it enacted, That the said commissioners shall have full power to make all regulations and ordinances not inconsistent with the constitution and laws of this State as from time to time they may deem necessary or expedient for the comfort, convenience and prosperity of the said town and its inhabitants; for the prevention, removal or abatement of any nuisance and the preservation of health, the suppression of vice and immorality, and for general police regulations within the limits of said town, and to impose fines and penalties for violation thereof, to be collected as provided for in the last preceding Section 6.

SEC. 13. And be it enacted, That the said commissioners shall have power to pass ordinances requiring all circus or theatrical performances, shows, plays and public entertainments, for which an admission fee is charged, to take out a license before giving an exhibition in said town, and to fix the cost of said license; and shall have the power to pass all ordinances to provide for regulating peddlars of nostrums, notions, patent, secret or pretended inventions and remedies, on the streets, alleys or sidewalks of said town.

SEC. 14. And be it enacted, That the commissioners may provide by ordinance for the immediate arrest, without warrant, of any person violating any town ordinance, when in the judgment of the said president or of the constable or police of the town, the delay necessary to the issuing of warrants would be dangerous to the peace and quiet of the town, or to the lives, limbs or property of the citizens; and when it shall appear that the offender is intoxicated so as to render it unsafe to permit him to ride or drive through the streets of said town, shall provide for the custody of the horse or horses, vehicle or vehicles, ridden or driven by such person, in some place of safety until such offender or offenders shall become sober; and the said commissioners shall by ordinance subject the property so taken and deposited to the payment all costs of the proceedings, and the keeping of the said property, until the same shall be released according to law.

SEC. 15. And be it enacted, That the police and the other officers of the peace appointed by the said commissioners, under the powers conferred by this act, are hereby vested with the same power and authority as any constable or police officer may now or hereafter have under the laws of the State.

SEC. 16. And be it enacted, That the justices of the peace resident in said town are hereby declared to be the conservators of the peace of said town, and it shall be their duty to order the arrest of any person or persons found breaking the peace or disturbing the quiet or order of said town, or violating any of the ordinances made by the commissioners for securing the safety, health, property or lives of the inhabitants of said town, destroying or injuring the property of said town, and shall have power to require any person so offending to give security to keep the peace, or in default thereof, may commit said person to the county jail for not more than thirty days, or may for the commission of said offense impose a fine on such person of not more than five dollars; and such person in default of payment thereof may be committed to the county jail for a period of not more than thirty days.

SEC. 17. And be it enacted, That the said commissioners shall have the power to levy and collect taxes in said town not exceeding the rate of thirty cents on the hundred dollars in any one year, on all assessable property in said town, on the same basis of assessment as the said property shall for said year be assessed for State and county purposes; provided, that all property in said corporate limits used only for agricultural purposes shall only be assessed as such agricultural property and not as town lots. On the first day of July in each year taxes shall be deemed to be in arrears, and interest shall be charged and collected from that date till paid; and immediately after the first day of July the collector of taxes shall deliver to each delinquent, who has not prior thereto received the same, an account of his assessment and the taxes and interest due thereon, with a notice and warning to said delinquent thereto attached that unless said payment be made in full within thirty days from the delivery of said notice, the same will be collected by process of law, and the said collector may at any time after the first day of July proceed to seize, levy upon and sell the property of said delinquent, or so much thereof as may be necessary to pay said taxes, with interest and costs thereon; and on the first day of September of each year the collector shall immediate proceed to collect all unpaid tax bills by seizing, levying upon, advertising and selling said property, or so much thereof as may be necessary to pay said taxes, together with interest charges and costs of sale, and for this purpose the said collector is hereby clothed with all the powers possessed by collectors of taxes under the Code of Public General Laws.

SEC. 18. And be it further enacted, That the said Commissioners may erect lamps in any of the streets, lanes or alleys in said town, and cause the same to be lighted at the public expense.

