The Kent News.

SUPPLEMENT.

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CHAPTER 278.

AN ACT to repeal sections 2, 5, 11, 12, 13, 14, 15 16, 17, 20, 20 A, 21, 28, 33 and 34 of Article 72 of the Code of Public General Laws, tit e "Oysters," and to re-enact the same with amendments, and to add certain new sections to said Article to follow in proper order the respective sections in order of precedence and to be designated as sections 20 B, 20 C, 20 D, 20 E, 20 F, 20 G, 20 H, and 21 A.

SECTION 1. Be it enacted by the General Assembly of Maryland, That sections 2, 5, 11, 12, 13, 14, 15, 16, 17, 20, 20 A, 21, 28, 33 and 34 of Article seventy-two of the Code of Public General Laws, title "Oysters" be and the same are hereby repealed and re-enacted with amendments, and that certain new sections be and the same are hereby added to said Article to follow the numerical sections of said Article in order of precedence to be designated as sections 20 B, 20 C, 20 D, 20 E, 20 F, 20 G 20 H, and 21 A, to read as to said respective sections, as follows:

Section 2. The comptroller of the treasury shall upon application of any person who has been a resident of this State for twelve consecutive months next preceding such application, issue a license to such resident, and to no other person, to employ such boat in taking or catching oysters, with scoop, dredge or similiar instrument, within the waters of the Chesapeake Bay, Potomac River, and in Easton Bay outside of a line drawn from the southwest corner of Kent Point to Wade's Point; provided that nothing herein contained shall authorize the taking or catching of oysters with scoop, dredge or similiar instrument, on any oyster bar within one and one half miles of Talley's Point, Sandy Point, Hacketts Point, Thomas Point, Holland's Island bar and Three Sisters; nor within one and one half miles of Holland's Point bar, nor of Swan's Point bar, nor between Poplar Island and the mainland of Talbot County, south of a line drawn from the north point of Poplar Island to Low's Point on the mainland; nor north of a line drawn from the end of the south bar of Poplar Island to Paw Paw Cove on Tilghman's Island, nor within one-forth of a mile west of Poplar Island, nor within one-half mile of Plum Point, nor within the boundary lines of any county, unless herein otherwise specified; which license shall hold good for one season only, and shall only authorize the catching of oysters between the fifteenth day of October and the first day of April, on which day the dredging season shall end and the license expire; but it shall be lawful for the owner of any such licensed boat whenever said owner shall sell and convey, by bill of sale for a *bona fide* consideration, said boat to any person who has been a resident of the State of Maryland, for at least one year, to transfer said license to said vendee with said boat, which license, when transferred, shall entitle said vendee to the same privileges of catching or taking oysters with said boat in the waters of this State, that the original vendor or assignor had had before said assignment, provided, said vendee and assignee shall appear before the comptroller of the treasury and make oath before him to all the facts, matters and things required of said original vendor or assignor, before taking out such license; upon which said license, the said comptroller shall certify in writing the fact of said vendee or assignee having taken said oath, for which said certificate the said vendee or assignee shall pay to the said Comptroller the sum of five dollars for the use of the Oyster Fund. The provisions of this section in relation to time of taking oysters, the time of expiration of license, and to transfer of ownership shall apply to all vessels licensed by any county in this State, to take and catch oysters with scrape or scoop, and any law, general or local, in conflict herewith shall be void and of no effect; provided, that the time specified in this section shall not apply to boats or vessels licensed in the counties to take oysters with scoop or scrape, which time shall begin on the first day of October and end on the thirty-first day of March, except Talbot and Dorchester Counties where the time for taking oysters with scoop, scrape or dredge, shall begin on the first day of October and end on the first day of March.

Section 3. Before granting such license the comptroller shall receive for it from the applicant at the rate of three dollars per ton for every ton the boat may measure, and the license shall be exhibited whenever called for by any officer of this State.

