Section 1. Be it enacted by the General Assembly of Maryland, That Chapter 85 of the Acts of the General Assembly of Maryland, Session of 1912, entitled "An Act to make valid deeds, mortgages, bonds of conveyances, bills of sale and all other conveyances of real and personal property, or of any interest, defective in acknowledgement or in the certificate therof, or when the official character of the officer taking the acknowledgement has not been certified to, as required by the law, or when the conveyance has not been witnessed and sealed," be and the same is hereby repealed and re-enacted so as to read as follows:

Section 1-A. All deeds, mortgages, releases, bonds of conveyance, bills of sale, chattel mortgages and all other conveyances of real or personal property, or of any interest therein which may have been executed, acknowledged or recorded in this State subsequent to the passage of the Act of the General Assembly of Maryland, passed at its January Session, 1858, Chapter 208, which may not have been acknowledged according to the laws existing at the time of said acknowledgement, or which may not have been acknowledged before a proper officer, or when the certificate of acknowledgement or affidavit is not in the prescribed form or when the official character of the officer taking the acknowledgement has not been certified to as required by law, or where the conveyance has not been witnessed to or sealed as required by law, or where the conveyance has not been witnessed to or sealed as required by law, shall be and the same are hereby made valid, to all intents and purposes, as if the conveyance or affidavit had been acknowledged or sworn to, certified to, witnessed and sealed in accordance with the laws existing at the time of their making; provided, that the said deeds, mortgages, bonds of conveyance, bills of sale and other conveyances are in other respects in conformity with the laws; and provided further, that nothing in this Section shall affect the interest of bona fide purchasers or creditors, without notice, who may have become so previous to the passage of this Act.

Section 2. And be it further enacted, That any assignment of any mortgage, which assignment has been heretofore executed and recorded, but which has not been sealed and in which no mention of any seal has been made or in which either of such defects exists, shall be and they are hereby made valid to all intents and purposes, as if said assignment had been made in such matters in full conformity with the law in force at the time of such execution; provided, that any such assignment is in other respects legal and valid; and provided, further, that nothing in this Act shall affect the rights of any bona fide purchaser or creditor without notice, who becomes so prior to the passage of this Act.

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

Approved April 1, 1914.

[CHAPTER 281.]

AN ACT to add a new Section to Article 27 of the Code of Public General Laws of Maryland of 1910, entitled "Crimes and Punishments," sub-title "Fraud," said new Section so added to said Article 27, to be numbered 112-A, making it a misdemeanor for any person with intent to cheat and defraud another to obtain money, credit, goods, wares, or anything of value by means of a check, draft or order of any kind upon any bank, person, firm or corporation, not indebted to drawer, or where he has not provided for the payment or acceptance, and the same be not paid upon presentation, and providing the penalty therefor.

Section 112-A. Be it enacted by the General Assembly of Maryland, That a new Section be added to Article 27 of the Code of Public General Laws of Maryland, entitled "Crimes and Punishments," sub-title "Fraud," said new Section so added to said Article 27 to be numbered 112-A, and to read as follows:

"Every person who, with intent to cheat and defraud another, shall obtain money, credit, goods, wares or anything of value by means of a check, draft or order of any kind upon any bank, person, firm or corporation, not indebted to drawer, or where he has not provided for the payment or acceptance, and the same be not paid upon presentation, shall be deemed to have obtained such money, credit, goods or things of value by means of a false pretense, and upon conviction, shall be fined or imprisoned, or both, as provided in Section 112 of this Article, at the discretion of the Court. The giving of the aforesaid worthless check, draft or negotiable instrument shall be prima facie evidence of intent to cheat, or defraud; provided, that if such person shall deposit with the drawer of such paper within ten days thereafter funds sufficient to meet the same, with all costs and interest which may have accrued, he shall not be prosecuted under this Section, and no prosecution either by presentment, indictment or otherwise, shall be instituted or commenced until after the expiration of said period of ten days.

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

Approved April 10, 1914.

[CHAPTER 306.]

