tice the profession of optometry; but no certificate shall be revoked nor refused unless written charges have been filed against the accused in person, and at least ten days' written notice of the time and place of the hearing thereon, which shall be public, served upon the accused, and he be given an opportunity to confront the witness against him, offer testimony in his own behalf and be heard in person or by counsel. Witnesses at such hearing shall testify under oath and the board may enforce the attendance of witnesses. Any certificate which shall have been revoked may in the discretion of said board be reissued after six months from the date of its revocation, provided the cause for which such certificate shall have been revoked shall no longer exist, and provided further that the person whose certificate shall have been revoked shall show to said board, upon examination, that he is fully qualified to practice optometry, and shall pay a fee of fifteen dollars for such reissuance. Any optometrist convicted a second time for violation of the provisions of this sub-title or whose certificate of registration or examination has been revoked shall not be permitted to practice optometry in this State. An appeal may be taken from the action of the board refusing to grant or revoking a certificate for such causes to three disinterested optometrists, one of whom shall be appointed by said board, another of whom shall be appointed by the applicant, and the two so appointed to select the third, and the decision of any two thereof shall be final and binding. Thirty dollars shall be deposited with said board by said applicant prior to the selection of the three persons aforesaid for the purpose of defraying the expenses of said appeal. If the decision of the board be not affirmed the said thirty dollars is to be returned to said applicant and the expenses of the appeal is to be borne by the board.

Section 266. Any person who shall violate any of the preceding provisions of this sub-title shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than twenty-five dollars nor more than one hundred dollars, or imprisoned not more than thirty days, or both fined and imprisoned, and his license may be revoked 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 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 April 13, 1922.

CHAPTER NO. 303.

AN ACT to repeal and re-enact with amendments Sections 35 and 58 and Sub-Section 3 of Section 63 of Article 101 (C 1) of the Annotated Code of Maryland (Bagby's Edition), title "Workmen's Compensation," so as to make certain changes in the manner of administering and the extent of the application of Workmen's Compensation.

SECTION 1. *Be it enacted by the General Assembly of Maryland*, That Section 35 of Article 101 (C 1) of the Annotated Code of Maryland (Bagby's Edition, title "Workmen's Compensation," be and the same is hereby repealed and re-enacted, with amendments, so as to read as follows:

Section 35. Whenever the State, county, city or any municipality shall engage in any extra hazardous work, within the meaning of this Act, whether for pecuniary gain or otherwise, in which workmen are employed for wages, this Act shall be applicable thereto. Whenever and so long as by State law, City Charter or Municipal Ordinance, provision equal or better than that given under the terms of this Act is made for municipal employes injured in the course of employment, such employes shall not be entitled to the benefits of this Act.

SEC. 2. *And be it further enacted*, That Section 58 of Article 101 (C 1) of the Annotated Code as the same was amended by Chapter 456 of the Acts of the General Assembly of 1920, be and the same is hereby repealed and re-enacted, with amendments, so as to read as follows:

Section 58. Where injury or death for which compensation is payable under this Act, was caused under circumstances creating a legal liability in some person other than the employer to pay damages in respect thereof, the employee, or in the case of death, his personal representatives or dependents as hereinbefore defined, may proceed either by law against that other person to recover damages or against the employer for compensation under this Act, or in case of joint tortfeasors against both; and if compensation is claimed and awarded or paid under this Act, any employer, if he is self-insured, insurance company, association or the State Accident Fund, may enforce for their benefit, as the case may, the liability of such other person; provided, however, if damages are recovered in excess of the compensation already paid or awarded to be paid under this Act, and also any payments made for medical or surgical services, funeral expenses or for any of the other purposes enumerated in Section 37 of this Act, then any such excess shall be paid to the injured employee, or in case of death to his dependents less the expenses and costs of action incurred by the employer, insurance company, association or State Accident Fund as the case may be. If any such employer, insurance company, association or State Accident Fund shall not, within two months from the passage of the award of this Commission, start proceedings to enforce the liability of such other person, the injured employee, or in case of death, his dependents, may enforce the liability of such other person provided, however, that if damages are recovered the injured employee or in case of death his dependents may first retain therefrom the expenses and costs of action for which the employer, insurance company, association or the State Accident Fund, as the case may be, shall be reimbursed for the compensation already paid or awarded and any amount or amounts paid for medical or surgical services, funeral expenses or for any of the other purposes enumerated in Section 37 of this Act, and the balance in excess of these items shall enure to the injured employee, or in case of death, to his dependents, and the amount thus received by the injured employee or in case of death by his dependents shall be in lieu of any award that might otherwise have been made thereafter in the same case under the provisions of this Act and said case shall thereupon be deemed to have been finally settled and closed.