Section 11. Any boat, owned wholly or in part by any non-resident, used in catching oysters in this State, with scoop, dredge or similar instrument, is hereby declared to be forfeited and shall be condemned by order of any Judge of a Circuit Court most accessible to the place of her capture, or if captured in Baltimore City, by order of the City Court, and shall be sold by the sheriff of the county where condemned, or if condemned in Baltimore City, by the sheriff of said city to the highest bidder for cash, after twenty days notice of the time and place of sale, such notice to be published at least three times in a newspaper, having the largest circulation, printed in Baltimore City or in the County where condemned, one-forth of the proceeds of such sale shall be paid to the party making the capture, including the officers and crews of the State Fishery Force, and the balance shall be paid into the treasury of the State to be credited to the oyster fund; provided, however, that any person claiming an interest in such vessels, shall have the right to make an appeal upon giving to the State a good and sufficient bond as required in such cases; provided, however, that when the *bona fides* of the owner of any vessel shall be called in question, the burden of proving such *bona fides* shall be upon those claiming to be such owners; and provided also, that upon taking such appeal and filing such bond the said vessel shall be released from custody.

Section 12. The Comptroller shall have painted in black figures on white canvas, two sets of numbers corresponding to the license to catch oysters with scoop, scrape, dredge or any other similar instruments; each figure shall be twenty-two inches in length and of proportionate width, and the figures at least six inches apart, and he shall give to each person taking out such license two numbers thereof, one of which shall be securely sewed upon the star board side, and in the middle of that part of the mainsail which is above the close reef, and the other number on the port side, in the middle part of the jib which is above the bonnet and reef, these numbers shall be placed in an upright position, and worn at all times during the dredging season, and returned at the end of the season, and shall not be concealed or defaced; and no other number shall be exposed to view or used, than that which is furnished by the comptroller; any person who shall violate the provisions of this section shall be deemed guilty of a misdemeanor as provided in section twenty-one A. of this Act, and in any such case, the boat or vessel shall be forfeited and condemned, in the discretion of the Judge in the manner provided in section ten. The provisions of this section shall apply to all boats licensed to take oysters with scrape or scoop by any county in this State, except, that the numbers for such boats shall be painted red instead of black, and the numbers shall be delivered by the Comptroller to the Clerks of the Courts as they may be ordered, and the end of the season all licenses not used, shall be returned by said clerks to the comptroller, and the said clerks shall also pay to the comptroller, one-tenth of all moneys received by him for such licenses, which sum shall be placed to the credit of the "Oyster Fund."

Section 13. If any boat or vessel shall be seen sailing on any of the waters of this State which are exempted from dredging by law, in

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the same manner in which they sail to take or catch oysters with scoop, scrape, drag or dredge or similar instrument, the said boat or vessel shall be pursued by any officer authorized by this Article to make arrests, and if said boat or vessel apprehended by said officer shall be found to have on board any wet oysters, or the dredges or dredge-line, or deck wet, indicating the taking of oysters at said time, and properly equipped for taking or catching oysters with scoop, scrape, drag or dredge, or similar instrument, such fact shall be *prima facie* evidence, that the said boat or vessel has been used in violation of sections one to forty-three inclusive; and it shall be the duty of the officer to arrest the person in command of said boat or vessel, and to seize the said boat or vessel, together with all her equipments, and bring the same before a Judge, or Justice of the Peace of the county having jurisdiction, or, if in the Chesapeake Bay, the county most accessible or convenient, to be dealt with according to law; provided, that nothing in this Article shall be construed to prohibit vessels from seeking harbor in any waters of this State. The provisions of this section shall extend to all boats licensed to to take oysters with scoop or scrape by any county of this State.

Section 14. Any resident of this State desiring to catch or take oysters, with rakes or tongs, for sale, in any of the waters of this State, shall first obtain by application to the Clerk of the Circuit Court for the county wherein he may reside, a license therefor, and such license shall have effect from the fifteenth day of September in the year, in which it may have been obtained to the twentieth day of April, inclusive, next succeeding, provided, that such license shall not authorize the taking or catching of oysters in any creek, cove, river, inlet, bay or sound within the limits of any county, other than that wherein the license shall have been granted, and that the boundaries of the counties bordering on navigable waters shall be strictly construed so as not to permit the residents of either county to take or catch oysters beyond the middle of the dividing channel; provided, that nothing in this section shall be so construed as to prevent the citizens of Queen Anne's and Kent Counties from using the waters of the Chester river in common, or the citizens of Dorchester and Wicomico Counties from using the waters of Nanticoke river in common, or the citizen's of Queen Anne's and Talbot Counties from using the waters of Wye river and the mouth thereof in common, or the citizens of Dorchester and Talbot Counties from using the waters of the Choptank river in common. Provided, however, that the County Commissioners shall be authorized to give special permission to any woman who has no visible means of support, to take and catch oysters without license provided, also that boys under fifteen years of age shall not be required to license.

