KENT NEWS.

SUPPLEMENT.

CHESTERTOWN, MD., SATURDAY, MAY 5, 1894.

CHAPTER 33.

AN ACT TO AMEND ARTICLE 5 OF THE CODE OF PUBLIC GENERAL LAWS, TITLE "APPEALS AND ERROR" SUB-TITLE "APPEALS FROM COURTS OF LAW BY ADDING AN ADDITONAL SECTION THERETO TO BE DESIGNATED AS SECTION 10 A.

SECTION, 1. *Be it enacted by the General Assembly of Maryland*, That Article 5 of the Code of Public General Laws title "Appeals and Error" sub-title "Appeals from Courts of Law" be and the same is hereby amended by adding an additional section thereto, to follow section ten and be designated as section 10 A, and to read as follows:

10 A.—It shall not be necessary for the Judge who signs a bill of exceptions to affix his seal thereto.

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

Approved February 21, 1894.

FRANK BROWN, Governor.
JOHN WALTER SMITH,
President of the Senate.
JAMES H. PRESTON,
Speaker of the House of Delegates.

We hereby certify that the aforegoing is a correct copy of an Act of the General Assembly of Maryland, passed January Session, 1894.

J. ROGER McSHERRY,
Secretary of the Senate.
B. L. SMITH,
Chief Clerk of the House of Delegates.

CHAPTER 41.

AN ACT TO ADD TWO (2) ADDITIONAL SECTIONS, TO BE NUMBERED SECTION 120 AND 121 TO ARTICLE 25 OF THE CODE OF PUBLIC GENERAL LAWS OF THE STATE OF MARYLAND RELATING TO COUNTY COMMISSIONERS, AUTHORIZING COUNTY COMMISSIONERS TO TAKE AND HOLD IN TRUST MONEY OR OTHER PROPERTY GIVEN, DEVISED OR BEQUEATHED TO THEM FOR PURPOSES OF EDUCATION.

SECTION 1. *Be it enacted by the General Assembly of Maryland*, That two new sections be and the same are hereby added to Article 25 of the Code of Public General Laws title "County Commissioners" to follow immediately after section 119, and to be designated as sections 120 and 121 under a new sub-title "Schools" and to read as follows:

120. The County Commissioners of each County in this State in their capacity of corporations, shall be and hereby are invested with full power to receive in Trust and to hold and control for the purpose of such trusts, all money or other property of whatsoever description which may hereafter be bestowed upon such corporations by will, deed, or in any other form of gift or conveyance in trust for purposes of education, and to provide by resolution or otherwise for the execution of said trusts in the mode of prescribed by the will, deed or other instrument creating the same.

121. That the State's Attorneys of the several Counties be and they hereby are charged with the duty of seeing that such trusts are carried into effect in their respective counties, and in case of any neglect on the part of the County Commissioners it shall be the duty of the State's Attorney in the county in which such neglect occurs, to cause proper proceedings to be instituted in the Circuit Court for said county to compel the execution of the said trust.

Approved February 28, 1894.

FRANK BROWN, Governor.
JOHN WALTER SMITH,
President of the Senate.
JAMES H. PRESTON,
Speaker of the House of Delegates.

We hereby certify that the aforegoing is a correct copy of an Act of the General Assembly of Maryland, passed January Session, 1894.

J. ROGER McSHERRY,
Secretary of the Senate.
B. L. SMITH,
Chief Clerk of the House of Delegates.

CHAPTER 61.

AN ACT TO ADD AN ADDITIONAL SECTION TO ARTICLE EIGHTY-SEVEN OF THE CODE OF PUBLIC GENERAL LAWS, TITLE "SHERIFFS," SUB-TITLE "SERVICE OF PROCESS, CIVIL AND CRIMINAL, AND PROCEEDINGS IN CASES OF FAILURE TO MAKE DUE RETURNS," TO BE DESIGNATED AS SECTION "15 A."

