The following

PUBLIC GENERAL LAWS

enacted by the

1941 GENERAL ASSEMBLY OF MARYLAND

have been selected for publication by the Governor and Attorney General of the State, as provided by Article 76 of the Public General Laws of Maryand.

CHAPTER 335

AN ACT to add two new sections to Article 33 of the Annotated Code of Maryland (1939 Edition), title "Elections," sub-title "Referendum," said new sections to follow immediately after said sub-title, and to be known as Sections 315A and 315B, providing for the form and contents of petitions filed under the privisions of Article XVI of the State Constitution, and providing further for furnishing the voters of the State the text of all referred laws.

Section 1. Be it enacted by the General Assembly of Maryland, That two new sections be and the same are hereby added to Article 33 of the Annotated Code of Maryland (1939 Edition), title "Elections," sub-title "Referendum," said new sections to follow immediately after said sub-title, and to be known as Sections 315A and 315B, and to read as follows:

315A. In every petition under the provisions of Article XVI of the State Constitution, there shall be appended to the signature of each signer his residence, occupation, the precinct or district wherein he is registered as a voter, and his place of business, and immediately below the signature of any such signer there shall be either printed or typed, the name of such signer.

315B. Not later than thirty days prior to any election at which laws are to be submitted to the voters under the provisions of Article XVI of the State Constitution, the text of any such measures shall be published by order of the Governor at least once in some daily newspaper of general circulation throughout the State; in the case of laws referred only to the voters of Baltimore City or of a particular County, such publication shall be made in a newspaper of general circulation in said City or County.

Sec. 2. And be it further enacted, That this Act is hereby declared to be or section of this sub-title shall, for any reason, be adjudged by any court of competent jurisdiction to be unconstitutional and invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, or section thereof so found unconstitutional and invalid.

Sec. 3. And be it further enacted, That if any clause, sentence, paragraph, an emergency law and necessary for the immediate preservation of the public health, morals, safety and welfare, and well being, passed by a yea and nay vote supported by three-fifths of all of 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 15, 1941.

CHAPTER 33

AN ACT to add a new sub-title and 14 new sections to Article 65 of the Annotated Code of Maryland (1939 Edition), title "Militia," said new sub-title to read "Maryland State Guard," and said new sections to be known as Sections 58A, 58B, 58C, 58D, 58E, 58F, 58G, 58H, 58-I, 58J, 58K, 58L, 58M, and 58N, to follow immediately after Section 58 of said Article; providing for the creation, powers and duties of a Maryland State Guard.

Section 1. Be it enacted by the General Assembly of Maryland, That a new sub-title and 14 new sections be added to Article 65 of the Annotated Code of Maryland (1939 Edition), title "Militia," said new sub-title to read "Maryland State Guard," and said new sections to be known as Sections 58A, 58B, 58C, 58D, 58E, 58F, 58G, 58H, 58-I, 58J, 58K, 58L, 58M and 58N, to follow immediately after Section 58 of said Article, and to read as follows:

58A. Authority and Name. Whenever any part of the National Guard of this State is in active Federal service, the Governor is hereby authorized to organize and maintain within this State during such period, under such regulations as the Secretary of War of the United States may prescribe for discipline in training, such military forces as the Governor may deem necessary; and the Governor is authorized to reduce the number of or disband such forces at any time he deems proper. Such forces shall be composed of officers commissioned or assigned, and such able-bodied male citizens of the State as shall volunteer for service therein. Such forces shall be additional to and distinct from the National Guard and shall be known as the Maryland State Guard. Such forces shall be uniformed as the Governor may prescribe.

58B. Organization; Rules and Regulations. The Governor is hereby authorized to prescribe rules and regulations not inconsistent with the provisions of this Act governing the enlistment, organization, administration, equipment, maintenance, training and discipline of such forces: Provided, however such rules and regulations, in so far as he deems practicable and desirable, shall conform to existing law governing and pertaining to the National Guard and the rules and regulations promulgated thereunder, and shall prohibit the acceptance of gifts, donations, gratuities or anything of value by such forces or by any member of such forces from any individual, firm, association, or corporation by reason of such membership.

58C. Pay and Allowances. When members of the Maryland State Guard are ordered to active duty by the Governor, or by his authority, they shall receive the pay specified in Section 32 of Article 65 of the Code (1939 Edition) for officers and enlisted men of the organized militia.

58D. Requisitions: Armories & Other Buildings. For the use of such forces, the Governor is hereby authorized to requisition from the Secretary of War such arms and equipment as may be in possession of and can be spared by the War Department; and to make available to such forces the facilities of State armories and their equipment and such other State premises and property as may be available. All school authorities are hereby authorized to permit the use of school buildings and school grounds by such forces.