SEC. 3. *And be it further enacted*, That Sub-section 3 of Section 63 of Article 101 (C 1) of the Annotated Code of Maryland, be and the same is hereby repealed and re-enacted, so as to read as follows:

Section 63, Sub-section 3. "Employe" means a person who is engaged in an extra-hazardous employment in the service of an employer, carrying on or conducting the same upon the premises or at a plant, or in the course of his employment away from the plant of his employer, and shall not include farm laborers. "Farm Laborers," as used in this Act, shall mean any employes who, at the time of the accident, are engaged in rendering any agricultural service, including the threshing and harvesting of crops, or who, at the time of the accident, are engaged in service incidental to and in connection with agricultural pursuits or developments, whether the employer be the farmer other person undertaking or contracting with the farmer to perform any such agricultural service, pursuit or development. This Act shall not apply to farm laborers, domestic servants, nor to country blacksmiths, wheelwrights or similar rural employments, unless these employments elect to come under this Act as provided in Section 33, nor in any case where the accident occurred before this Act takes effect, nor to casual employes, or any employes who are employed wholly without the State.

SEC. 4. *And be it further enacted*, That this Act is an emergency law and necessary for the immediate preservation of the public health and safety, and having been passed by a yea and nay vote 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 April 13, 1922.

CHAPTER NO. 441

AN ACT to repeal and re-enact with Amendments Section 63 of Article 33 of Bagby's Annotated Code of Maryland, title "Elections," as amended by Chapter 1, Acts of 1920, Extraordinary Session.

SECTION 1. *Be it enacted by the General Assembly of Maryland*, That Section 63 of Article 33 of Bagby's Annotated Code of Maryland, Title "Elections" as amended by Chapter 1, Acts of 1920, Extraordinary Session, be and the same is hereby repealed and re-enacted with Amendments so as to read as follows:

63. The polling places shall be opened by the judges of election at 6 o'clock A. M. in the City of Baltimore, and shall be kept open until 5 o'clock P. M. of the same day, at which time the polls shall be closed, and in the Counties the polling places shall be opened at 7 A. M. and shall be kept open until 7 P. M. at which time the polls shall be closed except that in Garrett, Washington, Carroll, Montgomery, Calvert, Dorchester, Wicomico and Precinct No. 2, District No. 3 of Worcester County, the polling places shall be open at six o'clock A. M. If any judge or clerk shall not be present at the expiration of fifteen minutes after the time for opening the polls the judge or judges present shall fill the place of the absent judge or clerk by appointing in his stead a person of the same political party as the absentee. One of the judges shall administer to such substitute the oath required of the judge or clerk originally appointed. After the opening of the polls no judge or clerk shall absent himself therefrom until all the ballots cast shall have been counted and the returns completed. If, in case of absolute necessity, any judge or clerk in attendance shall be compelled to absent himself, he shall appoint some fit person of the same political party with himself to act in his stead until his return, having first administered to such substitute the same oath as he himself has taken. Blank forms for the appointment of the substitute judges and clerks and the oath aforesaid shall be supplied by the supervisors, and the oath when administered, shall be preserved and returned by the judges to the supervisors. The appointment and swearing in of all such substitutes and the reason therefor, and the time when such substitute began and ceased to serve shall be noted by the judges in the poll book of the precinct; such substitute shall cease to act whenever the judge or clerk in whose stead he was appointed shall be present.