SECTION 1. *And be it enacted by the General Assembly of Maryland*, That an additional section as follows, shall be added to Article 87 of the Code of Public General Laws, title "Sheriffs," sub-title "Service of Process, Civil and Criminal and Proceedings in Cases of Failure to make due Returns" and to be designated as 15 A.

15 A. Any Sheriff may make one or more returns of the proceeds of sale under any fieri facias, attachment, or venditioni exponas, where dispute is known to exist as to the distribution of the proceeds of sale, to the Circuit Court of his county, or to the court in Baltimore City, out of which the process issued. And the court may ratify one of the Sheriffs' returns, or may reject all returns and remand same back to the Sheriff for a further return, provided that any one, aggrieved by the decision of the court in ratifying any return, may appeal to the Court of Appeals as may now be done from any final decree or order in the nature of a final decree, from a Court of Equity.

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

Approved March 7, 1894.

FRANK BROWN, Governor.
JOHN WALTER SMITH,
President of the Senate.
JAMES H. PRESTON,
Speaker of the House of Delegates.

We hereby certify that the aforegoing is a correct copy of an Act of the General Assembly of Maryland, passed January Session, 1894.

J. ROGER McSHERRY,
Secretary of the Senate.
B. L. SMITH,
Chief Clerk of the House of Delegates.

CHAPTER 63.

AN ACT SUPPLEMENTARY TO THE ACT OF ASSEMBLY OF MARYLAND AND ENTITLED "AN ACT TO REGULATE THE TAKING OF OYSTERS IN THE POCOMACRIVER" WHICH IS CONTAINED IN CHAPTER 76 OF THE ACTS OF ASSEMBLY OF 1884.

SECTION 1. *Be it enacted by the General Assembly of Maryland*, That all oysters taken from the waters of the Potomac River, either with scoops, scrapes, dredges or similar instruments, or with rakes or tongs, shall be culled upon the natural beds or bars from which the same shall be taken as soon as taken; and all oysters having shells of a less size than two and one-half inches in length measured from hinge to mouth, together with all empty shells, shall be left upon the natural beds or bars, Provided that when small oysters are adhering so closely to the shell of the marketable oyster as to render its removal impossible without destroying the small oyster then it shall not be necessary to remove it.

SEC. 2. *And be it enacted*, That where any cargo of portion of cargo of oysters taken from the waters of the Potomac River in any manner, shall contain more than five per cent. of empty shells, and oysters of which the shell measurement shall be less than two and one-half inches from the hinge to the mouth, the said cargo or portion of cargo shall be deemed to have been unculled, and the person or persons who have taken the same, and any person who shall offer the same for sale or have the same in his possession for sale shall be deemed guilty of a misdemeanor.

SEC. 3. *And be it enacted*, That when the purchaser or any other person shall have reason to believe that any cargo of oysters has been brought to the market in violation of this law, the inspector shall be called in to ascertain the fact and he shall thereupon cause the contents of every fifteen tub or measure to be dumped in any convenient place to be agreed on by the vendor and purchaser and the same shall be kept away and separate from the other oysters or oyster shells, and after the whole cargo, vessel load, or quantity of oysters so sold shall have been measured and the quantity ascertained, the inspector shall, in the presence of the vendor or his duly authorized agent or employe, proceed to separate from the oysters so set aside all shells and small oysters less than two and one-half inches in length, and he shall proceed to measure the shells and small oysters set aside as hereinbefore provided, and if said shells and small oysters so set aside, after being so separated from the marketable oysters, shall be found to exceed five per cent. of the whole quantity so set aside as aforesaid, then the vender shall be deemed to have violated this act.

SEC. 4. *And be it enacted*, That any person violating any section of this act, shall, upon conviction thereof, be fined not less than twenty-five dollars and not more than three hundred dollars in the discretion of the judge of the court or other tribunal before whom such offender may be tried.

