SUPPLEMENT TO

THE CHESTERTOWN TRANSCRIPT

CHESTERTOWN, MD., SATURDAY SEPTEMBER 1st, 1917

General Laws of 1917 Designated for Publication, Together with the Governor's Proclamation Under Chap. 33 Thereof

Governor's Proclamation Under Ch. 33, 1917.

STATE OF MARYLAND
EXECUTIVE DEPARTMENT.

WHEREAS the General Assembly of Maryland, convened in extraordinary session in June, 1917, by Chapter 33 of the Acts of said session, provided that whenever, because of the existence of a state of war, the Governor of Maryland determines that it is necessary for the protection and welfare of the people of the State that all able-bodied male persons, between eighteen and fifty years of age, inclusive, within the State, of the description and with the exceptions hereinafter mentioned, be employed in occupations carried on by the State, the counties or City of Baltimore or any of their agencies, or to be employed in occupations carried on by private persons, firms or corporations, whether agricultural, industrial or otherwise, and which occupations the Governor finds to be essential for the protection and welfare of the people of this State and the United States and also finds that such occupations cannot be carried on as the protection and welfare of the people of this State and the United States require without resort to said Act, that then the Governor shall be authorized by proclamation to require every able-bodied male person between eighteen and fifty years of age, inclusive, within the State, with the exceptions hereinafter mentioned, not then or thereafter regularly or continuously employed or engaged in any lawful and useful business, occupation, trade or profession of any kind, to register his name, address, age and any other information which the Governor shall require with the Clerk of the Circuit Court of the county in which such person may be, or with the Clerk of the Superior Court of Baltimore City, if such persons be in Baltimore City, to the end that such persons may be assigned to work at occupations of the character aforesaid, in the manner and upon the terms provided by said Act; and

WHEREAS a state of war does now exist between the Government of the United States and the Imperial German Government, and because of the existence of such state of war I do determine that it is necessary for the protection and welfare of the people of the State that all able-bodied male persons, between eighteen and fifty years of age, inclusive, within the State, with the exceptions hereinafter mentioned, who, on and after the 20th day of August, 1917, are not regularly or continuously employed or engaged in any lawful and useful business, occupation, trade or profession of any kind, shall be required to work at occupations carried on by the State, the counties or the City of Baltimore, or any of their agencies, or shall be employed in occupations carried on by private persons, firms or corporations, whether agricultural, industrial or otherwise, which occupations are essential for the protection and welfare of the people of this State and the United States and which cannot be carried on as the protection and welfare of the people of this State and of the United States require without resort to said Act.

Now, THEREFORE, I, EMERSON C. HARRINGTON, GOVERNOR OF MARYLAND, by virtue of the authority conferred upon me as aforesaid by the said Act of Assembly, do hereby require every able-bodied male person between eighteen and fifty years of age, inclusive, within the State, with the exceptions hereinafter mentioned, who, on and after the 20th day of August, 1917, is not regularly or continuously employed or engaged in any lawful and useful business, occupation, trade or profession of any kind to register on or after said date his name, address, age and any other information which I shall require with the Clerk of the Circuit Court of the county in which such person may be, or with the Clerk of the Superior Court of Baltimore City, if such person be in Baltimore City, to the end that all such persons may be assigned to work at occupations of the character aforesaid in accordance with the provisions of the said Act of Assembly.

Persons of the description aforesaid able to support themselves by reason of the ownership of property or income and those supported by others are included among those required to register, but persons falling within the following descriptions will not be required to register:

1. Students and persons fitting themselves to engage in trade or industrial pursuits.

2. Persons temporarily unemployed by reasons of differences with their employers.

3. Persons engaged or employed in any seasonal business, trade or occupation carried on in Baltimore City or Allegany County.

Rules and regulations will be prepared and published governing the assignment of persons of the description aforesaid to work, which will assure that all persons similarly circumstanced shall, as far as it is possible to do so, be treated alike, and in due time, and from time to time, I will proclaim the occupations which I find to be essential for the protection and welfare of the people of this State and the United States and which I find cannot be carried on as the protection and welfare of the people of this State and the of the United States require without resort to said Act.