58E. Use in this State. 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 any part of the Maryland State Guard that he may deem proper. When the State Guard is on active service, the Commanding Officer 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.

58F. Use without this State. Such forces shall not be required to serve outside the boundaries of this State except:

(a) Upon the request of the Governor of another State, the Governor of this State may, in his discretion, order any portion or all of such forces to assist the military or police forces of such other State who are actually engaged in defending such other State. Such forces may be recalled by the Governor at his discretion.

(b) Any organization, unit or detachment of such forces, upon order of the officer in immediate command thereof, may continue in fresh pursuit of insurrectionists, saboteurs, enemies or enemy forces beyond the borders of this State into another State until they are apprehended or captured by such organization, unit or detachment or until the military or police forces of the other State or the forces of the United States have had a reasonable opportunity to take up the pursuit or to apprehend or capture such persons: Provided, however, That such pursuit is not authorized unless such other State shall have given authority by law for such pursuit by such forces of this State. Any such persons who shall be apprehended or captured in such other State by an organization, unit or detachment of the forces of this State shall without unnecessary delay be surrendered to the military or police forces of the State in which they are taken or to the United States. The surrender of insurrectionists or saboteurs to the military or police forces of such other State shall not constitute a waiver by this State of its right to extradite or prosecute such insurrectionists or saboteurs for any crime committed in this State.

58G. Permission to Forces of Other States. Any military forces or organization, unit or detachment thereof, of another State who are in fresh pursuit of insurrectionists, saboteurs, enemies or enemy forces may continue such pursuit into this State until the military or police forces of this State or the forces of the United States have had a reasonable opportunity to take up the pursuit or to apprehend or capture such persons in this State while in fresh pursuit. Any such persons who shall be captured or arrested by the military forces of such other State while in this State shall without unnecessary delay be surrendered to the military or police forces of this State or to the United States to be dealt with according to law. This section shall not be construed so as to make unlawful any arrest in this State which would otherwise be lawful, and nothing contained in this section shall be deemed to repeal any of the provisions of the Uniform Act on the Fresh Pursuit of Criminals.

58H. Federal Service. Nothing in this Act shall be construed as authorizing such forces, or any part thereof to be called, ordered or in any manner drafted, as such, into the military service of the United States, but no person shall by reason of his enlistment or commission in any such forces be exempted from military service under any law of the United States.

58-I. Civil Groups. No civil organization, society, club, post, order, fraternity, association, brotherhood, body, union, league, or other combination of persons or civil group shall be enlisted in such forces as an organization or unit.

58J. Disqualifications. No person shall be commissioned or enlisted in such forces who is not a citizen of the United States or has been expelled or dishonorably discharged from any military or naval organization of this State, or of another State, or of the United States.

58K. Oath of Officers. The oath to be taken by officers commissioned in such forces shall be substantially in the form prescribed for officers of the organized militia, substituting the words "Maryland State Guard" where necessary.

58L. Enlisted Men. No person shall be enlisted for more than one year, but such enlistment may be renewed. The oath to be taken upon enlistment in such forces shall be substantially in the form prescribed for enlisted men of the organized militia, substituting the words "Maryland State Guard" where necessary.

58M. Resignation or Discharge. The Governor is authorized to accept the resignation of any officer or to grant a discharge to any enlisted man at any time in his discretion.

58N. Articles of War; Freedom from Arrest.

(a) Whenever such forces or any part thereof shall be ordered out for active service, the provisions of law governing the organized militia of this State relating to courts martial, their jurisdiction and the limits of punishments and the rules and regulations prescribed thereunder, shall be in full force and effect.

(b) No officer or enlisted man of such forces shall be arrested on any warrant, except for treason or felony, while going to, remaining at, or returning from a place where he is ordered to attend for military duty.

Sec. 2. And be it further enacted by the General Assembly of Maryland, That if any provision of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Sec. 3. And be it further enacted, That if any clause, sentence, paragraph, or section of this sub-title shall, for any reason, be adjudged by any court of competent jurisdiction to be unconstitutional and invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, or section thereof so found unconstitutional and invalid.

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 health, morals, safety and welfare, and being passed by a yea and nay vote supported by three-fifths of all of 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: February 14, 1941.

CHAPTER 388

AN ACT to add fifteen (15) new Sections to Article 27 of the Annotated Code of Maryland (1939 Edition), title "Crimes and Punishments," under a new sub-title, "Sabotage Prevention," said sub-title to follow immediately after Section 576 of said Article 27, and said fifteen (15) new Sections to follow immediately after said new sub-title, and to be known as Sections 576A, 576B, 576C, 576D, 576E, 576F, 576G, 576H, 576-I, 576J, 576K, 576L, 576M, 576N and 576-O of said Article; providing for the protection of property against unlawful entries on, injuries to and interference therewith, prohibiting attempts and conspiracies to commit any of said unlawful acts, compelling the testimony of witnesses, authorizing the questioning, detention and arrest of suspected persons, authorizing the closing and restricting of the use of public and private streets, alley and other highways, providing for the protection of certain rights of labor, and penalties for violations of the provisions of this Act.