SEC. 5, *And be it enacted*, That all oysters taken in the waters of the Chesapeake Bay or its tributaries, either in the State of Maryland or Virginia, shall be subject to the operation of the laws of the State in which such oysters may be offered for sale, and any person offering oysters for sale or having the same in his possession for sale, which shall not have been culled as required by the laws of the State in which they may be offered for sale, shall be liable to trial and conviction in the same manner that such persons would be if such oysters had been caught in the State where they are so offered for sale, and upon conviction shall be punished in such manner as is provided by the laws of the State in which such oysters may be so offered for sale.

SEC. 6. *And be it enacted*, That this act shall go into effect as soon as it is adopted by the State of Virginia through an act of her General Assembly, and shall continue in full force and operation until the same shall have been repealed or altered by either State.

SEC. 7. *And be it enacted*, That nothing in this act shall be construed in any way to impair, alter or abridge any rights which either State or the citizens thereof, may be entitled to either by, through, under or against the compact entered into between the States of Maryland and Virginia on the 28th day of March, 1785 or any existing law of either of the two said States.

Approved March 8, 1894.

FRANK BROWN, Governor.
JOHN WALTER SMITH,
President of the Senate.
JAMES H. PRESTON,
Speaker of the House of Delegates.

We hereby certify that the aforegoing is a correct copy of an Act of the General Assembly of Maryland, passed January Session, 1894.

J. ROGER McSHERRY,
Secretary of the Senate.
B. L. SMITH,
Chief Clerk of the House of Delegates.

CHAPTER 86.

AN ACT TO REPEAL AND RE-ENACT WITH AMENDMENTS SECTIONS 653 A, 653 E AND 653 L, OF ARTICLE 4, CODE OF PUBLIC LOCAL LAWS, TITLE "CITY OF BALTIMORE," SUB-TITLE "LIQUOR AND INTOXICATING DRINKS" AS ENACTED BY CHAPTER THREE HUNDRED AND FORTY-THREE OF THE ACTS OF ASSEMBLY PASSED AT JANUARY SESSION 1890; AND ALSO TO ADD THREE NEW SECTIONS TO SAID ARTICLE FOUR, CODE OF PUBLIC LOCAL LAWS, TITLE AND SUB-TITLE AFORESAID, TO COME IN AFTER SECTION 653 U, AND TO BE DESIGNATED AS SECTION 653 V, 653 W, AND 653 X, RESPECTIVELY, REGULATING THE SALE OF SPIRITUOUS AND FERMENTED LIQUORS BY DISTILLERS, BREWERS, WHOLESALE DEALERS AND JOBBERS AND BOTTLERS, AND THE GRANTING OF LICENSES TO SUCH WHOLESALE DEALERS AND JOBBERS AND BOTTLERS, THE LICENSING OF HOTEL OR ORDINARY KEEPERS, AND THE ASSIGNING OR TRANSFERRING OF LICENSES TO SELL SUCH LIQUORS AT RETAIL FROM ONE PERSON OR PLACE TO ANOTHER PERSON OR PLACE.

SECTION 1. *Be it enacted by the General Assembly of Maryland*, That Section 653 A, 653 E, and 653 L, of Article 4 of the Code of Public Local Laws, title "City of Baltimore," sub-title "Liquor and Intoxicating Drinks" as enacted by Chapter 343, of the acts of the General Assembly of Maryland passed at the January session, 1890, be, and the same are hereby repealed and re-enacted with amendments so as to read as follows; and that the three following new sections be added to said Article 4, Code of Public Local Laws, title "City of Baltimore, sub-title "Liquor and Intoxicating Drinks," to come in after Section 653 U, and to be designated as Section 653 V, 653 W, and 653 X, respectively, so as to read as follows:

SECTION 653 A. No person shall sell, offer for sale or keep for sale in the City of Baltimore, any intoxicating liquors except as hereinafter provided, but this shall not apply to sales made by a person under a provision of law requiring him to sell personal property, nor to sales of liquors by wholesale, nor to sales by the maker, brewer or distiller thereof, nor to sales by bottlers of fermented liquors not to be drunk on the premises; saved and except as hereinafter specially provided in reference to wholesale dealers and jobbers, brewers, distillers and bottlers in Section 653 V, wherein the rights and duties of said classes of persons are set forth and defined:

Wherever the term intoxicating liquors is used in this Act, it shall be deemed to include whiskey, brandy, rum, gin, wine, ale, beer and all other fermented and distilled liquors and every mixture of liquors, which shall contain more than two per cent. by weight of alcohol and every mixture of liquors which shall contain less than two per cent. of alcohol if the same shall be intoxicating. Nothing in this Act shall be construed to authorize the sale of any intoxicating liquor or any admixture thereof in any part of said city where such sale now is or shall hereafter be prohibited by special law.