AN ACT to prohibit the licensing and taxing by Municipalities of the business of selling from a wagon at retail of fresh fruits, vegetables and country produce by the growers and producers thereof; providing for the identification of such growers and producers, making it a misdemeanor for such growers and producers to sell country produce other than that grown and produced by them, and providing a penalty therefor.

Section 1. Be it enacted by the General Assembly of Maryland, That no license, tax, charge or fee, shall be set, rated or levied by any Municipality in this State upon the business of selling from a wagon at retail of fresh fruits, vegetables or other country produce, provided that the seller is a bona fide grower or producer thereof. Provided, however, that nothing in this Act contained shall be construed to prevent any Municipality from providing by ordinance for the issuing of identification tags or cards to persons coming within the contemplation of this Act, at a cost not exceeding fifty cents for any one person, and requiring such persons to procure and exhibit such tags or cards.

Section 2. And be it further enacted, That any person who shall sell or offer for sale from a wagon at retail within the corporate limits of any municipality which may impose, set, rate or levy any license, tax, charge or fee upon the business of selling from a wagon at retail, any fruits, vegetables or other country produce of which he is not a bona fide grower, shall be deemed guilty of a misdemeanor, and upon conviction thereof, be fined not more than twenty-five dollars ($25.00.)

Section 3. Be it further enacted, That all Acts and parts of Acts inconsistent with this Act be and the same are hereby repealed. This Act not to apply to Allegany or Washington Counties.

Section 4. And be it further enacted, That this Act shall take effect from the date of its passage.

Approved April 7, 1914.

[CHAPTER 334.]

AN ACT to repeal Section 73 of Article 56 of the Code of Public General Laws of Maryland (Bagby's), title, "Licenses," sub-title, "Ordinary Keeper," and to re-enact the same with amendments providing for the assignment of any such license.

Section 1. Be it enacted by the Assembly of Maryland, That Section 73 of Article 56 of the Code of Public General Laws of Maryland (Bagby's), title, "Licenses," sub-title, "Ordinary Keeper," be and the same is hereby repealed and re-enacted as amended so as to read as follows:

"73. The said licenses shall be granted on the following terms: The applicant shall be recommended to the Clerk by two respectable freeholders of his immediate vicinity, and shall make oath, to be by the said Clerk administered, that he has bona fide and without intending to evade the requirements of this Article provided and expects to maintain six good beds with sufficient covering therefor, and three rooms more than sufficient for the private uses of said ordinary keeper, with stabling and provender for five horses at least; and if said applicant resides in the City of Baltimore, that he has provided and expects to maintain twelve good beds with covering as aforesaid and six rooms.

Any license so granted shall be by the original or any subsequent holder thereof assignable and transferrable to any person who shall be recommended to the Clerk in the same manner as, and who shall take the oath in the same manner as, is hereinbefore provided in the case of the original applicant therefor; such assignment or transfer shall be endorsed upon the license, and a record kept thereof, by the Clerk of the Court granting said license, who shall be entitled to receive a fee of fifty cents therefor; the same shall then take effect immediately," provided, however, that license shall only be good for the premises for which it was originally issued.

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

Approved April 10, 1914.

[CHAPTER 337.]

AN ACT to repeal Section 45 of Article 52 of Baby's Annotated Code of the Public General Laws of Maryland, title "Justices of the Peace," sub-title "Attachments," and to re-enact the same with amendments, and to add an additional Section thereto, to be designated as Section 49-A.

Section 1. Be it enacted by the General Assembly of Maryland, That Section 45 of Article 52 of Bagby's Annotated Code of the Public General Laws of Maryland, title "Justices of the Peace," sub-title "Attachments," be and the same is hereby repealed and re-enacted with amendments and that an additional Section be and the same is hereby added to said Article 52 and designated as Section 49-A.

Section 45. There shall be issued with every attachment a writ of summons against the defendant, and at the time of issuing the attachment, notice thereof shall be given by setting up at three or more public places in the election district or ward in which such attachment may issue, at least ten days before the return day thereof, an affidavit of the truth of the particulars of the plaintiff's claim, together with a copy of such claim and also a copy of such attachment.