In due time also the aforesaid Clerks of Court and other appropriate officials will be supplied with registration cards whereon such person will be required to register.

Failure of such persons to register on and after the 20th day of August, 1917, and failure or refusal to do or continue to do the work assigned in accordance with said Act will subject such persons to the fines and penalties prescribed by the Act.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Maryland, at the Capitol, in the City of Annapolis, on the 18th day of July, in the year of our Lord, one thousand nine hundred and seventeen.

EMERSON C. HARRINGTON,
Governor.

By the Governor:
THOMAS W. SIMMONS,
Secretary of State.

CHAPTER 7.

AN ACT to punish the storing of foodstuffs for the purpose of cornering the market, and providing a penalty therefor.

SECTION 1. *Be it enacted by the General Assembly of Maryland, in extra session assembled,* That any person carrying on or employed in intrastate trade in any article suitable for human food who, either in his individual capacity or as an officer, agent or employee of a corporation, or member of a partnership, carrying on or employed in such trade, shall store any such article for the purpose of cornering the market or increasing the price above the market price thereof, or for the purpose of limiting the supply thereof to the public, whether temporarily or otherwise, shall be deemed guilty of a felony, and punished by imprisonment for not less than six months nor more than three years.

SEC 2. *And be it further enacted,* That this Act is hereby declared to be an emergency law and necessary for the immediate preservation of the public safety, and being passed upon a yea and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, the same shall take effect from the first day of July, 1917.

Approved June 28th, 1917.

CHAPTER 8.

AN ACT to add an additional section to Article 27 of the Annotated Code of Maryland, title "Crimes and Punishments," sub-title "Poison—Attempting to," said additional section to follow immediately after Section 409 of said Article and sub-title and to be numbered 409A.

SECTION 1. *Be it enacted by the General Assembly of Maryland,* That an additional section be and the same hereby is added to Article 27 of the Annotated Code of Maryland, title "Crimes and Punishments," sub-title "Poison—Attempting to," said additional section to follow immediately after Section 409 of said Article and sub-title, to be numbered 409A, and to read as follows:

409A. Every person, his aiders and abettors, who knowingly and wilfully poisons, defiles or in any way corrupts or contaminates the waters of any well, spring, brook, lake, pond, stream, river, reservoir or other source of water supply, or any tributary thereof, used or usable for drinking or domestic purposes, by means of disease germs or bacteria or the insertion of any other poison or poisonous matter therein, or attempts so to do, or conspires or connives thereat, and every person, his aiders and abettors, who, by like means, knowingly and wilfully poisons, defiles or in any way corrupts or contaminates any drink, food or food products or supply, or attempts so to do, or conspires or connives thereat, shall be guilty of a felony, and upon conviction thereof shall be subject to imprisonment in the Penitentiary for not more than twenty years, in the discretion of the Court.

SEC. 2. *And be it further enacted,* That this Act is hereby declared to be an emergency law and necessary for the immediate preservation of the public safety, and being passed upon by a yea and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, the same shall take effect from the date of its passage.

Approved June 27th, 1917.

CHAPTER 12.

AN ACT to repeal and re-enact with amendments Sections 132, 133, 134 and 135 of Article 72 of the Annotated Code of Maryland, title "Oysters," sub-title "Reserved Areas," so as to extend the operation of said sub-title to other localities of the State, and to vest certain powers in the Conservation Commission of Maryland with respect thereto; and to add two new sections to said Article, the same to follow Section 135 thereof, and to be known as Sections 135A and 135B, authorizing the Conservation Commission to reserve and replenish scraping areas upon certain conditions and restrictions, and also to set aside dredging area not to exceed one thousand acres for experimental work in propagation and cultivation of oysters.