Approved April 13, 1922.

CHAPTER NO. 444

A BILL ENTITLED

AN ACT to repeal Sections 7, 8 and 9 of Article 78 of Bagby's Annotated Code of Public General Laws, title "Public Printer," and to add to Article 41 of said Code, title "Governor," a new section to be designated as Section 29 under sub-title "Publication of Laws," providing for the compilation, indexing and printing of all laws passed by the General Assembly, and certificates showing the outcome of any referendum votes taken upon legislation previously enacted.

SECTION 1. *Be it enacted by the General Assembly of Maryland*, That Sections 7, 8 and 9 of Article 78 of Bagby's Annotated Code of Public General Laws, title "Public Printer," be and the same are hereby repealed.

SEC. 2. *And be it further enacted*, That a new section be and the same is hereby added to Article 41 of said Bagby's Annotated Code of Public General Laws of Maryland, title "Governor," under a new sub-heading, to be known as "Publication of Laws," said new section to be designated as Section 29 and to read as follows:

Section 29. It shall be the duty of the Governor promptly after his approval of bills passed by the General Assembly, before delivering the same, as well as the bills which become law without such approval, to the Clerk of the Court of Appeals, to cause copies thereof to be prepared and certified under the great seal, and to cause such certified copies to be thereupon compiled and indexed by some competent person to be appointed by him for that purpose, and upon the completion of such compilation and index, to cause all of said certified copies as so compiled and indexed to be forthwith forwarded to the printer to whom the contract for printing the same shall have been awarded; and it shall thereupon become the duty of said printer to print the same promptly in accordance with the terms of his contract, and to deliver the same when printed to the State Librarian; and said person appointed by the Governor for said purpose as herein authorized, shall also, in compiling and indexing said laws, make appropriate reference to all certificates received by him from the Secretary of State, certifying the outcome of any referendum votes which may have been taken upon any law passed at the next preceding session of the General Assembly, and said certificate shall also be delivered by him to the printer and be included by said printer in the printing of the laws as aforesaid.

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 April 13, 1922.

CHAPTER NO. 490

AN ACT to repeal Article LXV of the Annotated Code of Maryland (Bagby's Edition), title "Militia," and all amendments thereto, and to enact in lieu thereof a new article to be known as Article LXV of the Annotated Code of Maryland (Bagby's Edition), title "Militia."

SECTION 1. *Be it enacted by the General Assembly of Maryland*, That Article LXV of the Annotated Code of Maryland (Bagby's Edition), title "Militia" and all amendments thereto, be and the same are hereby repealed.

SEC. 2. *And be it further enacted*, That in lieu of the Article repealed in Section 1 of this Act, a new Article LXV of Annotated Code of Maryland (Bagby's Edition), title "Militia" is hereby enacted, and shall read as follows:

1. All able-bodied male citizens and able-bodied males of foreign birth, who have declared their intentions to become citizens, and who are more than 18 and less than 45 years of age, and who are residents of this State, shall constitute the militia, subject to the following exemptions: (a) persons exempted by the laws of the United States; (b) persons exempted by the laws of Maryland; (c) the members of any regularly organized fire or police department in any city, village or town; (d) judges and clerks of courts of record, registers of wills and deeds, sheriffs, ministers of the Gospel, members of religious communities, ecclesiastical students in the various seminaries and schools of divinity, practicing physicians, superintendents, officer and assistants of hospitals, prisons and jails; all persons actually employed as teachers in any established school, college, or university; lighthouse keepers, conductors and engineers of railways, seamen actually employed as such; (e) idiots, lunatics, paupers, vagabonds, confirmed drunkards, persons addicted to the use of narcotic drugs, and persons convicted of infamous crimes; all such exempted persons, except those enumerated in sub-divisions (a) and (e), shall be available for military duty in case of war, insurrection, invasion or imminent danger thereof.