Section 1. Be it enacted by the General Assembly of Maryland, That fifteen (15) new Sections be and they are hereby added to Article 27 of the Annotated Code of Maryland (1939 Edition), title "Crimes and Punishments," under a new sub-title "Sabotage Prevention," said new sub-title to follow immediately after Section 576 of said Article 27, and said fifteen (15) new Sections to follow immediately after said new sub-title, and to be known as Sections 576A, 576B, 576C, 576D, 576E, 576F, 576G, 576H, 576-I, 576J, 576K, 576L, 576M, 576N and 576-O of said Article, and to read as follows.

576A. Definitions. As used in this Act:

"Highway" includes any private or public street, way or other place used for travel to or from property.

"Highway Commissioners" means any individual, board or other body having authority under then existing law to discontinue the use of the highway which it is desired to restrict or close to public use and travel.

"Public Utility" includes any pipe line, gas, electric, heat, water, oil, sewer, telephone, telegraph, radio, railway, railroad, airplane, transportation, communication or other system, by whomsoever owned or operated for public use.

576B. Intentional Injury to or Interference with Property. Whoever intentionally destroys, impairs, injures interferes or tampers with real or personal property with reasonable grounds to believe that such act will hinder, delay or interfere with the preparation of the United States or of any of the States for defense or for war, or with the prosecution of war by the United States, or by any country with which the United States shall then maintain friendly relations, shall upon conviction, be punished by imprisonment in the penitentiary for not more than ten (10) years, or by a fine of not more than ten thousand dollars ($10,000.00) or both: Provided, if such person acts with the intent to hinder, delay or interfere with the preparation of the United States or of any of the States for defense or for war, or with the prosecution of war by the United States, or by any country with which the United States shall then maintain friendly relations, the minimum punishment shall, upon conviction, be imprisonment in the penitentiary for not less than one (1) year and the maximum punishment shall be as above provided.

576C. Intentionally Defective Workmanship. Whoever intentionally makes or causes to be made or omits to note on inspection any defect in any article or thing with reasonable grounds to believe that such article or thing is intended to be used in connection with the preparation of the United States or any of the States for the defense or for war, or for the prosecution of war by the United States, or by any country with which the United States shall then maintain friendly relations, or that such article or thing is one of the number of similar articles or things, some of which are intended so to be used, shall, upon conviction, be punished by imprisonment in the penitentiary for not more than ten (10) years, or a fine of not more than ten thousand dollars ($10,000.00), or both: Provided, if such person acts or so fails to act with the intent to hinder, delay or interfere with the preparation of the United States or of any of the States for defense or for war, or with the prosecution of war, by the United States, or by any country with which the United States shall then maintain friendly relations, the minimum punishment, upon conviction, shall be imprisonment in the penitentiary for not less than one (1) year and the maximum punishment shall be as above provided.

576D. Attempts. Whoever attempts to commit any of the crimes defined by this Act shall upon conviction, be liable to one-half the punishment prescribed for the completed crime. In addition to the acts which constitute an attempt to commit a crime under the law of this State, the solicitation or incitement of another to commit any of the crimes defined by this Act not follwith or without permission, of a building other with the intent to commit any ing, enclosure or other premises of anlowed by the commission of the crime, the collection or assemblage of any materials with the intent that the same are to be used then or at a later time in the commission of such crime, or the entry, such crime therein or thereon shall constitute an attempt to commit such crime.

576E. Conspirators. If two or more persons conspire to commit any crime defined by this Act, each of such persons is guilty of conspiracy and subject to the same punishment as if he had committed the crime which he conspired to commit, whether or not any act be done in furtherance of the conspiracy. It shall not constitute any defense or ground of suspension of judgment, sentence or punishment on behalf of any person prosecuted under this Section, that any of his fellow conspirators has been acquitted, has not been arrested or convicted, is not amenable to justice or has been pardoned or otherwise discharged before or after conviction.

576F. Witnesses' Privileges. No person shall be excused from atending and testifying, or producing any books, papers, or other documents before any court, magistrate, or grand jury upon any investigation, proceeding or trial, for or relating to or concerned with a violation of any Section of this Act or atempt to commit such violation, upon the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him by the State may tend to convict him of a crime or to subject him to a penalty or forfeiture; but no person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter or thing concerning which he may so testify or produce evidence, documentary or otherwise, and no testimony so given or produced shall be received against him, upon any criminal investigation, proceeding or trial, except upon a prosecution for perjury or contempt of court based upon the giving or producing of such testimony.