Section 49-A. No attachment issued by a Justice of the Peace in any of the cases mentioned in the preceding Sections of this Article, shall be dissolved unless every defendant either in person or by his attorney files in writing the appearance of the defendant or defendants to the action, and unless a good and sufficient bond be given by or on behalf of the defendant or defendants in a sum of money equal to at least double the value of the property attached, with security to be approved by the Justice of the Peace issuing the attachment, to satisfy any judgment that shall be recovered in such case against the defendant or defendants.

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

[CHAPTER 377.]

AN ACT to repeal and re-enact with amendments Sections 261 of Article 16, of the Code of Public Civic Laws of Maryland, title "Chancery," and to add two additional Sections to said Article to follow Section 261 and to be known as Sections 261-A and 261-B.

Section 1. Be it enacted by the General Assembly of Maryland, That Section 261 of Article 16, of the Code of Public General Laws of Maryland, title "Chancery," be and the same is hereby repealed and re-enacted with amendments and two additional Sections are hereby added to said Article 16, to follow Section 261, and to be known as Sections 261-A and 261-B, to read as follows:

Section 261. The Court shall on application of a party in interest, or may, of its own motion, order, that instead of the mode of taking testimony as provided in the aforegoing Sections, the testimony shall be taken orally in open Court before the Judge or Judges thereof in the same manner and under the same rules as testimony is now taken in actions at law, as to all or any of the facts or matters relevant in the cause or proceeding; and the evidence so taken shall be written down as delivered by the witnesses by such person and in such manner as the Court may have by order or general rule directed, and when so written down shall, with such documentary proof as shall have been with it offered and admitted, be filed as part of the proceedings.

Section 261-A. Testimony produced under the aforegoing Section shall be taken in the same manner and under the same rules as testimony is taken in actions at law in courts of general jurisdiction in this State, and no evidence to which objection has been made and sustained by the Court shall be taken down or inserted in the record, but the party offering such testimony may accompany the offer of the same with a statement of the facts proposed to be shown in connection therewith, and such statement shall be considered by the Court in connection with the question objected to, and the Court of Appeals, upon appeal from any final order in the case, shall consider and determine, upon the record, all objections to testimony taken and reserved during the progress of the cause, and no bills of exception shall be required.

Section 261-B. Whenever a case has already been before the Court of Appeals, it shall not be necessary, upon any subsequent appeal, to copy into the transcript of the record any other proceedings than those occurring in the Court below, subsequent to the preceding appeal; but the record of the proceedings in the previous appeal shall be taken and considered as part of the record in the subsequent appeal the same as though actually copied therein.

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

Approved April 10, 1914.

[CHAPTER 378.]

AN ACT to add a proviso to Sub-Section 107 of Section 24 of Article 75 of the Code of Public General Laws (1912), title "Pleadings, Practice and Process at Law."

Section 1. Be it enacted by the General Assembly of Maryland, That Sub-Section 107 of Section 24 of Article 75, title "Pleadings, Practice and Process at Law," be and the same is hereby amended by adding a proviso thereto, so that said Sub-Section shall read as follows:

107. Either party may use the common law forms or the forms hereinbefore given, at his election; and either party may require a bill of particulars where the pleading is so general as not to give sufficient notice to the opposite party of the evidence to be offered in support of it; provided that in all jurisdictions where provision has been or shall be made for the objection of speedy judgments, when the cause of action filed with the declaration shall set forth the plaintiff's claim with the particularity required for a bill of particulars, the said cause of action shall become and be taken and treated as one of the pleadings in the case, and the plaintiff shall be restricted in his evidence to proof of the items so set out.

Section 2. The foregoing proviso shall not apply to cases pending or instituted prior to the passage of this Act.

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

Approved April 10, 1914.

[CHAPTER 409.]

AN ACT to repeal and re-enact with amendments Section 99 of Article 83 of the Code of Public General Laws, title "Sales and Notices," as enacted by Chapter 451 of the Acts of the General Assembly of Maryland of 1912.