SECTION 1. *Be it enacted by the General Assembly of Maryland,* That Sections 132, 133, 134 and 135 of Article 72 of the Annotated Code of Maryland, title "Oysters," sub-title "Reserved Areas," be and the same are hereby repealed and re-enacted with amendments so as to read as follows:

132. The Conservation Commission of Maryland is hereby authorized to select and reserve for oyster conservation, as provided in this sub-title, any portion or portions of the natural beds, bars and rocks of the Chesapeake Bay in dredger's area to be replenished by transplanting of small oysters, shells or other cultch, or in other feasible manner which the Commission may deem best. The Commission shall give notice of said reservation by advertisement to be inserted once a week for three successive weeks, in a newspaper published in Baltimore City, and in the county where the reserved area is located, which advertisement shall describe the area reserved and give the date on which the reservation takes effect, and shall warn all persons not to catch or disturb oysters upon such reserved area until further notice from the Commission re-opening same for public use. Whenever in the discretion of the Commission such reserved area shall have been replenished, but in no event later than three years after the beginning of such reservation it shall fix a date for re-opening same to the public, and shall give notice thereof by proper advertisement inserted as above provided. Any person who shall catch or disturb any oysters upon such reserved areas between the date such reservation begins and the date fixed by the Commission for re-opening same, shall be guilty of a misdemeanor, and upon conviction thereof shall be imprisoned for not less than three months, nor more than one year, in the discretion of the Court.

133. Any resident of the State eligible to hold a dredger's or scraper's license may make application to the Conservation Commission at its office in Baltimore for a permit to catch and remove seed oysters, at any time between March 15th and May 15th, or between September 15th and November 1st, in each year, from any bottoms not leased of the Chesapeake Bay or tributaries in dredger's territory where an abundance of small oysters may occur which in the opinion of the Commission would secure better results by being transplanted. The Commission may issue such permit, and shall describe therein the particular portion of said bottoms from which seed oysters are to be taken, and shall fix the manner and the time for catching same. The person holding such permit shall transport all seed oysters caught by him directly to such reserved areas within the limits prescribed in Section 132, as may be designated by the Commission, and there transplant same in the presence of a deputy commander of the State Fishery Force, whose duty it shall be to see that such seed oysters are transplanted in a proper manner and upon the designated areas. The deputy commander shall thereupon issue a certificate to the person so transplanting seed oysters, which shall state as accurately as possible the number of bushels transplanted, and shall be serially numbered and substantially in the form following:

.....19....

I hereby certify that Captain..... of the vessel.....has this day transplanted upon reserved area located at ..... a cargo of seed oysters estimated to contain.....bushels.

.....
Deputy Commander.

A duplicate of each certificate so issued shall be forwarded by the deputy commander to the Comptroller of the State Treasury. The expense of catching, removing and transplanting such seed oysters as herein authorized shall be borne by the person to whom such permit and certificate shall have been issued, provided, however, that such expense, to be determined by the Commission but not to exceed ten cents per bushel, shall be reimbursed to him, or his assigns, by the Comptroller, upon the preservation and surrender of his certificate, out of the "Conservation Fund," provided for by Section 135. The commander may act for any deputy commander in the performance of the duties above mentioned.

134. From and after the date designated by the Commission for re-opening of such reserved areas, until the closing of the dredging season then current, oysters shall be caught upon such reserved areas only by dredgers, scrapers or tongers of the State holding licenses for the current season, in the manner now prescribed by law, and subject also to the following special conditions and restrictions, viz:

(1) Oysters caught upon reserved areas shall be subject to a special charge or tax to be fixed by the Commission and to be announced in the advertisement re-opening such area or areas, said charge or tax to be not less than five cents per bushel, nor more than ten cents per bushel, which tax shall be collected by the buyers at the place where said oysters are to be no further shipped in bulk in vessels, and shall be paid weekly to the Comptroller or his agent by the buyers, such tax to be in addition to any other charge on oysters now or hereafter imposed by law, and payment thereof to be enforced in the same manner as the inspection tax provided for by Section 70 of said Article 72. The deputy commander shall sign in triplicate certificates serially numbered and substantially in the form following:

.....19....

I hereby certify that the cargo of oysters loaded by Captain.....of the vessel.....was taken from reserved areas and is subject to a tax of.....cents per bushel, which is to be paid to the Comptroller or his agent.