SEC. 19 And be it enacted, That the said Commissioners shall have the power to establish the limit and width of the streets of said town and to improve the same, and remove obstructions therefrom, and may open new streets, lanes and alleys, that the said commissioners shall have the power to provide for the payment of damages and expenses of opening, widening, and laying out, grading, improving and keeping in good condition, the streets, lanes, alleys and sidewalks in said town, and for the purpose may levy and assess the property adjoining such improvements to the extent the same may be benefitted thereby, provided that the property owners may appeal from their decision in like manner as other similar appeals are taken to the Circuit Court of Kent county.

SEC. 20. And be it enacted, That if in opening or laying out any new street or alley, the said commissioners cannot agree with the owner or owners of any land or property wanted for the purpose, for the purchase, use or occupation of the same, or if the owner is a femme covert, under age, or non-compos mentis, or out of Kent county, application may be made to any justice of the peace for said county who shall thereupon issue his warrant under his hand and seal, directed to the sheriff of said county, requiring him to summon a jury of twenty inhabitants of said county, of legal age, not related to the parties or in any wise interested, and from such panel of twenty jurors, each party or his agent, or if either be not present in person or by agent, the Sheriff for him, may strike off four jurors, and the remaining twelve shall act as a jury of inquest of damages, to meet on the land or near the property to be valued, on a day to be named in the warrant not less than ten or more than twenty days after the issuing of the same; that the sheriff shall, before the jury shall proceed to act, administer an oath to each that he will justly and impartially value the damages the owners will sustain by the use or occupation of the property for the uses hereinafter mentioned. That the jury in estimating the damages, shall take into consideration the benefits resulting to the owner from the opening and laying out of said streets and alleys, through along or near to the property of the said owner; and the jury shall reduce their inquisition to writing, and shall sign and seal the same, and it shall then be returned by the Sheriff to the Clerk of the Circuit court for Kent county and shall be confirmed by the said Court at its next session, if no sufficient cause to the contrary be shown and when confirmed shall be recorded by said clerk at the expense of the said Commissioners, and if the said inquisition shall be set aside by the Circuit Court for Kent county, the said court may direct another to be taken in the same manner as the first. That every inquisition shall describe the property taken or the bounds of the land condemned, and the quantity or duration of the interest of the same therein valued, and such valuation when paid or tendered to the owner or owners of the property taken or his legal representatives shall entitle the said commissioners to the estates, use and interest in the same so valued for the purpose aforesaid, as fully as if the same had been conveyed by the owner or his legal representatives.

SEC. 21. And be it enacted, That the said commissioners shall have the power to license and regulate the sweeping of chimneys and fix the rates thereof; to regulate the sweeping of any chimney by neglect of which the said town may be endangered.

SEC. 22. And be it enacted, That the Commissioners shall have the power to enact ordinances for the prevention of cruelty to animals, and fix the penalties for the violation thereof not inconsistent with the laws of this State.

SEC. 23. And be it enacted, That the said Commissioners shall have the power to establish regulations for the prevention and extinguishment of fires, to appoint firemen and appoint, organize and equip fire companies, and to fix the penalties for the violation of any fire regulation.

SEC. 24. And be it enacted, That the said commissioners shall have the power to pass ordinances to preserve the health of the said town, to prevent and remove nuisances, to prevent the introduction of contagious or infectious diseases within the said town, and within two miles of the same, and may regulate the place for the erection of slaughter houses, canning factories, and whatever other offensive trade is carried on.

SEC. 25. And be it enacted, That the said commissioners shall have full power to construct and keep in repair all necessary drains and sewers, and to pass such regulations as may be necessary for the preservation of the same, and may authorize any person appointed by them to enter upon the lots, grounds and possessions of any person or body politic through which said sewers or drains may pass, and regulate, make or repair the same; and may pass such ordinances as they may deem proper for the protection of the same, and fix penalties for any violation thereof, to be collected as provided for in Section 6 of this act. The cost of constructing, opening, enlarging or strengthening any sewer in any street or alley or through any private property shall be chargeable to the property adjacent thereto, and the said amounts as charged to the adjacent owners shall be collected in the same manner as taxes.