Section 15. Each and every license to take or catch oysters for sale, with rakes or tongs, shall state the name, age and residence of the person to whom the same shall be granted, the number, and the county in which the same is to be used, and every applicant for such license shall pay to the Clerk of the Court, when such license may be granted, and before the issuing and delivery of the same, the sum of three dollars, and also the sum of fifty cents as a fee to the clerk for issuing the same. Nine-tenths of the amount received from tonging licenses shall be paid by the clerk, to the school commissioners for the public schools in the respective counties where such licenses are issued; the sum received from white tongers to go to the white schools, and the sum received from colored tongers to go to the colored schools.

Section 16. Every applicant for license to take or catch oysters with rakes or tongs, shall be required to make oath, or affirmation, before the clerk authorized to issue the same, or some Justice of the Peace, on whose certificate of the taking of such oath or affirmation, the clerk shall issue said license, that the facts set forth in said license are strictly true; than he has been a *bona fide* resident of the county for twelve months next preceding his application for said license, that he desires and intends to use said license in the county in which he resides, or the waters used in common, as hereinbefore provided in this Article, and that he will comply with and obey all the laws of this State regulating the taking or catching of oysters.

Section 17. The comptroller of the treasury shall cause to be printed and delivered to the Clerk of the Circuit Courts for the several counties, the requisite number of such blank licenses, and take receipts for the same as for other licenses furnished; and said clerks shall, on the first Monday of March and December of each year, return to the comptroller a list and account of such licenses issued by them, and at the end of each tonging season, shall return all unused licenses issued to him, and shall pay over to the comptroller one-tenth of the amount received by him for such licenses, which amount the said comptroller shall place to the credit of the "Oyster Fund," and no license to take or catch oysters with rake or tongs, shall be used on any boat or vessel which is licensed to take or catch oysters with scoop, drag, dredge or any similar instrument during the season for which such boat or vessel is licensed and all licenses shall expire at the end of the season.

Section 20. That all oysters taken from any waters of this State (either with scoops, dredges or any similar instrument, or tongs or rakes) shall be culled upon their natural bed or bar as taken, and all oyster shells, and oysters whose shells measure less than two and one-half inches in length, measuring from hinge to mouth, shall be included in said culling, and replaced upon said bed or bar as taken.

Section 20 A. Any person who shall have oysters in his possession, which contain more than five per cent. of shells and small oysters, shall be guilty of a misdemeanor, and in ascertaining such percentage the officer of the oyster police force, oyster measurer, or inspector, is hereby authorized and directed to select such an amount of oysters contained in the pile, hold, bin or other place as he may think necessary, and to cull or have culled the amount so selected.

Section 20 B. In order to ascertain the quantity of small oysters, under size, and shells in any bulk or cargo, it shall be the duty of any purchaser, with the measurer, to cull or have culled one standard measure or tub out of every fifty tubs, and in the event of the cargo or bulk being less than fifty tubs, then one standard tub from such quantity as there may be, and it found to contain five per cent. or less, of shells and small oysters, then the purchaser shall pay for all oysters taken by him, without any allowance for shells and small oysters, and in the event of there being over five per cent. of shells and small oysters, then said cargo shall be considered as not properly culled, and the owner shall be subject to the penalties prescribed in section twenty-one A of this Article.

Section 20 C. It shall be unlawful for any packer, commission man or other person to purchase or receive any cargo or portion of cargo of oysters which shall not have been culled in the manner provided in section twenty of this Act; and as soon as any cull-tub shall be shown to contain more than five per cent. of empty shells and oysters, and oysters of which the shell measurement shall be less than two and one-half inches from hinge to mouth, said cargo shall, for the purposes of this section be deemed to have been unculled.

Section 20 D. Any packer, commission man or boatman who shall conspire or agree with any other person to evade any of the provisions of this Act, or who shall knowingly connive at or participate in such violation shall be deemed guilty of a misdemeanor.

Section 20 E. It shall be the duty of the general measurer and inspector of oysters to

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supervise the operation of this Act, so far as may be possible, and diligently to aid in the enforcement of its provisions.