.....
Deputy Commander.

The copies of each certificate so issued shall be given the captain of the vessel in which oysters are to be transported from such reserved areas, one of which shall be retained and the other shall be delivered to the ultimate buyer of said oysters as hereinbefore stated. The third copy shall be forwarded by the deputy commander to the office of the Commission.

(2) Oysters caught upon reserved areas shall not be removed therefrom until the deputy commander in charge thereof shall have issued said certificates, as above provided.

(3) Said oysters shall be inspected and measured at the place of sale where the oysters are to be no further shipped in bulk in vessels, and before unloading the captain of each vessel shall exhibit and deliver to the buyer one of the certificates furnished by the deputy commander, showing that such cargo of oysters is subject to the special charge or tax. Such oysters shall be unloaded only in the presence of an inspector, whose duty it shall be to inspect, measure and report upon such oysters in the same manner as upon other oysters caught and sold in this State.

(4) Oysters caught upon reserved areas shall not be shipped out of the State of Maryland until the special charge or tax shall have been paid.

(5) Oysters caught upon reserved areas shall be culled in accordance with the existing law relating to culling, and the under-sized oysters shall be returned to the natural bars from which they were taken.

(6) Before any oysters are caught upon such reserved areas, the captain of each vessel shall take out a special license from the Commission, at a cost of one dollar per vessel, such license to be issued only after the captain of such vessel has taken an oath before a member of said Comimssion, or their agent, that he will not remove oysters caught upon such reserved areas until the deputy commander's certificate in the form above provided, has been issued to him, that he will faithfully comply with all provisions of law regulating the catching of oysters upon reserved areas, and that he will pay, or cause to be paid, the special charge or tax upon all such oysters so caught by him.

Catching oysters upon such reserved areas shall continue subject to the foregoing conditions and restrictions during the remainder of the oyster season current at the time the Commission re-opens same, as above provided. Thereafter the said areas shall be thrown open to public use in the same manner as other natural beds and bars are now used, unless the said areas are again set aside for replenishing, in accordance with the provisions of this sub-title. Any person who shall catch oysters upon such reserved areas contrary to the provisions, conditions and restrictions of this Section, shall be guilty of a misdemeanor, and upon conviction thereof shall be imprisoned for not less than three months, nor more than one year, in the discretion of the Court.

135. The Comptroller of the State Treasury shall pass the amount of the special charge or tax, provided for by this sub-title, to the credit of the "Conservation Fund." This fund shall be drawn upon for reimbursing to persons holding the deputy commander's certificates, the expense of catching, removing and transplanting seed oysters, to be determined by the Commission but not to exceed ten cents per bushel; and any excess of said tax thereafter remaining may be used for purchasing oyster shells or other cultch or obtaining other seed oysters, to be transplanted upon such areas as may be hereafter set apart for that purpose.

SEC. 2. *And be it further enacted,* That three additional sections be and they are hereby added to said Article 72, to follow Section 135 thereof, and to be known as Sections 135A and 135B, said additional sections to be and read as follows:

135A. The Conservation Commission of Maryland is hereby authorized to select and reserve for oyster cultivation as provided in this sub-title any portion or portions of the natural beds, bars and rocks within the scraping areas of this State, and to close the area so reserved for such time as the Commission may fix, to transplant seed oysters, shells, or other cultch thereon, and re-open the same for public use, subject to all the conditions and restrictions set forth in Section 134 of this sub-title, including the payment of the charge or tax to be fixed by the Commission as therein prescribed, and the Commission is empowered to pay the cost of transplanting seed oysters not to exceed ten cents per bushel, and shells not to exceed five cents per bushel, in the manner stated in Section 133 of this Article, provided that oysters planted upon such reserved scraping areas shall be caught only by scrappers of the county in which said reserved area is located, holding licenses for the current season, who shall take out a special license from the Commission or one of its inspectors or deputy commanders at a cost of one dollar each, after taking the oath prescribed in paragraph 6 of Section 134 of this Article.