SEC. 26. And be it enacted, That all the streets, alleys, lanes and public grounds in said town of Betterton shall be subject, however, at all times for municipal and police purposes, to the control of the Commissioners of Betterton, who may establish, maintain, alter and repair said streets, alleys, lanes and public grounds, and make such improvements thereof and thereon as may from time to time seem to be necessary, as herein provided; and the County Commissioners of Kent county are hereby authorized and directed to pay to the Town Commissioners of Betterton the sum of Three Hundred ($300) dollars on or before the first day of January of each year, for the purpose of keeping in repair the public ways of said town of Betterton.

SEC. 27. And be it enacted, That this act shall take effect from the date of its passage.

Approved April 4, 1906.

HON. EDWIN WARFIELD,
Governor.
HON. CARVILLE D. BENSON,
Speaker of the House of Delegates.
HON. JOSEPH B. SETH,
President of the Senate.

Office of the Chief Clerk of the House:

I hereby certify, that the aforegoing is a true copy of an Act of the General Assembly of Maryland, passed at the January Session, 1906.

W. A. PERCY,
Chief Clerk of the House.

Public Local Law.

Passed by the Maryland Legislature, Session of 1906, and Operative in Kent County, Maryland.

CHAPTER 223.

An Act to repeal and re-enact with amendments Section 217 B. of Article 15 of the Code of Public Local Laws, title "Kent County," subtitle "Wild Fowl," as enacted by Chapter 142 of the acts passed at the January session 1904.

Section 1—Be it enacted by the General Assembly of Maryland, that Section 217 B. of Article 15 of the Code of Public Local Laws, title "Kent County" sub-title "Wild Fowl," as enacted by chapter 142 of the acts of Assembly of 1904, be and the same is hereby repealed and re-enacted with amendments, so as to read as follows:

Section 217 B—And be it enacted, that it shall be unlawful to shoot at or to shoot wild fowl in or over the waters of Kent County, from the shore and natural islands, except in such cases where it may be necessary to chase and shoot any such wild fowl which have been previously shot and crippled from shore or island, and it shall also be unlawful for anyone to hunt, shoot or shoot at any wild fowl, muskrats, otters or any other water animal by the use of any light of any character in any of the waters of Kent County; and anyone violating this section and section 217 A, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than five dollars nor more than fifty dollars, and in default to pay said fine, shall be imprisoned in the county jail for thirty days for each offense, one-half of the said fine to be paid to the informer; provided that nothing in this act shall prevent anyone from shooting at or shooting muskrats, otters or other water animals by the use of light or lights in a boat or in or over the waters of Chester river and its tributaries within the jurisdiction of Kent County above a point opposite Booker's wharf to the source of said Chester River.

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

Approved April 4 1906.

HON. EDWIN WARFIELD,
Governor.
HON. CARVILLE D. BENSON,
Speaker of the house of Delegates.
HON. JOSEPH B. SETH,
President of the Senate.

Office of the Chief Clerk of the house:

I Hereby Certify, That the aforegoing is a true copy of an Act of the General assembly of Maryland, passed at the January Session, 1906.

W. A. PERCY,
Chief Clerk of the House.

Public Local Law.

Passed by the Maryland Legislature, Session of 1906, and Operative in Kent County, Maryland.

CHAPTER 361

An Act to add an additional section to Article fifteen of the Code (1888) of Public Local Laws, title, "Kent County," subtitle, "Galena" to come in after Section 131, and to be designated Section 131 A. providing for additional powers to the Collector or Treasurer in the collection of corporation taxes in the town of Galena.