Section 20 F. Any general measurer and inspector of oysters in this State, who shall knowingly permit any evasion or violation of this Act to take place without causing the arrest of the offender, shall be deemed guilty of a misdemeanor.

Section 20 G. For the purpose of the enforcement of the provisions of this Act, the Governor is hereby empowered and directed to appoint 8 inspectors by and with the consent of the Senate who shall not be engaged in any branch of the oyster business, at a salary of six hundred dollars each for the season, beginning the first day of September and ending on the first day of May following in each and every year; said inspectors to be assigned respectively as follows: one to Baltimore City, one to Anne Arundel County, one to Oxford, one to St. Michaels, one to Crisfield, one to Cambridge, one to Wicomico County and one for Somerset County outside of Crisfield District, whenever in any other of the counties of the State, new oyster packing and shipping interests, shall arise of sufficient importance to justify such appointment or appointments, the Governor, in his discretion, is empowered to appoint such additional inspectors necessary for the enforcement of this Act; and it shall be the duty of said inspectors to patrol their respective districts regularly each working day during the oyster season, and they shall have power to inspect all oysters found in the possession of any person or persons, or on board of any vessel, and if upon such inspection any such inspector shall be convinced that any of the provisions of this Act have been violated, he shall have power and it is hereby made his duty to arrest, immediately, such offender and take him before the nearest or most convenient Justice of the Peace in any county of the State or a Police Justice of Baltimore City, who shall as speedily as possible hear and dispose of such case, in accordance with the provisions of this Article; and said inspectors shall be allowed no extra compensation for conveyance, boat help or other ordinary expenses, except in cases of arrest, where from the nature of the case, he may be required to furnish means of conveyance and other necessary expenses for the safe conduct of the offender so arrested, in which cases, upon presentation of proper vouchers, he shall be allowed only his actual expenditures, and the treasurer of the State on the warrant of the Comptroller, which the said Comptroller is hereby directed to issue, is hereby directed to pay said inspectors amount of their monthly salaries on the first day of each month succeeding the month in which the service shall have been performed from the fund hereinafter provided for. The said inspectors shall take and subscribe an oath (or affirmation) such as is commonly required in positions of similar character; and in the event of failure to properly perform the duties herein prescribed, shall be deemed guilty of a misdemeanor.

Section 20 H. For the purpose of raising the revenue necessary to the requirements of this Act, a tax of ten cents per hundred of bushels of oysters purchased, by each and every packer, shipper and wholesale and retail dealer or dealers, of any kind in oysters, is hereby levied on all such packers, shippers and wholesale and retail dealers and dealers of any kind in oysters, who shall monthly make a sworn statement of the quantity of oysters purchased and forward said statement on the first day of the month succeeding the month in which such purchases shall have been made with the amount of money due on account of said tax to the treasurer of the State; and in default of said statement and payment as herein provided, or in the event of any one making a false oath, for the default, the offender shall be deemed guilty of a misdemeanor, and for making such false oath in addition to the penalties herein imposed, shall be indictable and punishable as is now provided for the crime of perjury.

Section 21. It shall be unlawful for any person or persons to take or catch oysters, or to have oysters in his or their possession between the twentieth day of April and the first day of September in each and every year; provided, that oysters caught before the twentieth day of April may be disposed of at any time before the thirtieth day of April, provided that this section shall not prevent transportation companies from carrying oysters brought from other States, nor hotel and restaurant keepers or private persons from purchasing oysters outside of the State of Maryland, nor shall it be construed to prevent any person from taking oysters for private use or transplanting or cultivating not for sale, at any time from his private beds within the State; persons violating the provisions of this section shall be deemed guilty of a misdemeanor.