SECTION 653 E. No licenses to sell intoxicating liquors, other than by wholesale traders, distillers, brewers, rectifiers and bottlers of fermented liquors shall be granted in the City of Baltimore except by said Board, and only to citizens of the United States of temperate habits and good moral character who have complied with the requisites of this Act.

SECTION 653 L. If after the notice and hearing provided for in this Act, the said Board should decide to grant the license prayed for they shall notify the applicant of such decision in writing and the applicant shall thereupon pay to the Clerk of the Court of Common Pleas the sum of money specified below, to wit: For a hotel or restaurant or other place in which distilled liquors or any admixture of distilled liquors containing more than 15 per cent. of alcohol, or fermented liquors containing less than 15 per cent. of alcohol are sold by retail, by the drink or in quantities or packages not exceeding five gallons of any spirituous or fermented liquor, except lager beer, and not exceeding one keg of eight gallons or less of lager beer, to be drunk on the premises or not, as desired by the purchaser, the sum of Two Hundred and Fifty dollars, and the Clerk of the Court of Common Pleas shall thereupon issue to applicants the license authorized to be issued by said Board: *Provided*, That any *bona fide* retail grocer who shall make application to said Board therefor, may be licensed by said Board in their discretion, upon complying with the conditions of this Act, to sell wines, spirituous and fermented liquors as aforesaid, in quantities or packages not less than one pint, but in no case to be drunk on the premises, and shall pay for such license the sum of Two Hundred and Fifty dollars a year, but in no case shall a license to sell intoxicating liquors by the drink be granted to any person who shall obtain a license to sell goods, wares or merchandise, other than intoxicating liquors upon the same premises where such intoxicating liquors are licensed to be sold, provided further, that no retail license shall be issued to any distiller or brewer.

SECTION 653 V. Distillers, brewers and wholesale dealers or jobbers shall be allowed to sell spirituous and fermented liquors in quantities or packages not less than one pint each, and in no case to be drunk on the premises. Distillers and brewers shall require no license; wholesale dealers and jobbers shall be entitled to receive a license as such, to sell as above stated, and not otherwise, upon applying directly to the Clerk of the Court of Common Pleas and paying to him the sum of Two Hundred and Fifty dollars a year therefor. But any person, copartnership or corporation (other than brewers who as hereinbefore stated require no license) may be licensed to conduct a bottling business by selling fermented liquors only and in quantities or packages not less than twelve pint bottles, by applying directly to the Clerk of the Court of Common Pleas and paying him the sum of Forty dollars a year therefor. Any person required by this section to take out a license, who shall sell or offer for sale any intoxicating liquor without having first procured such license and any person who shall violate any of the provisions of this section as to the manner or quantity in which he shall sell or offer for sale such liquor, whether he shall be required to take out a license or not shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than Two Hundred and Fifty dollars, nor more than Five Hundred dollars in the discretion of the Court.

No license under this section shall be issued for a longer period than one year; if issued for a shorter period the licensee shall pay for every month for which his license is to run one-twelfth of the annual charge for such license, and all such licenses shall expire on the first day of May succeeding their issue. The whole of the money received by the Clerk of the Court of Common Pleas for the license aforesaid shall be paid over quarterly by said Clerk of the Court of Common Pleas to the State, as now provided by law, and when so paid over the Comptroller of the Treasury shall draw his warrant upon the Treasurer in favor of the Mayor and City Council of Baltimore for three-fourths thereof, to be applied to the general use of said city.