576G. Unlawful Entry or Property. Any individual, partnership, association, corporation, municipal corporation or State or any political subdivision thereof engaged in, or preparing to engage in, the manufacture, transportation or storage of any product to be used in the preparation of the United States or any of the States for defense or for war in the prosecution of war by the United States, or by any country with which the United States shall then maintain friendly relations, or in the manufacture, transportation, distribution or storage of gas, oil, coal, electricity or water, or any of said natural or artificial persons operating any public utility, whose property so used which he or it believes will be endangered if public use and travel is not restricted or prohibited on one or more highways or parts thereof upon which such property abuts, may petition the highway commissioners of the state or of any city, town or county to close one or more of said highways or parts thereof to public use and travel or to restrict by order the use and travel upon one or more of said highways or parts thereof.

Upon receipt of such petition, the highway commissioners shall set a day for hearing and give notice thereof by publication in a newspaper having general circulation in the city, town or county in which such property is located, such notice to be at least seven (7) days prior to the date set for hearing. If after hearing the highway commissioners determine that the public safety and the safety of the property of the petitioner so require, they shall by suitable order close to public use and travel or reasonably restrict the use of and travel upon one or more of said highways or parts thereof: Provided, the highway commissioners may issue written permits to travel over the highways so closed or restricted to responsible and reputable persons for such term, under such conditions and in such form as said commissioners may prescribe. Appropriate notices in letters at least three (3) inches high shall be posted conspicuously at each end of any highway so closed or restricted by such order. The highway commissioners may at any time revoke or modify any order so made.

576J. Penalty for Going upon Closed or Restricted Highway. Whoever violates any order made under Section 576-I shall, upon conviction, be deemed guilty of a misdemeanor, and be punished by imprisonment for not more than ten (10) days, or a fine of not more than fifty dollars ($50.00), or both.

576K. Rights of Labor. Nothing in this Act shall be construed to impair, curtail or destroy the rights of employees and their representatives to self-organization, to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing, to strike, to picket, and to engage in concerted activities, for the purpose of collective bargaining or other mutual aid or protection.

576L. Severability. If any provision of this Act or the application thereof to any person or cicumstances is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

576M. Short Title. This Act may be cited as the Sabotage Prevention Act.

576N. Relation to Other Statutes. If conduct prohibited by this Act is also made unlawful by another or other laws, the offender may be convicted for the violation of this Act or of such other law or laws.

576-O. Duration. This Act and an lawful orders made under it shall be in force until May 15, 1945, and thereafter whenever the United States is at war; Provided, any violation of this Act, committed while the Act is in force, may be prosecuted and punished thereafter, whether or not this Act is in force at the time of such prosecution and punishment.

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 health and 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: May 29, 1941.

CHAPTER 562

AN ACT to add seven new sections to Article 44A of the Code of Public General Laws of Maryland, Flack's Edition 1939, title "Housing Authorities," to be know as Sections 24 to 30 inclusive, under the sub-title "Defense Housing by Housing Authorities," and to follow immediately after Section 23 of said Article, to authorize Housing Authorities established pursuant to Article 44A of the Code of Public General Laws to undertake the development or administration of projects to assure the availability of safe and sanitary dwellings for persons engaged in national-defense activities; to limit the initiation of the development of such projects to December 31, 1943; to authorize Housing Authorities to cooperate with or act as agent of the Federal Government in the development and administration of such projects of the Federal Government, to acquire or lease such projects and to sell certain low-cost housing or slum clearance projects to the Federal Government; to authorize public bodies to assist such projects of Housing Authorities and of the Federal Government; to make obligations issued for such projects of Housing Authorities legal investments and to declare valid all bonds, notes and obligations of Housing Authorities issued for projects heretofore undertaken to assure the availability of safe and sanitary dwellings for persons engaged in national-defense activities.

WHEREAS, it is hereby found and declared that the national-defense program involves large increases in the military forces and personnel in this State, a great increase in the number or workers in already established manufacturing centers and the bringing of a large number of workers and their families to new centers of defense industries in the State; that there is an acute shortage of safe and sanitary dwellings available to such persons and their families in this State which impedes the national-defense program; that it is imperative that action be taken immediately to assure the availability of safe and sanitary dwellings for such persons to enable the rapid expansion of national-defense activities in this State and to avoid a large labor turn-over in defense industries which would seriously hamper their production; that the provisions hereinafter enacted are necessary to assure the availability of safe and sanitary dwellings for persons engaged in national-defense activities which otherwise would not be provided at this time; and that such provisions are for the public use and purpose of facilitating the national-defense program in this State. It is further declared to be the purpose of this Act to authorize Housing Authorities to do any and all things necessary or desirable to secure the financial aid of the Federal Government, or to cooperate with or act as agent of the Federal Government, in the expeditious development and administration of projects to assure the availability when needed of safe and sanitary dwellings for persons engaged in national-defense activities.