2. When the militia of this State, or a part thereof, is called or drafted under the Constitution and laws of the United States, the Governor shall order out for service the Organized Militia, or such part thereof as may be necessary, and if the number available be insufficient he shall order out such part of the unorganized militia as he may deem necessary.

3. Whenever any portion of the militia shall be on duty pursuant to the orders of the Governor, or shall be on duty or ordered to assemble for duty, in time of war, insurrection, invasion, public danger or to aid the civil authorities on account of any breach of the peace, tumult, riot, resistance to process of this State, or imminent danger thereof, or for any other cause, the Articles of War governing the Army of the United States, as well as such regulations issued thereunder, shall be in force and regarded as part of this Article until said forces shall be duly relieved from such duty. As to offenses committed when such Articles of War are in force, courts-martial shall possess, in addition to the jurisdiction and power of sentence and punishment exercisable by like courts under such Articles of War or the regulations and laws governing the Army of the United States, or the customs and usages thereof; but no punishment under such rules and articles, which shall extend to the taking of life, shall in any case be inflicted, except in time of actual war, invasion or insurrection, and then only after the approval by the Governor of the sentence inflicting such punishment. Imprisonment other than in guardhouse shall be executed in jails or prisons designated by the Governor for the purpose.

4. Every member of the militia ordered out, or who volunteers, who does not appear at the time and place designated by his commanding officer or the sheriff aforesaid within twenty-four hours from such time, or who does not produce a sworn certificate of physical disability, to so appear, from a physician in good standing, shall be taken to be a deserter and dealt with as prescribed in the Articles of War, Army of the United States.

5. The militia of the State of Maryland shall be divided into two classes: the organized militia and the unorganized militia. The organized militia shall consist of the regularly enlisted militia, organized, armed and equipped, and of commissioned officers between the ages of twenty-one and sixty-four; the unorganized militia shall consist of all those liable to service but not regularly enlisted.

6. The Governor of the State, by virtue of his office, shall be the commander-in-chief of the militia of the State, except as of such portions as may at times be in the service of the United States.

The Governor shall have power to make such rules and regulations and issue orders for the enlistment, discharge, organization, discipline, training and equipment of the militia from time to time as may become necessary in order to conform to this Act and the National Defense Act, and amendments thereto and regulations made in pursuance thereof.

7. The Governor shall have the power in case of insurrection, invasion, tumult, riot, breach of peace or imminent danger thereof, or to enforce the laws of this State, to order into service of the State any part of the militia that he may deem proper. When the militia shall be on active service as herein provided, the commanding officer thereof, and his subordinates shall be, and they are hereby invested with all the authority of sheriffs, and deputy sheriffs, in enforcing the laws of this State, and they may co-operate with the civil authorities, or take entire charge of the situation as in the judgment of the commanding officer the exigencies of the case may require.

8. The staff of the Governor shall consist of the Adjutant General and not more than ten aides. The Adjutant General shall be appointed by the Governor. He shall have the grade of Brigadier-General and his salary shall be as stated in the annual budget.

The aides will be selected by the Governor from the commissioned officers of the National Guard and National Guard Reserve, each of them may receive a commission as aide, which, however, shall not add to the actual grade of the officer so appointed, nor shall such officer be relieved from duty with his proper organization but shall perform all duty pertaining thereto except when actually on duty as aide under the orders of the Governor.

All appointments as aides shall be held at the pleasure of the Governor and shall expire by limitation at the expiration of his term of service.

9. The Ranking Line Officer shall be on active duty status and his salary shall be as determined by the budget, but shall not receive more than the base pay of a Brigadier-General of the Regular Army; and provided, that should the Ranking Line Officer be appointed the Adjutant General he shall receive only the salary provided by law for the Ranking Line Officer; provided, further, that should the Ranking Line Officer be called or drafted under the Constitution and laws of the United States, the Governor shall have the power to designate during such period an acting Ranking Line Officer, who will exercise all the duties of the office.