SECTION 653 W. No hotel keeper or ordinary keeper shall receive a license to sell intoxicating liquors until he shall first have paid for and received a license to keep a hotel or ordinary as provided by law.

SECTION 653 X. Any holder of a license to sell intoxicating liquors at retail, by the drink or otherwise, may be permitted by said Board in their discretion to sell or assign said license to another person to be used at the same or another place of business; or to transfer his said license to another place of business, provided that the fitness and propriety of said intended purchaser or assignee, and of said intended new place of business, shall be first approved by said Board upon due application therefor, recommendation by qualified voters, advertisement of same in newspapers, etc., as required in case of an original application for such license. Such sale or assignment or transfer, when granted by said Board, shall be endorsed upon the license by the Clerk of the Court of Common Pleas, who shall be entitled to receive a fee of fifty cents therefor, and the same shall then take effect.

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

Approved March 14, 1894.

FRANK BROWN, Governor.
JOHN WALTER SMITH,
President of the Senate.
JAMES H. PRESTON,
Speaker of the House of Delegates.

We hereby certify that the aforegoing is a correct copy of an Act of the General Assembly of Maryland, passed January Session, 1894.

J. ROGER McSHERRY,
Secretary of the Senate.
B. L. SMITH,
Chief Clerk of the House of Delegates.

CHAPTER 98.

AN ACT TO REPEAL AND RE-ENACT WITH AMENDMENTS SECTION 13 OF ARTICLE 47, TITLE "INSOLVENTS," OF THE CODE OF PUBLIC GENERAL LAWS.

SECTION 1. *Be it enacted by the General Assembly of Maryland*, That Section 13 of Article 47 of the Code of Public General Laws title "Insolvents" be and the same is hereby repealed and re-enacted with amendments so as to read as follows:

13. The Clerks of the Circuit Courts may receive the petitions under this article, and appoint the preliminary trustee mentioned in this article, and approve his bond, as well as the bond of the permanent trustee; take acknowledgements to the deeds to the preliminary and permanent trustees, and fix the day or days for the insolvent to appear and answer interrogatories or allegations and order notices to be given to the creditors under such rules as the Circuit Court may prescribe and shall received as compensation one dollar, provided that no clerk shall in any case appoint the preliminary trustee of any applicant for the benefit of the insolvent law against whom there is pending at the time of his application a petition or petitions by one or more creditors under the 23rd section of this article, but shall submit every such application together with all such petitions then pending against such applicant to one of the Judges of the said courts for its action.

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

Approved March 15, 1894.

FRANK BROWN, Governor.
JOHN WALTER SMITH,
President of the Senate.
JAMES H. PRESTON,
Speaker of the House of Delegates.

We hereby certify ,That the aforegoing is a correct copy of an act of the General Assembly of Maryland, passed January session, 1894,

J. ROGER McSHERRY,
Secretary of the Senate.
B. L. SMITH,
Chief Clerk of the House of Delegates.

CHAPTER 94.

AN ACT TO REPEAL AND RE-ENACT WITH AMENDMENTS, SECTIONS 11 OF ARTICLE 62 OF THE CODE OF PUBLIC GENERAL LAWS OF MARYLAND, TITLE "MARRIAGES."

SECTION 1. *Be it enacted by the General Assembly of Maryland*, That Section 11 of Article 62 of the Code of Public General Laws, title "Marriages," be repealed and re-enated with amendments so as to read as follows:

SEC. 2. Such License when produced shall be full authority to any minister or other person authorized to marry receiving the same, to proceed with the marriage of the parties named therein, provided that should any minister or other person marry persons without such License he shall on conviction thereof be fined not less than One hundred Dollars, nor more than Five hundred dollars in the discretion of the court, and provided further that any minister or other person so performing such marriage ceremony who shall fail to return within the period of thirty days from the date of such marriage, to the Clerk of the Court issuing said License, one of the certificates of marriage mentioned section four of this article, shall on conviction thereof be fined not less than Ten dollars.

Approved March 15, 1894.