Section 1. Be it enacted by the General Assembly of Maryland, That seven new sections be and the same are hereby added to Article 44A of the Code of Public General Laws of Maryland, Flack's Edition 1939, title "Housing Authorities," to be known as Sections 24 to 30 inclusive, under the sub-title "Defense Housing by Housing Authorities," and to follow immediately after Section 23 of said Article, to read as follows:

24. Any Housing Authority may undertake the development and administration of projects to assure the availability of safe and sanitary dwellings for persons engaged in national-defense activities whom the Housing Authority determines would not otherwise be able to secure safe and sanitary dwellings, but no Housing Authority shall initiate the development of any such project pursuant to this Act after December 31, 1943.

In the ownership, development or administration of such projects, a Housing Authority shall have all the rights, powers, privileges and immunities that such Authority has under any provision of law relating to the ownership, development or administration of slum clearance and housing projects for persons of low income, in the same manner as though all the provisions of law applicable to slum clearance and housing projects for persons of low income were applicable to projects developed or administered to assure the availability of safe and sanitary dwellings for persons engaged in national-defense activities as provided in this sub-title, and housing projects developed or administered hereunder shall constitute "housing projects" under the sections of this Article other than this sub-title, as that term is used therein; provided, that during the period (herein called the "National-Defense Period") that a Housing Authority finds (which finding shall be conclusive in any suit, action or proceeding) that within its area of operation (as defined in said Article), or any part thereof, there is an acute shortage of safe and sanitary dwellings which impedes the national-defense program in this State and that the necessary safe and sanitary dwellings would not otherwise be provided when needed for persons engaged in national-defense activities, any project developed or administered by such Housing Authority (or by any Housing Authority cooperating with it in such area pursuant to this sub-title, with the financial aid of the Federal Government (or as agent for the Federal Government as hereinafter provided) shall not be subject to the limitations provided in Section 10 and the second sentence of Section 9 of this Article; or any other limitation relating to the amount of rentals or eligibility of tenants other than as provided under this sub-title; and provided further, that during the National-Defense Period, a Housing Authority may make payments in such amounts as it finds necessary or desirable for any services, facilities, works, privileges or improvements furnished for or in connection with any such projects. After the National-Defense Period, any such projects owned and administered by a Housing Authority shall be administered for the purposes and in accordance with the provisions of this Article other than this sub-title.

25. Housing Authority may exercise any or all of its powers for the purpose of cooperating with, or acting as agent for, the Federal Government in the development or administration of projects by the Federal Government to assure the availability of safe and sanitary dwellings for persons engaged in national-defense activities and may undertake the development or administration of any such project for the Federal Government. In order to assure the availability of safe and sanitary housing for persons engaged in national-defense activities, a housing authority may sell (in whole or in part) to the Federal Government any housing project developed for persons of low income but not yet occupied by such persons; such sale shall be at such price and upon such terms as the Housing Authority shall prescribe and shall include provision for the satisfaction of all debts and liabilities of the Housing Authority relating to such project.

26. Any state public body, as defined in Article 44B of the Code of Public Laws, shall have the same rights and powers to cooperate with Housing Authorities, or with the Federal Government, with respect to the development or administration of projects to assure the availability of safe and sanitary dwellings for persons engaged in national-defense activities that such state public body has pursuant to such Article for the purpose of assisting the development or administration of slum clearance or housing projects for persons of low income.

27. Bonds or other obligations issued by a Housing Authority for a project developed or administered pursuant to this sub-title shall be legal investments to the same extent and for the same persons, institutions, associations, corporations, bodies and officers as bonds or other obligations issued pursuant to any other section of this Article for the development of a slum clearance or housing project for persons of low income.

28. All bonds, notes, contracts, agreements and obligations of Housing Authorities heretofore issued or entered into relating to financing or undertaking (including cooperating with or acting as agent of the Federal Government in) the development or administration of any project to assure the availability of safe and sanitary dwellings for persons engaged in national-defense activities, are hereby validated and declared legal in all respects, notwithstanding any defect or irregularity therein or any want of statuatory authority.