Section 1—Be it enacted by the General Assembly of Maryland, that a new Section be added to Article fifteen, of the Code (1888) of the Public Local Laws, entitled, "Kent County," subtitle, "Galena" to come in after Section 131, and to be designated Section 131 A. to read as follows:

Section 131 A—The Clerk or Treasurer to the Board of Commissioners of Galena may be the collector of taxes for said town with the same authority and power to receive and collect the taxes that may be annually levied by said commissioners, by distress or levy, and sale of either real or personal property, that collectors of State or County taxes now possess; provided such levy and sale be conducted in accordance with the same provisions of law that control and direct the collection of State and County taxes of delinquents in Kent County.

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

Approved April 4, 1906.

HON. EDWIN WARFIELD,
Governor.
HON. CARVILLE D. BENSON,
Speaker of the House of Delegates.
HON. JOSEPH B. SETH,
President of the senate.

Office of the Chief Clerk of the House:

I hereby certify, That the aforegoing is a true copy of an Act of the General Assembly of Maryland, passed at the January Session, 1906.

W. A. Percy,
Chief Clerk of the House.

Public Local Law.

Passed by the Maryland Legislature, Session of 1906, and Operative in Kent County, Maryland.

CHAPTER 527.

"An Act to repeal Sections 110, 111, 114, 116, 118, 119, 121, 122, 123 and 124 of Article 15 of the Code of Public Local Laws of Maryland, title "Kent County," sub-title "Fish and Terrapins," and also to repeal chapter 594 of the Acts of the General Assembly of Maryland passed at the January session, 1890, and to re-enact the same with amendments and also to add three additional sections to said Article. One of said sections to follow immediately after section 121 and to be designated as Section 121 A, one of said Sections to follow immediately after Section 123 and to be designated as Section 123 A, and one of said Sections to follow immediately after Section 124 and to be designated as Section 124 A.

SECTION 1. And be it enacted by the General Assembly of Maryland, That Sections 110, 111, 114, 116, 118, 119, 121, 122, 123 and 124 of Article 15 of the Code of Public Local Laws of Maryland, title "Kent County," sub-title "Fish and Terrapins," and also Chapter 594 of the Acts of the General Assembly of Maryland passed at the January Session, 1890, be and the same are hereby repealed and re-enacted with amendments, and that three additional Sections be added to said Article, one of said new Sections to follow immediately after Section 121, to be designated as Section 121 A, and one other of said new Sections to follow immediately after Section 123, to be designated as Section 123 A, and one other of said new Sections to follow immediately after Section 124 to be designated as Section 124 A, all said re-enacted and new Sections to read as follows:

Section 110 It shall not be lawful for any person, except the bona-fide residents of Kent County, to haul a sein in any of the rivers, creeks, coves or other waters lying in and around said county, without the permission of the owners or occupiers of the land bordering on the said waters.

Section 111. It shall not be lawful for any person, except the bona-fide resident citizens of Kent County, to dredge for terrapins in any of the waters of said county. Any person violating this or the preceding Section shall pay a fine of not less than ten nor more than fifty dollars, and forfeit the boat or vessel in his possession, together with the seine, tackle and all things on board at the time of the offence.

Section 114. Information given to a Justice of the Peace of Kent County, he shall issue his warrant for the arrest of the offender, and the seizure of the boat together with all her tackle and apparel, and all other property on board and the proceeds of the catch, which warrant shall be directed to the sheriff or any constable of said County who may summon a posse comitatus to aid him in making any such arrest and seizure.

Section 116. The property so condemned shall be sold by the officer making the seizure, on ten days notice, by written or printed advertisements stuck up in not less than two public places, and the proceeds of sale, with all fines imposed and collected, after paying the costs of the seizure, condemnation and sale, shall be divided, one-fourth to the officer making the arrest and seizure, one-fourth to those aiding in making the arrest and seizure, and the remaining one-half to the Board of School Commissioners of Kent County for the use of the schools of said county.