The Ranking Line Officer shall be in control of the military department of the State, and subordinate only to the Governor in matters pertaining to said department. He shall keep in his office all records and papers required to be kept and filed therein, and make as of the 30th of September in each year, within fifteen days thereafter, to the Governor, a detailed statement of all the receipts and expenditures for military purposes during the year.

He shall be charged with the care, control and maintenance of all armories, owned by the State of Maryland, and all buildings or other property purchased, occupied, leased or rented by or in behalf of the State military forces, which may now or shall hereafter be authorized by law and shall have all power and authority necessary or desirable for the purpose aforesaid and with the right to make and enforce all reasonable rules and regulations; provided, however, that when disapproved by the Ranking Line Officer, applications to use the armories for non-military purposes shall be subject to the review and approval of the Board of Public Works, the Ranking Line Officer and the commanding officer of the unit occupying the armory concerned.

The seal now used in the office of the Adjutant General shall be the seal of the office of the Ranking Line Officer and shall be delivered by him to his successor. He shall act as custodian of all battle flags and war records and is charged with their proper care and preservation. He is authorized to employ the necessary clerks and employees, and as many laborers as may be required from time to time.

10. The Ranging Line Officer, as Quartermaster General, shall be responsible to the Governor for the care, preservation and safe-keeping of all military property. It shall be his duty to prepare returns of all Federal military property at the time and in the manner required by Regulations of the War Department. He shall keep a just and true account of all expenses incurred in the upkeep of the militia and such expenses shall be audited and paid in the manner provided by law. He shall make such purchases and issue such military property as the Governor may direct. The regulations and orders of the War Department shall govern the Ranking Line Officer, as Quartermaster General, in all matters not specifically set forth herein in connection with purchase and care of military property. The Ranking Line Officer, as Quartermaster General, may have one assistant, who shall be a quartermaster, with the grade of captain, who shall also be the military storekeeper and perform such other duties as the Ranking Line Officer may direct, whose salary shall be as stated in the annual budget. This officer shall be appointed and commissioned by the Governor upon the recommendation of the Ranking Line Officer, and at the time of his appointment be a member of the organized militia of the State. The Ranking Line Officer, as Quartermaster General, may require the assistant to the Quartermaster General, to give bond as sufficient surety to the State of Maryland, conditioned for the faithful performance of his duties; such bond to be approved by the Governor and Comptroller and to be filed in the latter's office, and to be paid out of militia funds.

11. The general appropriations for the militia shall be exclusively applied to the necessary and contingent expenses of the office of the Ranking Line Officer and to the maintenance and equipment and for the general efficiency of the organized militia of this State, organized and enlisted as provided for in this Article. No purchases shall be made, debts incurred or money expended except by the direct authority of the Ranking Line Officer. The Ranking Line Officer shall make rules and regulations for receipts and expenditures of all moneys coming under his control and he may require bond from such persons as he may designate. All bills shall be audited and paid by the Ranking Line Officer and the general customs and methods of the Finance Officer of the Army of the United States shall be followed as nearly as possible.

12. No officer of the militia shall incur any expense whatever to be paid by the State, except such as authorized in this Article, without first obtaining the authority of the Ranking Line Officer. In extreme emergencies, however, the commanding officer of any organization or detachment of the organized militia may purchase such necessities as are absolutely required for the immediate use and care of his command, taking receipts in triplicate therefor; a report of such action, containing a statement of the articles purchased and the price thereof, with the receipts attached, must be made forthwith through the regular channels to the Quartermaster General. The Comptroller of the State shall be the auditor of all accounts for property purchased by the Ranking Line Officer. All other military accounts payable by the State shall be audited by the Ranking Line Officer. Military accounts thus audited shall be paid by the Treasurer of the State from a proper appropriation made by the Legislature, upon the warrant of the Ranking Line Officer, under and by direction of the Governor.