29. This Article shall constitute an independent authorization for a Housing Authority to undertake the development or administration of projects to assure the availability of safe and sanitary dwellings for persons engaged in national-defense activities as provided in this Article and for a Housing Authority to cooperate with, or act as agent for, the Federal Government in the development or administration of similar projects by the Federal Government. In acting under this authorization, a Housing Authority shall not be subject to any limitations, restrictions or requirements of other laws (except those relating to land acquisition) prescribing the procedure or action to be taken in the development or administration of any public works, including slum clearance and housing projects for persons of low income or undertakings or projects of municipal or public corporations or political subdivisions or agencies of the State. A Housing Authority may do any and all things necessary or desirable to cooperate with, or act as agent for, the Federal Government, or to secure financial aid, in the expeditious development or in the administration of projects to assure the availability of safe and sanitary dwellings for persons engaged in national-defense activities and to effectuate the purposes of this Article.

30. (a) "Persons engaged in national-defense activities," as used in this Article, shall include: persons in the military and naval services of the United States and employees of the War and Navy Departments or other departments of the Federal Government; and workers engaged or to be engaged in industries or activities connected with or essential to the national-defense program; and shall include the families and dependents of the aforesaid persons who are living with them.

(b) "Development" as used in this Article, shall mean any and all undertakings necessary for the planning, land acquisition, demolition, financing, construction or equipment in connection with a project (including the negotiation or award of contracts therefor) and shall include the acquisition of any project (in whole or in part) from the Federal Government.

(c) "Administration," as used in this Article, shall mean any and all undertakings necessary for management, operation or maintenance, in connection with any project, and shall include the leasing of any project (in whole or in part) from the Federal Government.

(d) "Federal Government," as used in this Article, shall mean the United States of America or any agency or instrumentality, corporate or otherwise, of the United States of America.

(e) The development of a project shall be deemed to be "initiated," with in the meaning of this Article, if a Housing Authority has issued any bonds, notes or other obligations with respect to financing the development of such project of the Housing Authority, or has contracted with the Federal Government with respect to the exercise of powers hereunder in the development of such project of the Federal Government for which an allocation of funds has been made prior to December 31, 1943.

(f) "Housing Authority," as used in this Article, shall mean any housing authority established or hereafter established pursuant to this Article.

Sec. 2. And be it further enacted, That the powers conferred by this Act shall be in addition and supplemental to the powers conferred by any other law, and nothing herein contained shall be construed as limiting any other powers of a Housing Authority.

Sec. 3. And be it further enacted, That notwithstanding any other evidence of legislative intent it is hereby declared to be the controlling legislative intent that if any provision of this Act, or the application thereof to any persons or circumstances, is held invalid, the remainder of the Act and the application of such provision to persons or circumstances other than those to which it is held invalid, shall not be affected thereby.

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 health and safety and being passed by a yea and nay vote, supported by three-fifths of all of 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 28, 1941.

CHAPTER 676

AN ACT to add four new sections to Article 65 of the Annotated Code of Maryland (1939 Edition), title "Militia," to be under a new sub-title "Re-employment of Persons in Military Service," said new sections to be known as Sections 94, 95, 96 and 97, and to follow immediately after Section 93 of said Article, providing for the re-employment of persons in active military service, the protection of their seniority pension and merit system rights, requiring the payment by the State for a year of the pension payments due such persons in its employ while they are in active military service, and authorizing the Board of Public Works to make such payments for authorizing the Governor of the State, authorizing the Mayor and City Council of Baltimore and of all other municipal corporations in the State of Maryland, and the governing bodies of any town or village having the taxing power, and the County Commissioners of each county to provide for such re-employment and pension payments for their respective employees in the military service.

Section 1. Be it enacted by the General Assembly of Maryland, That four new sections be and the same are hereby added to Article 65 of the Annotated Code of Maryland (1939 Edition), title "Militia," to be under a new sub-title "Re-employment of Persons in Military Service," said new sections to be known as Sections 94, 95, 96 and 97, and to follow immediately after Section 93 of said Article, to read as follows:

94. Any person heretofore or hereafter inducted into the land or naval forces of the United States for training and service pursuant to the Act of Congress known as the Selective Training and Service Act of 1940, or any subsequent Acts of a similar nature, and any member of the military component of the land or naval forces of the United States, who is on active duty or service, or who may be ordered or assigned to active duty or service, and who, because of such induction or in order to perform such active duty or service, has left or leaves a position, other than a temporary position, in the employ of the State of Maryland, or of any department or agency thereof, shall (1) if he receives a certificate of satisfactory completion of such duty, (2) if he is still qualified to perform the duties of such position, and (3) if he makes application for re-employment within forty days after he is relieved from such active duty or service, be restored to such position or to a position of like seniority, status and pay. Upon reinstatement, the time spent by such person in the military service shall be added to his seniority, he shall be entitled to the same pay which persons having the same seniority and doing the same kind of work in the department or service involved are receiving, and he shall be restored to any merit system or civil service status held by him at the time he entered such military service, just as though his employment had not been interrupted.