Section 118. It shall not be lawful for any person to take, catch, capture or kill fish in the waters of the tributaries of Chester River within the jurisdictional limits of Kent County, by seines, drag-nets, fish-buckets, fish-pots, weirs, pound-nets, fish-traps, or any other means, traps, devices or contrivances whatever, now known or used, or that may hereafter be invented or used, in taking, catching, capturing or killing fish, from the thirtieth day of June to the first day of August in each year, except with hook and line, provided, however, that seines or nets may be used during the months of July or August for the taking of taylors and mackerel fish provided the meshes of such seines or nets are in the bar not less than one and seven-eighth inches, or in the mesh not less than three and three-quarter inches, provided, however, that eels may be taken or captured at any time during the year, and by any contrivance whatever, suitable for the purpose.

Section 119. It shall not be lawful for any person who uses stakes or poles in setting nets of whatever class or description, or in setting any trap or contrivance for catching fish, in any of the waters of Chester River and its tributaries in Kent County to leave such stakes or poles in the waters when they are used, but shall remove, or cause to be removed, such stakes or poles from the waters where they were used on or before the twentieth day of May in each year, nor shall they again be put down in said waters prior to the first day of August following.

Section 121. It shall be lawful for bona-fide residents of Kent County, and for no other persons, whether as master, principal, owner, employee or in any capacity, to take, catch, capture or kill fish in the waters of the tributaries of Chester River, within the jurisdictional limits of Kent County, with any kind of nets, trap, device or contrivance used, or that may hereafter be invented or used in taking, catching, capturing or killing fish; provided that any person from the bona fide resident of the said county who desires to take, catch, or capture fish in any of said waters as master, principal, owner, employee or in any capacity, from engaging in taking, catching or capturing fish in any of said waters, shall first obtain from the clerk of the Circuit Court for Kent County a licence authorizing him to take, catch and capture fish in the said waters, which license shall have effect for one year from the date it is issued and no longer, and for which he shall pay to the said clerk the sum of two dollars, one-fourth of which sum the said clerk shall retain for his fees for issuing the said license and the other three-fourths he shall pay over to the County Commissioners for the use of said county; and every licensee to take, catch and capture fish in the said waters issued by the said clerk shall state the name and residence of the person to whom it is granted and the time when it will expire, and shall not be transferable; and the said clerks are authorized to provide, furnish and issue such licenses to bona-fide residents of the said county only; but the granting of such license shall not be construed as authorizing or permitting the person to whom it is granted to take, catch or capture or kill any fish in said waters during seasons in which the taking, catching, capturing or killing of fish is or may hereafter be, prohibited by law, nor to permit the taking, catching, capturing or killing of any fish smaller than the sizes now allowed, or that may hereafter be allowed, to be taken in the said waters by the laws of the State, provided, nevertheless, that nothing herein contained shall prevent the taking and catching of fish in the waters of Chester river beyond the headlines of any of its tributaries in Kent County, by residents of Kent and Queen Anne's Counties, duly licensed to take and catch fish in said counties.

Section 121 A. Before a license shall be issued to any person desiring to take, catch or capture fish in the aforesaid waters and applying for a license, the applicant for the license shall make oath, or affirmation, before the aforesaid clerk of the said Circuit Court authorized to issue the same, that he is at the time of making such oath and has been for twelve months preceding the taking of said oath a bona-fide resident of Kent County, and that he will make known to the proper authorities any violations of this law that may come to his knowledge.