Section 21 A. Any person who shall violate any provisions of sections twenty and and twenty-one A inclusive of the Act, shall be deemed guilty of a misdemeanor and upon conviction thereof before any tribunal of competent jurisdiction for such offences in this State, shall be fined not less than twenty five dollars nor more than three hundred dollars, in the discretion of the Judge of the Court or tribunal in which such person shall be tried, or imprisoned in the county or city jail, or in the House of Correction, for not less than one month nor more than twelve months in the discretion of the Judge or Justice trying the same; provided however, that any owner, master or person in charge of a canoe, boat or vessel used in taking or catching oysters with rakes or tongs, who shall be convicted of having in possession, on said canoe, boat or vessel, oysters containing more than five per cent. of shells and small oysters as provided in section twenty A, shall be fined a sum not less than ten dollars nor more than fifty dollars in the discretion of the Judge of the Court, or the Justice of the Peace before whom such person shall be tried; and one-half of every fine imposed for a violation of this Act shall be paid to the informer, and such informer shall be entitled to receive the same though he be an officer of the State or any city or county therein.

Section 23. The Board of Public Works shall have power to remove any officer of said force for neglect of duty or incompetency, and the commander of the force shall have power to suspend any officer of the force for a period of, not exceeding thirty days for any neglect of duty with the consent of the said Board of Public Works, and any officer commanding in said force, shall have power to remove any subordinate under his command and appoint a person to fill the vacancy whenever the interest of said service may in his judgment require him so to do.

Section 33. The salary of the Commander of the State Fishery Force shall be fifteen hundred dollars, and the salary of Deputy Commander in charge of steamers shall be one thousand dollars per annum; and they shall have power to appoint one officer at a salary of six hundred dollars per annum, one engineer or machinist at a salary of eight hundred dollars per annum, and one pilot at a salary of thirty dollars per month, three seamen at a salary of twenty-five dollars each per month, two firemen at a salary of twenty-five dollars each, per month, one steward and one cook at a salary of twenty-five dollars each, per month, and each Deputy Commander of sloops or vessels shall receive a salary of eight hundred dollars per annum; he shall the power to appoint one officer at a salary of five hundred and fifty dollars per annum, and four seamen at a salary of forty dollars per month during the oyster season and thirty dollars per month after the season each, to be selected from the district in which they are respectively to serve.

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Section 34. The officers and crews of the vessels aforesaid shall each receive one ration per day of the quality and quantity such as is allowed by low to the officers and crews of the revenue marine of the United States, but no rations shall be allowed to officers or crews of sailing vessels; and in addition to the aforegoing the comptroller is hereby directed to issue annually his warrant on the treasurer in the sum of fifteen dollars for each member of the Fishery Force in favor of the Commander to be expended by him in the purchase of uniforms for the members of said force and the members of said force shall at all times keep themselves neatly clothed in proper uniform when on duty, and the treasurer is hereby required to pay said warrant.

Section 2. And be it enacted, That all Acts or parts of Acts inconsistent with the provisions of this Act, be and the same are hereby repealed to the extent that they are so inconsistent; provided that nothing herein contained shall apply to Worcester County.

Section 3. And be it enacted, That nothing herein contained shall be construed to affect any prosecution for violations of the existing laws of this State or for offences against the same committed before the passage of this Act.

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

We hereby certify that the aforegoing is a correct copy of an Act of the General Assembly of Maryland, passed January Session, 1892.

CARLTON SHAFER,
Chief Clerk of the House of Delegates.
W. G. PURNELL,
Secretary of the Senate.
Approved by the Governor,
March 31st 1892.

CHAPTER 639.

AN ACT to provide for the destruction of fruit trees in the State of Maryland infected with the disease known as the "Yellows."

SECTION 1. Be it enacted by the General Assembly of Maryland, That it shall be unlawful for any person to keep or allow to be and remain on his land or premises, in the State of Maryland, any peach, almond, apricot or nectarine tree infected with the contageous disease known as the Yellows, or to offer for sale, or shipment, or to sell or ship to others any such trees, or the fruit thereof in any form; and any person convicted before any Justice of the Peace of selling, or shipping said trees or the fruit thereof in any form which the service shall have been performed shall be fined a sum not exceeding ten dollars and costs, or upon failure to pay the same, shall be confined in the county jail for a term not exceeding thirty days, provided the provisions of this act shall not apply to Washington County.

Section 2. And be it enacted, That the trees and fruit so infected shall be subject to destruction as a public nuisance as hereafter provided, and no damages shall be awarded in any Court of this State, or by any Justice of the Peace thereof, against any person or persons for entering upon land or premises and destroying such diseased trees and fruit if done in accordance with the provisions of this Act, and it shall be the duty of every person as soon as he becomes aware of the existence of such disease in any tree or fruit owned by him to forthwith destroy by burning the same, or cause it to be destroyed by burning.