95. The rights of any such person in any pension or retirement fund or system, shall not be destroyed or impaired by reason of his absence in such military service, or his failure to contribute to such fund or system while he is in such military service; such person shal have the right to make the customary contributions or said contributions may be made for him, but unless such contributions are actually made, such person shall not receive credit for them, but shall only be entitled to participate in said fund or system to the extent of the payments actually made. The Board of Trustees charged with the administration of any pension or retirement fund or system are hereby authorized to issue rules and regulations to carry out the provisions of this section, any present rules and regulations to the contrary notwithstanding.

96. The contributions or payments made to any such pension or retirement fund or system by any such person in the employ of the State of Maryland, or of any department or agency thereof, shall for a period of not more than one year, be paid by said State of Maryland to said pension or retirement fund or system while such person is in said military service; and such payments may be made for such further periods of time as the Board of Public Works may from time to time direct. All of said payments shall be made from funds appropriated for said purpose in the Budget, and shall only be made to the extent of the funds so appropriated.

97. The Mayor and City Council of Baltimore, and of all other municipal corporations in Maryland, and the governing bodies of any other towns and villages in Maryland having the taxing power, and the County Commissioners of each county in the State are hereby authorized to make provisions, similar to those contained in Sections 94, 95 and 96 for State employees, with respect to: (a) payment of contributions made to pension or retirement funds or systems by any such persons in their respective employ during the time such persons are in said military service, or during such part of said time as said authorities may determine, and (b) the re-employment of any such persons after the termination of their military service.

Sec. 2. And be it further enacted, That any and all other laws or parts of laws, whether general or local, inconsistent with the provisions of this Act, be and the same are hereby repealed to the extent of such inconsistency.

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 health and safety and being passed 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: May 26, 1941.

CHAPTER 710

AN ACT to add a new Article to the Annotated Code of Maryland (1939 Edition), said new Article to be numbered Article 87A, to be entitled "Soldiers' and Sailors' Civil Relief," and to follow immediately after Article 87 of said Code, pertaining to the suspension of the enforcement of certain civil liabilities of certain persons serving in United States Military and Naval Establishments, including the Coast Guard.

Section 1. Be it enacted by the General Assembly of Maryland, That a new Article be and it is hereby added to the Annotated Code of Maryland (1939 Edition), said new Article to be numbered Article 87A, to be entitled "Soldiers' and Sailors' Civil Relief," and to follow immediately after Article 87 and to read as follows:

ARTICLE 87A.

Soldiers' and Sailors' Civil Relief.

General Provisions.

1. In order to provide for, strengthen, and expedite the national defense under the emergency conditions which are threatening the peace and security of the United States and to enable the United States to raise the more successfully to fulfill the requirements of the national defense, provision is herby made to suspend enforcement of civil liabilities, in certain cases of persons in the military service of the United States in order to enable such persons to devote their entire energy to the defense needs of the nation, and to this end the following provisions are made for the temporary suspension of legal proceedings and transactions which may prejudice the civil rights of persons in such service during the period herein specified over which this Article remains in force.

2. (1) The term "persons in military service" and the term "persons in the military service of the United States," as used in this Article, shall include the following persons and no others: All members of the Army of the United States, the United States Navy, the Marine Corps, the Coast Guard, and all officers of the Public Health Service detailed by proper authority for duty either with the Army or the Navy. The term "military service," as used in this Article, shall signify Federal service on active duty with any branch of service heretofore referred to or mentioned as well as training or education under the supervision of the United States preliminary to induction into the military service. The terms "active service" or "active duty" shall include the period during which a person in military service is absent from duty on account of sickness, wounds, leave, or other lawful cause.

(2) The term "period of military service," as used in this Article, shall include the period of time between the following dates: For persons in active service it shall begin on October 17, 1940; for persons entering active service after October 17, 1940, with the date of entering active service. It shall terminate with the date of discharge from active service or death while in active service, but in no case later than the date when this Article ceases to be in force.

(3) The term "person," when used in this Article with reference to the holder of any right alleged to exist against a person in military service or against a person secondarily liable under such right, shall include individuals, partnerships, corporations, and any other forms of business association.

(4) The term "court," as used in this Article, shall include any court of competent jurisdiction of this State, whether or not a court of record.

3. (1) The provisions of this Article shall apply to proceedings commenced in any court and shall be enforced through the usual forms of procedure obtaining in such court or such regulations as may be by them prescribed.

(2) When under this Article any application is required to be made to a court in which no proceeding has already been commenced with respect to the matter, such application may be made to any court.