Section 122—Upon the information of any citizen of said county that he knows or verily believes that any person has violated any of the provisions of sections 118—121A, before any justice of Peace of Kent County, the said Justice of Peace shall docket a case in the name of the State of Maryland, against such person so charged by oath as offending, and issue a warrant at once to some one of the constables or sheriff of said county, for the arrest of the party charged before such justice for trial; and said constable or sheriff shall seize the boat, tackle, nets and other equipments owned by or in the possesion of such person, so charged with such violation when such violation occurred, or at the time of such arrest, and safely keep such property so taken during the time pending the trial for such offense so charged; and if upon such trial the justice of the Peace shall enter judgment for the State, such person against whom such judgment shall be rendered, shall be fined not less than twenty nor more than fifty dollars for each and every offense, in the discretion of the said Justice of the Peace; one-half of which fine shall be paid to the informer, the other half to the school fund of the County where such judgment is rendered; and if such fine is not paid within five days from the date of such judgment, the said justice of the peace shall, on the sixth day thereafter, enter judgment of condemnation against the boat, tackle, nets or other equipments of such offender, which had been sized by the officer aforesaid, which said boats, tackle, nets or other equipments shall, after ten days notice, by the said officer, be sold to the highest bidder for cash, and from the proceeds of such sale he shall deduct the fees alowed constables upon executions, the costs incident to such trial and judgment, together with such expense as such officer may have incurred in the taking and keeping of such property, and shall then divide the residue between the informer and the schools of the County, equally; said officer not to be liable for any damages or loss of said property while in his custody, which may occur without a fault on his part.

Section 123.—It shall be the duty of any commanding officer of the State Fishery Force, and of any Game Warden in cases coming under their observation, or on information derived from other persons, to enforce this law with all means at his command by the arrest of any person violating its provisions and to carry such person, by him so arrested, before the nearest Justice of the Peace in Kent County for trial.

Section 123 A.—The constables of Kent County are required to enforce this law by the arrest of all persons they may find violating any of its provisions, or who may be charged on the oath of any person with violating the same.

Section 124.—If any person convicted of offending against any of the provisions of said sections shall think him aggrieved by such conviction, he may appeal from the Justice of the Peace before such conviction is had, at any time within ten days from the rendition thereof, to the Circuit Court of said county. If any resistance be made to the officer directed to execute this sub-title of this Article, by any persons offending against the same, the said officer shall summon the posse comitatus, and proceed therewith without delay to execute his duty under such warrant. The Justice before whom such offenders shall be taken, shall have full power to issue summons for all witnesses that may be named to him, to compel their appearance and examine them under oath.

Section 124 A.—Nothing in this Article shall be construed to prevent any person from catching fish in the aforesaid waters at any time with hook and line, or to prevent bona-fide residents of Kent county from taking, catching and capturing fish therein for his family use without having a license.

Section 2.—And be it enacted, That all acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Section 3.—And be it enacted, That this act shall take effect from the date of its passage.

Approved April 4 1906.

HON. EDWIN WARFIELD,
Governor
HON. CARVILLE D. BENSON,
Speaker of the house of Delegates.
HON JOSEPH B. SETH,
President of the Senate.

Office of the Chief Clerk of the House:

I Hereby Certify, That the aforegoing is a true copy of an Act of the General Assembly of Maryland, passed at the January Session, 1906.

W. A. PERCY,
Chief Clerk of the House.

Public Local Law.

Passed by the Maryland Legislature, Session 1906, and Operative in Kent County, Maryland.

CHAPTER 528.

AN ACT to repeal Sections 51 and 59 A of Article 15 of the Code of Public Local Laws, title "Kent County," sub-title "Chestertown," Section 59 A being enacted by Chapter 441 of the Acts of 1900 and to re-enact each of said two sections with amendments, and also to add five new sections to said Article 15; one of the said new sections to follow immediately after Section 50 and to be designated as 50 A, the other four new Sections to follow immediately after Section 59 B to be designated as Sections 59C, 59D, 59E and 59F, so as to read as follows:

Section 1.—Be it enacted by the General Assembly of Maryland, That Sections 51 and 59A, of Article 15 of the Code of Public Local Laws, title "Kent County," sub-title, "Chestertown," Section 59A being enacted by Chapter 441, of the Acts of 1900, be and the same are hereby repealed and re-enacted with amendments, and to add five new Sections, one of said new Sections to follow immediately after Section 50 to be designated Section 50A, the other four new Sections to follow immediately after Section 59B, to be designated as Sections 59C, 59D, 59E and 59F of said Article, to read, as to all the Sections, as follows:

50A—The citizens of Chestertown, in Kent county, are a body corporate the name of "The Commissioners of Chestertown," with all the powers and privileges of a body politic and corporate, and by said corporate name may have perpetual succession, sue and be sued, plea and be impleaded in any Court of Law or Equity, and have and use a common seal and the same to alter at pleasure: may hold, possess, purchase or otherwise acquire for corporate purposes, property, real, personal and mixed, and may sell, dispose of and convey any such property for the benefit of said town, provided that the real estate to be purchased shall be limited to gravel and sand lots and the amount to be expended therefor shall not exceed one thousand dollars in any one year.

51.—There shall be three commissioners for Chestertown, all of whom shall be tax-payers upon real or leasehold property in said town, and at least 30 years of age, who shall each be elected for a term of three years, one of said commissioners shall be elected annually, as provided by the next succeeding section.

59A—In addition to the powers conferred on the Commissioners of Chestertown by Section fifty-nine of this Article, they shall have power to regulate by ordinance the building and maintenance of party walls, partition fences, parapet and fire walls, smoke flues, fire flues, fire flues, boilers, smokestacks, chimneys and stove pipes, and to have any such removed, repaired or reconstructed whenever, in the judgment of said commissioners, the same may be dangerous to or menace the property wherein such structures are, or any adjacent or contiguous property, and to levy expenses of such alteration, removal, repairing or reconstruction when done by the Town Commissioners shall be a lien on the property where such work is done, and may by ordinance require the owners or occupants of adjacent building on the streets, lanes and alleys of said town, to remove snow from the sidewalk in front of said lot and to impose a fine or penalty for the failure to do so; they may also by ordinance establish such a sewerage system as may be necessary for the proper drainage of said town, and may be most conducive to the health and sanitation of said town, and they may impose on and collect from persons using the same a tax for the use of said sewers, which said tax shall be collected in like manner as taxes are collected in said town and shall be a lien on the property which it is assessed: they may also from time to time by ordinance provide for the paving of any streets in said town which they may deem advisable to be paved, and to assess the properties on each side of said street for a proportionate share of the cost of such pavement, not exceeding one-half of such cost, each to respective owners of the properties on each side of said street, and make all assessments levied under this Act a lien upon the said properties, to be collected in the same manner as taxes are collected under the provisions of Article 81 of the Code of Public General Laws.

50C.—That the said Commissioners shall have full power to make all regulations and ordinances not inconsistent with the constitution and laws of this State, or may from time to time they may deem necessary or expedient for the comfort, convenience and prosperity of said town and its inhabitants; for the prevention, removal and abatement of any nuisance; and the preservation of health, the suppression of vice and immorality, and for general police regulations within the limits of said town and provide fines, penalties and forfeitures for the violation of any of the ordinances passed by said Commissioners, but no fine or penalty shall exceed the sum of twenty-five dollars.

59D.—That no person or Corporation shall keep a dog or bitch in said town without obtaining a license from the Commissioners for that purpose in the month of October in each and every year, paying at the time of the license being granted one dollar for each dog and one dollar and fifty-cents for every bitch, and at such times and for such periods as the Commissioners may by ordinance require, every dog and bitch shall be properly muzzled, and every dog and bitch found running at large in said town without being licensed or muzzled as aforesaid shall be shot or otherwise destroyed by the bailiff or police of said town.

59E.—That the bailiffs and police appointed by the said Commissioners, are hereby vested within the Corporate limits of said town, with the same power and authority as any constable may now or hereafter have under the laws of this State. They may make immediate arrest without warrant of any person violating any town ordinance, whenever in the judgment of said bailiff or police, the delay necessary to the issuing of warrants would be dangerous to the peace and quiet of the town, or the lives, limbs or property of the citizens, and when it shall appear that the offender is intoxicated so as to render it unsafe to permit him to ride or drive through the streets of said town, shall provide for the custody of the horse or horses, vehicle or vehicles ridden or driven by such persons, in some place of safety until such offenders shall become sober, and the said Commissioners shall by ordinance, subject the property so taken and deposited to the payment of all costs of the proceedings and the keeping of said property until the same shall be released according to law.