Section 3. And be it enacted, That it shall be the duty of the County Commissioners of the various Counties, on the application of three or more Citizens of said County to appoint each year three competent peach growers for each election district of the several Counties, or for such of said election districts as said Commissioners may deem fit, to act as "Tree and Fruit Inspectors," who shall hold said office during the year following their appointment, or during the pleasure of said County Commissioners.

Section 4. And be it enacted, It shall be the duty of said "Tree and Fruit Inspectors" immediately after their appointment to give notice thereof in such newspapers of their county as they may select and it shall be their duty whenever it comes to their notice that the disease known as the "Yellows" exists in any trees, or fruit in their respective election districts, to proceed forthwith to examine or cause to be examined the trees or fruit supposed to be infected, and if the disease is found after such examination to exist, a distinguishing mark shall be placed upon said diseased trees by said "Tree and Fruit Inspectors," or by some one directed by them, and the owner thereof notified personally or by a written notice left at his usual place of residence, or by leaving the notice with the person in charge of the trees or fruit, or in whose possession the same may be, said notice to contain a simple statement of the facts as found to exist, with an order to effectually remove and destroy by fire the trees so marked within thirty days from the date of the service of said notice, and in case of fruit so infected, such notice shall require the person in whose possession or control it is found to immediately destroy the same or cause it to be destroyed by fire.

Section 5. And be it enacted, Whenever any person shall refuse or neglect to comply with the order to destroy the trees or fruit so ordered to be destroyed it shall be the duty of said "Tree and Fruit Inspectors" to lodge a complaint before one of the Justices of the Peace of the County, who shall forthwith summon the owner, or other person so neglecting or refusing, and upon being satisfied after an examination into the facts of the existence of the said disease in the trees or fruit as charged by said "Tree and Fruit Inspectors" it shall be the duty of said Justices of the Peace to forthwith issue an order to said "Tree and Fruit Inspectors," or one of them, or to a Constable of said County to destroy said trees or fruit and for the purpose of destroying the same it shall be lawful for said "Tree and Fruit Inspectors" or Constable to enter upon any premises in said County, and seize said diseased trees or fruit wherever found, and have the same destroyed by fire.

Section 6. And be it enacted, And it shall be the duty of said Justice of the Peace, in passing the order as provided in the preceding section to fix such fine and penalty as he may see fit, not exceeding the sum of ten dollars for each offense, and all costs incident to and attending such proceedings, and upon failure to pay said fine, and costs, to commit said person to the County jail for a term not exceeding thirty days.

Section 7. And be it enacted, "Yellows" is hereby declared to be a contagious disease affecting the constitution and vital growth of the tree, and manifested by the following symptoms or one of them, 1st A premature ripening of the fruit, which is flavorless, and with the color thereof not solid, but mottled or variegated; 2nd Wiry growth of shoots from the trunk, or branches of the tree.

Section 8. And be it enacted, That said "Tree and Fruit Inspectors" together or any two or one of them may discharge the duties imposed by this Act and that they shall receive for each day of actual service a per diam of $2,00, and in the same ratio for a fraction of a day, to be paid by the County Commissioners o the County, as well as such other charges and expenses as they shall be put to in the discharge of the duties of this Act shall be paid by the County Commissioners. All expenses however, arising out of the failure or refusal of the owners or occupant of any lands or premises to obey the order of the Tree and Fruit Inspectors and that they shall be put to in the removal and destruction of

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any tree or fruit shall be and constitute an lien and charge on the land and premises where said trees and fruit were found recoverable by the County Commissioners of the County for County purposes through the agency of the Tax Collector as taxes collected.

Section 9. And be it enacted, That if any person shall in anywise interfere with or hinder and impede said "Tree and Fruit Inspectors" or any of them, their agents or workmen or the Constable and his assistants in the performance of their duties under this Act such persons shall be guilty of a misdmeanor and shall be punished by fine not exceeding $100,00 or by imprisonment in County jail for a term not exceeding three months or by both fine and imprisonment.

SECTION 10. And be it enacted that this Act shall take effect from the date of its passage.

We hereby certify that the aforegoing is a correct copy of an Act of the General Assembly of Maryland, passed January Session, 1892.