4. (1) Whenever pursuant to any of the provisions of this Article the enforcement of any obligation or liability, the prosecution of any suit or proceeding, the entry or enforcement of any order, writ, judgment, or decree, or the performance of any other act, may be stayed, postponed, or suspended, such stay, postponement, or suspension, in the discretion of the court, likewise be granted to sureties, guarantors, endorsers, or others subject to the obligation or liability, performance or enforcement of which is stayed, postponed, or suspended.

(2) Such a judgment or decree is vacated or set aside, in whole or part, as provided in this Article, the same may, in the discretion of the court, likewise be set aside and vacated as to any surety, guarantor, endorser, or other person liable upon the contract or liability for the enforcement of which the judgment or decree was entered.

General Relief

5. (1) In any action or proceeding commenced in any court, if there shall be a default of any appearance by the defendant, the plaintiff, before entering judgment shall file in the court an affidavit setting forth facts showing that the defendant is not in military service. If unable to make such affidavit plaintiff shall in lieu thereof file an affidavit setting forth either that the defendant is in the military service or that plaintiff is not able to determine whether or not defendant is in such service. Such affidavit is not filed showing that the defendant is not in the military service, no judgment shall be entered without first securing an order of any court directing such entry, and no such order shall be made if the defendant is in such service until after the court shall have appointed an attorney to represent defendant and protect his interest, and the court shall on application make such appointment. Unless it appears that the defendant is not in such service the court may require, as a condition before judgment is entered, that the plaintiff file a bond approved by the court conditioned to indemnify the defendant, if in military service, against any loss or damage that he may suffer by reason of any judgment should the judgment be thereafter set aside in whole or in part. And the court may make such order, further order or enter such judgment as in its opinion may be necessary to protect the rights of the defendant under this Article.

(2) Any person who shall make or use an affidavit required under this section, knowing it to be false, shall be guilty of a misdemeanor and shall be punishable by imprisonment not to exceed one year or by fine not to exceed $1,000, or both.

(3) In any action or proceeding in which a person in military service is a party if such party does not personally appear therein or is not represented by an authorized attorney, the court may appoint an attorney to represent him; and in such case a like bond may be required and an order made to protect the rights of such persons. But no attorney appointed under this Article to protect a person in military service shall have power to waive any right of the person for whom he is appointed or bind him by his acts.

(4) If any judgment shall be rendered in any action or proceeding governed by this section against any person in military service during the period of such service or within thirty days thereafter, and it appears that such person was prejudiced by reason of his military service in making his defense thereto, such judgment may, upon application, made by such person or his legal representative, not later than ninety days after the termination of such service, be opened by the court rendering the same and such defendant or his legal representative let in to defend; provided it is made to appear that the defendant has a meritorious or legal defense to the action or some part thereof. Vacating, setting aside, or reversing any judgment because of any of the provisions of this Article shall not impair any right or title acquired by a bona fide purchaser for value under such judgment.

(5) At any stage thereof any action or proceeding in any court in which a person in military service is involved, either as plaintiff or defendant, during the period of such service or within sixty days thereafter may, in the discretion of the court in which it is pending, on its own motion, and shall, on application to it by such person or some person on his behalf, be stayed as provided in this Article, unless, in the opinion of the court, the ability of plaintiff to prosecute the action or the defendant to conduct his defense is not materially affected by reason of his military service.

6. When an action for compliance with the terms of any contract is stayed pursuant to this Article no fine or penalty shall accrue by reason of failure to comply with the terms of such contract during the period of such stay, and in any case where a person fails to perform any obligation and a fine or penalty for such nonperformance is incurred a court may, on such terms as may be just, relieve against the enforcement of such fine or penalty if it shall appear that the person who would suffer by such fine or penalty was in the military service when the penalty was incurred and that by reason of such service the ability of such person to pay or perform was thereby materially impaired.

7. In any action or proceeding commenced in any court against a person in military service, before or during the period of such service, or within sixty days thereafter, the court may, in its descretion, on its own motion, or on application to it by such person or some person on his behalf shall, unless in the opinion of the court the ability of the defendant to comply with the judgment or order entered or sought is not materially affected by reason of his military service—

(a) Stay the execution of any judgment or order entered against such person, as provided in this Article; and

(b) Vacate or stay any attachment or garnishment of property, money, or debts in the hands of another, whether before or after judgment as provided in this Article.

8. Any stay of any action, proceeding, attachment, or execution, ordered by any court under the provisions of this Article may, except as otherwise provided, be ordered for the period of military service and three months thereafter or any part of such period, and subject to such terms as may be just, whether as to payment in installments of such amounts and at such times as the court may fix or otherwise. Where the person in military service is a co-defendant with others the plaintiff may nevertheless by leave of court proceed again the others.

9. The period of military service shall not be included in computing any period now or hereafter to be limited by any law for the bringing of any action by or against any person in military service or by or against his heirs, executors, administrators, or assigns, whether such cause of action sh