Section 1. Be it enacted by the General Assembly of Maryland, That Section 99 of Article 83 of the Code of Public General Laws, title "Sales and Notices," as enacted by Chapter 451 of the Acts of the General Assembly of Maryland of 1912, be repealed and re-enacted so as to read as follows:

99. That after having received from the vendor the written statement under oath mentioned in Section 98, the vendee shall at least five days before the consummation of the bargain or purchase and at least five days before paying or delivering to the vendor any part of the purchase price or consideration thereof, or any promissory note, or other evidence of indebtedness for the same in good faith, notify or cause to be notified personally, or by registered letter, each of the creditors of the vendor named in the statement of the proposed purchase by him of such stock of goods, wares, or merchandise; and whenever any person shall purchase any stock of goods, wares, or merchandise in bulk, or shall pay the purchase price or any part thereof, without having first demanded and received from his vendor the statement under oath as provided in Section 98, and without having notified or cause to be notified all of the creditors of the vendor named in such statement as in the Section presented, such purchase, sale or transfer shall, to any and all subsisting creditors of the vendor, be void.

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

Approved April 10, 1914.

[CHAPTER 410.]

AN ACT to add an additional Section to Article 27 of the Code of Public General Laws of Maryland, of 1904, title "Crimes and Punishments," sub-title "Fraud," to be known as Section 138½.

Section 1. Be it enacted by the General Assembly of Maryland, That a new Section, to come in after Section 138 and to be designated as Section 138½, be and is hereby added to Article 27 of the Code of Public General Laws of Maryland, of 1904, title "Crimes and Punishments," sub-title "Fraud," to read as follows:

Section 138½. Any person, firm, corporation or association, who or which in a newspaper, circular, or circular or form letter or other publication published in this State wilfully or knowingly makes or disseminates any statement or asseveration of fact concerning the quality, the quantity, the value, the method of production or manufacture or the reason for the price of his or their merchandise or the manner or source of purchase of such merchandise or the possession of awards, prizes, or distinction conferring a gain of such merchandise, or the motive or purpose of a sale, intended to give the appearance of an offer advantageous to the purchaser, which is false and fraudulent shall be guilty of misdemeanor.

Any person, firm, corporation or association or any employe thereof, who violates any provision of this Section shall be liable to a fine of not less than $25 nor more than $100 for each offense.

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

Approved April 10, 1914.

[CHAPTER 442.]

AN ACT to repeal Section 366 of Article 27 of the Code of Public General Laws of Maryland of 1904, entitled "Crimes and Punishments," sub-title "Railroads — Obstructing," and to re-enact said Section 366 with amendments, and to add to said Article under said title and sub-title, an additional section to be known as Section 366-A, and to follow directly after Section 366, and clothing the several justices of the peace of the State of Maryland (except those justices of the peace in and for the City of Baltimore who have not been selected by proper legal authority to sit at each station house of said Baltimore City) with jurisdiction to hear and determine all prosecutions or proceedings arising under the provisions of this Act and pronounce judgment and sentence thereunder.

Section 1. Be it enacted by the General Assembly of Maryland, That Section 366 of Article 27 of the Code of Public General Laws of Maryland of 1904, entitled "Crimes and Punishments," sub-title "Railroads—Obstructing," be and the same is hereby repealed and re-enacted with amendments, and an additional Section to be known as Section 366-A is hereby added to same to follow directly after Section 366, and to read as follows:

Section 366. Any person who shall cling, climb, jump, step or in any other way get upon any part of any locomotive, engine or car, or who shall be on any part of any locomotive, engine or car, whether the same be freight, passenger, coal or otherwise upon any part of the track of any railroad within this State unless in so doing he acts in compliance with the law or by permission under the rules and regulations of the railroad, shall be guilty of a misdemeanor and upon conviction thereof before any of the several justices of the peace of the State of Maryland (except those justices of the peace in and for the City of Baltimore who have not been selected by the proper legal authority to sit at each station house of said City of Baltimore), or upon conviction thereof before any court of competent jurisdiction, shall be fined not more than twenty-five dollars, or be subject to imprisonment in jail or in the House of Correction for one month, or to both fine and imprisonment in the discretion of the justice of the peace trying the case, or court before which the case may be tried, provided, however, that if any such person shall be sentenced to the House of Correction such railroad company or corporation, in all cases where the same is not prohibited either by the laws of the State of Maryland, or of the United States, which are in effect at present, or which may be hereafter passed, shall provide free transportation for such person or persons to said House of Correction, and also free transportation for not more than one officer in charge of such person or persons, to said House of Correction and back to the place where such person or persons may have been tried and convicted; or if such person be a minor under eighteen years of age, he may, in the discretion of the justice of the peace or of the court trying the case, be committed to any reformatory institution provided by law and authorized to receive the same for such period as said justice of the peace or the said court may determine, not to exceed two years. The several justices of the peace of the State of Maryland (except those justices of the peace in and for the City of Baltimore who have not been selected by proper legal authority to sit at each station house of said City of Baltimore) shall have in addition to the jurisdiction they now possess and which may be conferred on them by or under the laws of this State, jurisdiction to hear and determine all prosecutions or proceedings arising under the provisions of this Act and pronounce judgment and sentence therein, and that all Acts and parts of Acts, and all Sections and parts of Sections of the Code, both of General and Local Laws, and all amendment of and additions and supplements thereto now in force in the State of Maryland inconsistent with the provisions of this Act be and the same are hereby repealed.

366A. And be it further enacted, That each and every part and provision of this Act is hereby declared to be an independent part and provision and the holding of any part or provision to be void, ineffective, or unconstitutional for any cause shall not be deemed to affect any part or parts thereof.

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

Approved April 10, 1914.

[CHAPTER 451.]

AN ACT to add three additional Sections to be known as Sections 32, 33 and 34, the same as follow Section 31 of Article 31 of the Code of Public General Laws of Maryland, title "Debt-Public," to follow immediately after Section 31 and to be known and numbered as Sections 32, 33 and 34.

Section 1. Be it enacted by the General Assembly of Maryland, That three new Sections be added to Article 31 of the Code of Public General Laws of Maryland, title "Debt-Public," to follow immediately after Section 31 and be known and numbered as Sections 32, 33 and 34 and to read as follows:

Section 32. An officer or agent of the State or any County, township or municipal corporation, who is charged or entrusted with the construction, improvement, or keeping in repair of any building or work of any kind, or with the management or providing for any public institution, shall not make any contract binding or purporting to bind the State, or any County, township, or any municipal corporation, to pay any sum of money in excess of the sum previously appropriated for the purpose for which such contract is made, and remaining unexpended, applicable to such purpose, such officer, or agent who wilfully or knowingly makes or participates in making a contract without such appropriation or authority, shall be personally liable thereon, and the State, County, township or municipal corporation in whose name or behalf the same was made shall be not liable thereon.

Section 33. It shall be unlawful for the trustees, managers, directors or superintendent of any of the public institutions of the State of Maryland, to create a deficiency, incur a liability, or to expend a greater sum of money than is appropriated by the General Assembly of Maryland for the use of such public institution or department.

Section 34. Any officer enumerated in Section 32 of this Act being found guilty of willfully or knowingly creating a deficiency, incurring a liability, or expending a greater sum than is appropriated by the General Assembly of Maryland for any public institution or department of this State in any one year, shall be held individually liable for the same, and shall be fined in a sum not exceeding One Thousand Dollars ($1,000.00) for the first offense, and Two Thousand Dollars ($2,000.00) for all subsequent offenses, or shall be imprisoned in the Maryland Penitentiary for a period of two years, or both fined and imprisoned in the discretion of the Court.

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

Approved April 10, 1914.

[CHAPTER 472.]

AN ACT to repeal and re-enact, with amendments, Sections 20 and 21 of Article 99 of the Code of Public General Laws of Maryland, title "Wild Fowl, Birds and Game."

Section 1. Be it enacted by the General Assembly of Maryland, That Sections 20 and 21 of Article 99 of the Code of Public General Laws of Maryland, title "Wild Fowl, Birds and Game," be and the same are hereby repealed and re-enacted, with amendments, to read as follows:

Section 20. No person shall shoot, trap, catch or kill, or gun or hunt for any partridge or quail, English or Mongolian pheasant, American pheasant, Dark Neck Bohemian pheasant, pheasant or ruffed grouse, rabbit,

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