CARLTON SHAFER,
Chief Clerk of the House of Delegates.
W. G. PURNELL,
Secretary of the Senate.
Approved by the Governor,
April 7th, 1892.

CHAPTER 41.

AN ACT to repeal and re-enact with amendments Section twelve of Article forty-eight of the Code of Public General Laws, title "Inspections," sub-title "Tobacco" as the same was repealed and re-enacted by the Acts of Eighteen hundred and ninety, Chapter two hundred and sixty-two, and to add an additional Section to said Article, under said sub-title, to be known as Section 12 A, providing for the storage of Goods, Wares and Merchandise in the unused tobacco warehouses.

SECTION 1. Be it enacted by the General Assembly of Maryland, That Section twelve of Article forty-eight of the Code of Public General Laws, title "Inspections," sub-title "Tobacco" as the same was repealed and re-enacted by the Acts of Eighteen hundred and ninety, Chapter two hundred and sixty-two, be and the same is hereby repealed and re-enacted so as to read as follows:

12. Warehouses numbers one and two shall be consolidated under one management, to be known as "Number One," and warehouses numbers three and four consolidated in like manner to be known as "Number Three," (except in the case hereinafter provided for,) and number five shall remain as at present, and the inspectors of such warehouses shall cause the tobacco therein to be inspected under their personal supervision as before required; when, however, warehouses numbers one and five shall become so filled with tobacco as to render the operation thereof difficult, or there is a prospect of such crops of tobacco as will overcrowd the same, the inspectors shall report the facts to the Governor of the State, and if it shall appear to the Governor that the necessities of the case require it, he shall appoint additional inspectors for warehouses numbers two and four, or for only one of them, as his judgment may dictate, and such inspectors shall appoint the necessary clerks, screwmen and laborers to conduct the business thereof, and such clerks, screwmen and laborers shall be under the supervision and direction of the inspector so appointed, in all respects as in warehouses numbers one, three and five; provided however, that the Governor be, and he is hereby autorized to re-arrange the consolidation of said warehouses in such manner as will, in his judgment, best secure the efficient conduct of the business thereof; and provided, further, that if the Governor, after careful investigation, shall determine that the amount of tobacco on hand and in prospect does not demand the retention of all the storage room available in the several warehouses, he may designate one or more of them to be used for general storage purposes, as provided for in Section 12 A.

SEC. 2. And be it enacted, That the following Section, to be known as Section 12 A, be, and the same is hereby added to said Article forty-eight, title "Inspections," sub-title "Tobacco."

SEC. 12 A. Whenever the Governor may have designated one or more of the tobacco warehouses to be used for general storage purposes, he shall have power to appoint a person to take charge of the same, and such person shall receive such salary, not exceeding eighteen hundred dollars a year, as the Governor may name. And such storage or warehouse keeper, by and with the approval of the Governor, shall have power to appoint such clerical force and laborers at such compensation as the Governor may direct, not exceeding one thousand dollars per annum for clerks, and not exceeding two dollars per diem for laborers, as may be necessary for the economical management of the business of the said warehouse or warehouses. All such salaries to be paid out of the receipts for storage and no other source. Before entering upon the discharge of his duties, the said storage or warehouse keeper shall give a bond with satisfactory security to be approved by the Governor, in the penalty of twenty thousand dollars for the faithful performance of the duties imposed upon him by law, and for the full and punctual returns to the Comptroller of the Treasury, at the end of each quarter, of the receipts and disbursements of the warehouse or warehouses under his charge, and said bond shall be recorded in the office of the clerk of the Supreme Court of Baltimore City, he shall, with the assent of the Governor, make all contracts for the storage of goods, wares and merchandise in the warehouse or warehouses under his charge, and keep accurate accounts of the receipts and disbursements of the same, of which he shall make quarterly returns in the same manner as the inspectors of tobacco are required to do. Should the Governor be of the opinion that it would be more advantageous to the State to rent said tobacco warehouse or warehouses or parts thereof than to have the same used as a storage warehouse or warehouses as hereinbefore provided, he is hereby authorized to rent the same for a period not exceeding four years and upon such terms as he may deem most beneficial to the State, the contract of renting to be submitted to and approved by the Attorney General, provided however that the warehouse or warehouses so rented shall not be used for the purpose of the inspection of tobacco that would be in conflict with the tobacco inspection warehouses.