59F.—All fines and forfeitures imposed for the violation of any ordinanee lawfully passed by the said Commissioners or hereafter that may be lawfully passed by the said Commissioners may be recovered before the Police Justice of the Fourth Election District of Kent county, and upon the complaint made before him for the violation of any such law or ordinance, the said Police Justice shall forthwith issue process in the name of "The Commissioners of Chestertown" for the recovery of the fine, penalty or forfeiture imposed for the violation of such law or ordinance against the party offending, and may hear and determine the matter and render judgment as in any case arising under the laws of this State and shall receive the same fees therefor, and in default of payment of such fines, penalty or forfeiture, or full and ample security for the same, satisfactory to said Police Justice, payable within thirty days thereafter, he shall commit the party defendant in said judgment to the county jail of Kent county for a period not exceeding thirty days, and the Sheriff of Kent county shall receive and confine the party so committed and shall be entitled to receive the same compensation therefor, as is now allowed by law for the custody of prisoners, to be paid by the said Commissioners of Chestertown.

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

Approved April 4, 1906.

HON. EDWIN WARFIELD,
Governor.
HON. CARVILLE D. BENSON,
Speaker of the House of Delegates.
HON. JOSEPH B. SETH,
President of the Senate.

Office of the Chief Clerk of the House:

I Hereby certify, That the aforegoing is a true copy of an Act of the General Assembly of Maryland, passed at the January Session, 1906.

W. A. Percy,
Chief Clerk of the House.

Public Local Law.

Passed by the Maryland Legislature, Session 1906, and Operative in Kent County, Maryland.

CHAPTER 278.

An Act to repeal and re-enact sections, one hundred and fifty four, one hundred and fifty five, one hundred and fifty seven, one hundred and fifty eight, one hundred and sixty, one hundred and sixty one, and one hundred and sixty two, of Article fifteen of the Code of Public Local Laws of Maryland, title "Kent County" sub-title "Millington", as amended by Chapter two hundred and thirty three of the Acts of eighteen hundred and ninety eight, and to add new sections thereto, to be designated as sections one hundred and sixty A. one hundred and sixty B, one hundred and sixty C. and one hundred and sixty four A. and one hundred and sixty four B.

Section 1.—Be it enacted by the General Assembly of Maryland, that sections one hundred and fifty four, one hundred and fifty five, one hundred and fifty seven, one hundred and fifty eight, one hundred and sixty, one hundred and sixty one and one hundred and sixty two, of Article fifteen of the Code of Public Local Laws of Maryland, title "Kent County," sub-title "Millington," as amended by Chapter two hundred and thirty three, of the Acts of 1898, be and the same are hereby repealed and re-enacted to read as follows: And to add the following new sections thereto and to be designated as sections one hundred and sixty A. one hundred and sixty B, one hundred and sixty C. one hundred and sixty four A. one hundred and sixty B, to read as follows:

Section 154.—And be it enacted, That there shall be three Commissiones for Millington all of whom shall be taxpayers upon real or personal property situate in said town, and at least twenty one years of age, who shall be elected for a term of three years, and who shall serve without compensation, the first sessions of the Commissioners under this Act shall take place on the second Saturday in March, nineteen hundred and six; immediately after said Commissioners shall be assembled in consequence of the first election, they shall be divided by lot into three classes, the term of the Commissioner of the first class shall be vacated at the expiration of one year, of the second class at the expiration of two years, and of the third class at the expiration of three years from said first election, so that thereafter one Commissioner shall be elected every year.

Section 155.—And be it