135B. The Conservation Commission is authorized to select and reserve for experiments in oyster conservation and propagation, any portion or portions of the natural beds, bars and rocks of the Chesapeake Bay or tributaries in dredging area not to exceed in the aggregate one thousand acres, and to give notice thereof in the manner stated in Section 132, and to transplant thereon seed oysters, shells, or other cultch, or to propagate seed oysters, or in any other feasible manner to develop methods of production of oysters, and said Commission shall be empowered to improve, replenish or cultivate said experimental areas in such manner and for such length of time as it may determine. The Commission shall have power to dispose of the oysters at any time, and manner, and upon any terms which it may fix, the proceeds thereof to be placed to the credit of the "Conservation Fund," and to be used for further experimental work upon said areas or some other purpose to be determined by the Commission. Any person catching oysters upon such experimental area without permission from the Commission shall be guilty of a misdemeanor and subject to the penalties prescribed in Section 132.

SEC. 3. *And be it further enacted,* That this Act is hereby declared to be an emergency law and necessary for the immediate preservation of the public safety, and being passed upon by a yea and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, the same shall take effect from the date of its passage.

Approved June 27, 1917.

CHAPTER 14.

AN ACT to repeal and re-enact with amendments Section 4 of Article 39 of the Annotated Code of Maryland, title "Fish and Fisheries," and to add a new section to said Article to be known as Section 82A, to follow Section 82 thereof.

SECTION 1. *Be it enacted by the General Assembly of Maryland,* That Section 4 of Article 39 of the Annotated Code of Maryland, title "Fish and Fisheries," be and it is hereby repealed and re-enacted so as to read as follows:

4. No person shall fish with purse or buck nets within the State of Maryland south of the line drawn as aforesaid without first obtaining a license so to do from the Comptroller of the Treasury, and then only from June 15th to November 1st of each year, and the applicant shall pay the sum of twenty-five dollars ($25.00) for each and every purse or buck net owned and operated by him, whereupon the said Comptroller shall issue to such applicant a license or licenses to operate such purse or buck nets, and all moneys arising from said license shall be paid into the State Treasury to the credit of the Conservation Fund, and any person failing to procure such a license and violating this provision of this section shall be deemed guilty of a misdemeanor, and on conviction shall be subject to the fines and penalties imposed by Section 5 of this Article, and to the penalties imposed by the Statutes of Maryland for failure to procure licenses wherever required by law. It shall be unlawful to use a purse or buck net with a mesh less than three inches for the catching of food fish, and no license shall be issued by the Comptroller of the Treasury for the use of a purse or buck net with a mesh less than three inches, and it shall be unlawful to fish with purse or buck nets within any other waters of this State for the purpose of catching menhaden or any other kind of fish for the manufacture therefrom of oil or guano, or for any other use than food; and any person or persons violating this provision shall upon conviction be subject to a fine not exceeding three hundred dollars, each day's illegal fishing to constitute a separate offense. Notwithstanding anything herein to the contrary, no one shall be permitted to use purse or buck nets in Chester River or any of the tributaries of the Chesapeake Bay within the limits of Baltimore, Queen Anne's, Anne Arundel, Harford and Cecil Counties. It shall be unlawful to use a purse net within one mile of the shores of Harford County, exclusive of Pole's Island.

SEC. 2. *And be it further enacted,* That an additional section be added to said Article 39, sub-title "Trout and Other Fish," to be known as Section 82A, to follow Section 82 of said Article, and to read as follows:

82A. Whenever any water-course, well, spring, open ditch, gutter, cesspool, sewer, private or public, drain, privy-pit, pigpen, or other place, or any accumulation or deposit of waste or other offensive or noxious matters discharged from any house, building, trades establishment or manufacturing place, or any waste from any vessel, shall become or dangerously threaten to become deleterious to or destructive of fish or shellfish life, or the propagation, cultivation or conservation thereof, or to their safety as human food, or in any manner a menace to said fish or shellfish whether private or public property, in any waters of the State, the Conservation Commission of Maryland shall forthwith investigate the matter, and if it be so found shall serve a notice in writing on the person, firm or corporation, by whose act, default or sufferance such condition may arise or continue, requiring the abatement of the same within a time to be fixed by the Commission and to be specified in the notice, under a penalty of not less than one hundred dollars, nor more than three hundred dollars, or imprisonment for not less than one year nor more than three years, or be both fined and imprisoned, in the discretion of the Court: It shall be construed as a separate and distinct offense for each day the nuisance is permitted to continue after the expiration of the time limit set forth in the notice for the abatement of such nuisance, provided, however, that nothing herein contained shall be deemed to alter, change, modify or restrict the jurisdiction of the State Board of Health of Maryland; provided, however, that the provisions of this section shall not apply to the Sewerage Disposal Plant of any city, town or county in this State.

SEC. 3. *And be it further enacted,* That all laws and parts of laws, whether general or local, inconsistent with the provisions of this Act, be and the same hereby are repealed to the extent of such inconsistency.

SEC. 4. *And be it further enacted,* That this Act is hereby declared to be an emergency law and necessary for the immediate preservation of the public safety, and being passed upon a yea and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, the same shall take effect from the date of its passage.

Approved June 27th, 1917.

CHAPTER 16.

AN ACT to repeal and re-enact with amendments Chapter 419 of the Acts of the General Assembly of Maryland of 1916, title "An Act to regulate the taking or catching of crabs in the waters of Somerset County," so as to make said law applicable to all the waters of the State, and to provide a penalty for violation thereof.

SECTION 1. *Be it enacted by the General Assembly of Maryland,* That Chapter 419 of the Acts of the General Assembly of Maryland of 1916, be and the same is hereby repealed and re-enacted with amendments so as to read as follows:

It shall be unlawful for any person or persons to take, catch or have in his or their possession any hard crabs, other than one in the peeler state, measuring less than five inches across the shell from tip to tip of spike, or any peelers or soft crabs measuring less than three inches across the shell from tip to tip of spike, nor shall any person or persons take, catch or have in his or their possession any egg-bearing female crab, known as the spawn crab, sponge crab, blooming female crab, or mother crab, nor any female crab from which the egg pouch or bunion has been removed, nor shall any person or persons take, catch or keep in floats or in his or their possession any fat crabs, or any crab known as snot crab or green crab. The provisions of this section shall apply to all waters of the State of Maryland, and any person violating any provision of this section shall be guilty of a misdemeanor and shall upon conviction be fined not less than ten nor more than fifty dollars for each offense.

SEC. 2. *And be it further enacted,* That this Act is hereby declared to be an emergency law and necessary for the immediate preservation of the public safety, and being passed upon a yea and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, the same shall take effect from the date of its passage.

Approved June 27th, 1917.

CHAPTER 19.

AN ACT to provide for entending, during the continuance of the present war, the time limited by the laws of this State for the institution of legal proceedings, by citizens who are unable to institute the same, within the time so limited, because of absence from the State in the military or naval service of the United States, and in case of the death or insanity of such persons.

SECTION 1. *Be it enacted y the General Assembly of Maryland,* That if any citizen of this State, entitled to institute or bring any action, suit or proceeding in this State, is unable during the continuance of the present war, to institute or bring the same within the time limited therefor by the laws of this State, because of absence from this State in the military or naval service of the United States, such person shall not on that account be barred, but shall be entitled to institute or bring such action, suit or proceeding within six months after the removal of such disability; otherwise the same shall be barred.

SEC. 2. *And be it further enacted,* That in case of the death or insanity of any such person while so absent from this State, such action, suit or proceeding may be brought by his personal representatives, if maintainable by them, within the time limited therefor by the laws of this State, except that the right of such personal representatives to maintain such action, suit or proceeding, shall in no event be barred before the expiration of one year from such death or insanity.

SEC. 3. *And be it further enacted,* That this Act is hereby declared to be an emergency law and necessary for the immediate preservation of the public safety, and being passed upon a yea and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, the same shall take effect from the date of its passage.

Approved June 27th, 1917.

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