13. The National Guard of Maryland shall consist of that portion of the organized militia prescribed by the President to be maintained by the State of Maryland under the provisions of the National Defense Act and regulations issued pursuant thereto. The organization of the National Guard, including the composition of all units thereof, shall be the same as that which is or may hereafter be prescribed for the Regular Army, subject in time of peace to such general examptions as may be authorized by the Secretary of War. Provided, that whenever the National Guard has been called or drafted by the President, the Governor shall have the power to increase the force and to organize such units as the exigencies of the emergency in his judgment, may require.

14. The National Guard Reserve shall consist of such officers and enlisted men as are commissioned and enlisted therein and as are prescribed and provided for by the National Defense Act and regulations made in pursuance thereof. Officers rendered surplus by the disbandment of their organizations shall be placed in the Reserve. Officers may, upon their own application, be placed in the said Reserve.

15. There shall be a retired list exclusively restricted to officers and enlisted men of the organized militia and none other, to be known as the "Maryland National Guard, Retired," and those placed thereon shall be subject to the same restrictions as are enjoined by the retired list of the United States Army in so far as the same are applicable. Any officer or enlisted man who has reached the age of sixty-four years shall be placed upon the retired list and any officer or enlisted man who has been in the active military service of the State for a period of fifteen years may, upon application, be relieved from active duty and placed upon the retired list and, also, any officer or enlisted man who from physical disability or change in residence, after ten years' active service becomes incapable of performing his duties may be placed upon the retired list. Provided, that an enlisted man who has completed twenty-five years' active service, may be retired in the grade of Second Lieutenant.

16. Commissioned officers of the organized militia shall take and subscribe to the following oath of office.

"I, ..., do solmenly swear that I will support and defend the Constitution of the United States and the Constitution of the State of Maryland, against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I will obey the orders of the President of the United States and of the Governor of the State of Maryland; that I make this obligation freely, without any mental reservation or purpose of evasion, and that I will well and faithfully discharge the duties of the office of ..... in the National Guard of the United States and of the State of Maryland upon which I am about to enter, so help me God."

17. All officers shall be appointed and commissioned by the Governor and shall not be recognized as such under any of the provisions of this Act unless they shall have been selected from the following classes and shall have taken and subscribed to the oath of office prescribed in the preceding section of this Act; officers or enlisted men of the National Guard; officers, active or retired, reserve officers, and former officers of the Army, Navy or Marine Corps; enlisted men and former enlisted men of the Army, Navy or Marine Corps who have received an honorable discharge therefrom, graduates of the United States Military and Naval Academies; and graduates of schools, colleges, universities and officers' training camps, where they have received military instruction under the supervision of an officer of the Regular Army who certified their fitness for appointment as commissioned officers; and for the technical branches or Staff Corps and departments, such other civilians as may be specially qualified for duty therein. Provided that, before such appointment, officers shall be recommended as follows: Commanding officers of units comprising a brigade by the brigade commander; all other officers by the commanding officers of the respective units or chiefs of their respective staff corps or departments. A general officer and a colonel at the time of appointment must be an officer in the National Guard of the State of a grade of field officer, or have been in active service in the Army, Navy or Marine Corps or National Guard with a higher grade than captain. A lieutenant-colonel or major of the line at the time of appointment must have had active service as an officer for two years in the Army, Navy, Marine Corps or National Guard. Provided further, that staff officers, including officers of the Pay, Inspection, Subsistence, and Medical Departments, shall have had previous military experience and shall hold their positions until they shall have reached the age of sixty-four years, unless retired prior to that time by reason of resignation, disability or for cause to be determined by a court-martial legally convened for that purpose, and that vacancies among said officers, shall be filled by appointment from the officers of the militia of the State of Maryland.

18. Officers shall take rank from the date of their commissions and in such manner as provided by the Regulations of the War Department; provided that this Act shall not apply to any person hereafter appointed an officer, unless he shall have successfully passed such tests as to his physical, moral and pro-

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