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

We hereby certify that the aforegoing is a correct copy of an Act of the General Assembly of Maryland, passed January Session, 1892.

CARLTON SHAFER,
Chief Clerk of the House of Delegates.
W. G. PURNELL,
Secretary of the Senate.
Approved by the Governor,
March 2nd, 1892.

CHAPTER 657.

AN ACT to amend Article twenty-three of the Code of Public General Laws, title "Corporations," by inserting after section one hundred and sixty-seven, an additional section to be designated 167 A, providing for the service of notice in condemnation proceedings and other practice therein.

SECTION 1. Be it enacted by the General

PUBLIC GENERAL LAWS.

Assembly of Maryland, That Article twenty-three of the Code of Public General Laws, title "Corporations," be and the same is hereby amended by inserting therein, after section one hundred and sixty-seven, the following additional section to be designated 167 A, to wit:

Section 167 A. The notice of the time and place of the meeting of the jury of inquisition given by the company to the owner or owners shall be served by delivering a copy of the same to every such owner, if such owner can be found within this State, and in case the owner be an infant or *non compos mentis*, in addition to the service on such owner, a copy of the notice shall be left with the parent or guardian of the infant, if there be one within this State, and with the committee or other person having the care of the person or estate of the person alleged to be *non compos mentis*, if any such committee or other person be found within this State. In case any owner or person on whom such notice is above required to be served, be not found within this State, then such notice may be served either by delivering a copy thereof to such owner or person to be served wherever found, or by the publication of the same at least once a week for two successive weeks in some newspaper published in the county where the lands or property sought to be condemned may be, or if such lands or property lie within the City of Baltimore, by publication of such notice at least twice a week for two successive weeks in one daily new-paper published therein. Any court, to which the inquisition of the jury may be returned for confirmation, may in its discretion, by order, either require the legal guardian or committee of the infantor non-sane owner (if there be such guardian or committee within the jurisdiction of the court) to appear, show cause against such confirmation or otherwise protect the interests of such infant or non-sane owner, or appoint a guardian *ad litem* to represent such infant or non-sane owner and protect the interests of such owner.

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

We hereby certify that the aforegoing is a correct copy of an Act of the General Assembly of Maryland, passed January Session, 1892.

CARLTON SHAFER.
Chief Clerk of the House of Delegates.
W. G. PURNELL.
Secretary of the Senate
Approved by the Governor.
March 16th, 1892.

CHAPTER 658.

AN ACT to repeal and re-enact with amendments Section 25 of Article 47 of the Code of Public General Laws of Maryland, title "Insolvents."

SECTION 1. Be it enacted by the General Assembly of Maryland, That Section twenty-five of Article forty-seven of the Maryland Code of Public General Laws, title "Insolvents," be, and the same is hereby repealed and re-enacted so as to read as follows, viz.:

SECTION 25. If any real estate, chattels, real or personal property of an insolvent shall have been decreed to be sold, by virtue of any decree of any court of equity, for the enforcement of a mortgage, of if there be a power of sale or a consent to a decree for a sale contained in any mortgage or bill of sale of real estate, chattels, real or personal property of an insolvent, as the case may be, the filing of the petition in insolvency, either by or against the insolvent, as herein before provided, and the subsequent proceedings in insolvency on such petition shall not disturb, defeat or impair the right of the mortgagee to apply for a decree, of the trustee named in the decree, or the mortgagee, or bargainee, or his assignee, or person authorized in the mortgage or bill of sale to make sale, to proceed with such sale, or to execute the power of sale contained in said decree, mortgage or bill of sale, unless the right or power or consent to decree shall be waived, in writing by the mortgagee, or his proper representatives, and in all such cases, in the absence of waiver of right by the mortgagee or his proper representatives as herein before provided, the trustee in insolvency shall only be authorized to sell the equity of redemption of the insolvent in all such property covered by decree, mortgage or bill of sale as aforesaid.

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

We hereby certify that the aforegoing is a correct copy of an Act of the General Assembly of Maryland, passed January Session, 1892.

CARLTON SHAFER,
Chief Clerk of the House of Delegates.
W. G. PURNELL,
Secretary of the Senate.
Approved by the Governor,
April 7, 1892.

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