FRANK BROWN, Governor.
JOHN WALTER SMITH,
President of the Senate.
JAMES H. PRESTON,
Speaker of the House of Delegates.

We hereby certify that the aforegoing is a correct copy of an Act of the General Assembly of Maryland, passed January Session, 1894.

J. ROGER McSHERRY,
Secretary of the Senate,
B. L. LMITH,
Chief Clerk of the House of Delegates.

CHAPTER 104.

AN ACT TO REPEAL AND RE-ENACT WITH AMENDMENTS SECTION 38 OF ARTICLE 9 OF THE CODE OF PUBLIC GENERAL LAWS, TITLE "ATTACHMENTS," SUB-TITLE "ATTACHMENTS ON ORIGINAL PROCESS FOR FRAUDS."

SECTION 1. *Be it enacted by the General Assembly of Maryland*, That Section 38 of Article 9, of the Code of Public General Laws, title "Attachments," sub-title "Attachments on Original Process for Fraud" be and the same is hereby repealed and re-enacted with amendments so as to read as follows:

38. Every clerk before issuing an attachment under the preceding section shall take from the plaintiff or some person on his behalf, bond to the State of Maryland with security to be approved by said clerk, in double the sum alleged to be due by the defendant or defendants, conditioned for satisfying all costs which may be awarded to such defendant or defendants, or to any other persons interested in the proceedings, and all damages which the defendant or defendants or any other persons interested in the proceedings shall suffer because of the wrongful suing out of said attachment, which bond shall be filed in the office of the clerk issuing such attachment. The condition of said bond shall be substantially in the following form: The condition of this obligation is such that whereas the above bounden —— hath on the day of the date hereof ordered an attachment out of (naming the court from which said attachment shall issue) at the suit of ——vs.—— for the sum —— and the same being about to be sued out of said court returnable on the —— day of —— next. Now if the said —— shall prosecute his suit with effect or in case of failure thereof, shall well and truly pay and satisfy the said —— and any other persons interested in the proceedings, all such costs of said suit and all such damages as he or they shall or may suffer or incur by reasons of the wrongful suing out of said attachment, then the above obligation to be void otherwise to remain in full force and effect. Every attachment hereafter issued without a bond and affidavit taken as aforesaid is hereby declared illegal and void and shall be dismissed.

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

Approved March 21, 1894.

FRANK BROWN, Governor.
JOHN WALTER SMITH,
President of the Senate.
JAMES H. PRESTON,
Speaker of the House of Delegates.

We hereby certify that the aforegoing is a correct copy of an Act of the General Assembly of Maryland, passed January Session, 1894.

J. ROGER McSHERRY,
Secretary of the Senate.
B. L. SMITH,
Chief Clerk of the House of Delegates.

CHAPTER 105.

AN ACT TO REPEAL AND RE-ENACT WITH AMENDMENTS SECTION 475 ARTICLE 4 OF PUBLIC LOCAL LAWS OF MARYLAND, TITLE "BALTIMORE CITY," SUB-TITLE "HAY AND STRAW," AND TO ADD A SECTION THERETO TO BE NUMBERED SECTION 475 A.

SECTION, 1. *Be it enacted by the General Assembly of Maryland*, That Section 475 of Article 4 of the Code of Public Local Laws of Maryland, title "Baltimore City," sub-title "Hay and Straw" be and the same is hereby repealed and re-enacted with amendments, and that a new section be the numbered section 475 A, be added to said article to read as to the two said sections as follows:

475. If any person bringing Hay or Straw to said City shall neglect to have the same weighed by the said inspectors or shall be detected in having stones, rubbish, wood or anything else concealed in his load or shall in any manner change the condition of his cart, wagon, carriage or sled, with a fraudulent intention, he shall forfeit and pay for such neglect or offense the sum of five dollars; provided however any person bringing Hay or Straw to market, who shall sell and deliver the same for consumption West of Gwynns Falls shall not be subject to the penalty herein recited as to not having said load of Hay or Straw weighed by the weighmaster at the Western Hay Scale, (provided he shall tender to the weigher of Hay and Straw at the Western Hay Scales, on the day of delivery of said Hay and Straw, such fee as is prescribed by law, said fee to be ascertained by the certificate of the person weighing said Hay or Straw. And when said certificate of private weigher is presented to the weighmaster of Hay and Straw at the Western Hay Scales, the said weighmaster shall retain the certificate of the private weigher and issue to the person presenting the certificate from the private weigher, a certificate from the book of the weighmaster at the Western Hay Scales corresponding with the certificate of the private weigher, for which the weighmaster at the Western Hay Scales shall collect the fee prescribed by law, any seller of Hay or Straw failing to comply with the provisions of this section or failing to present the certificate of the private weigher to the weighmaster at the Western Hay Scales, shall be subject to a fine of Five dollars for each and every such offense.)

475 A. *And be it enacted*, That any private weigher who shall render a false certificate, and any seller of Hay or Straw who shall present a false certificate to the weigher of Hay and Straw at the Western Hay Scales, shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be subject to a fine of Five dollars and costs for each and every such offense.

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

Approved March 21, 1894.

FRANK BROWN, Governor.
JOHN WALTER SMITH,
President of the Senate.
JAMES H. PRESTON,
Speaker of the House of Delegates.

We hereby certify that the aforegoing is a correct copy of an Act of the General Assembly of Maryland, passed January Session, 1894.

J. ROGER McSHERRY,
Secretary of the Senate.
B. L. SMITH,
Chief Clerk of the House of Delegates.

CHAPTER 107.

AN ACT TO REPEAL AND RE-ENACT WITH AMENDMENTS SECTION 68 OF ARTICLE 93 OF THE CODE OF PUBLIC GENERAL LAWS, TITLE "TESTAMENTARY LAW," SUB-TITLE "ADMINISTRATION PENDENTE LITE."

SECTION 1. *Be it enacted by the General Assembly of Maryland*, That Section 68 of Article 93 of the Code of Public General Laws, title "Testamentary Law," sub-title "Administration Pendente Lite" be and the same is hereby repealed and re-enacted with amendments so as to read as follows:

68. In all cases where the validity of a will is or shall be contested, letters of administration, pending such contest, may, in the discretion of the Orphan's Court, be granted to the person named executor, or to the person to whom the largest portion of the personal estate may be bequeathed in such contested will, or to the person who would be entitled to letters of administration by law, as in cases of intestacy.

Approved March 21, 1894.

FRANK BROWN, Governor.
JOHN WALTER SMITH,
President of the Senate.
JAMES H. PRESTON,
Speaker of the House of Delegates.

We hereby certify that the aforegoing is a correct copy of an Act of the General Assembly of Maryland, passed January Session, 1894.

J. ROGER McSHERRY,
Secretary of the Senate.
B. L. SMITH,
Chief Clerk of the House of Delegates.

CHAPTER 108.

AN ACT TO REPEAL SECTIONS 2 AND 5 OF ARTICLE 10 OF THE CODE OF PUBLIC GENERAL LAWS, ENTITLED "BASTARDY AND FORNICATION," AND TO RE-ENACT THE SAME WITH AMENDMENTS.

SECTION 1. *Be it enacted by the General Assembly of Maryland*, That Sections 2 and 5 of Article 12 of the Code of Public General Laws of Maryland, be and the same are hereby repealed and re-enacted, so as to read as follows:

2. But if the said person shall on oath discover the father of such child, the Justice shall discharge her, and shall cause to be arrested and brought before him such father, if a resident of the county, and shall cause him to give security in the sum of eighty dollars (80.00) to indemnity the county from all charges that may arise for the maintenance of such child, and upon the failure of such putative father to enter into security, the Justice shall commit him to the custody of the Sheriff of the county, for the period of twelve months.

5. But if any person charged with being the father of an illegitimate child, shall feel aggrieved by the judgment of the Justice, he shall have the right to enter into his personal recognizance for his appearance at the next Circuit Court for the county, or the Criminal Court of Baltimore, if in the City of Baltimore, and the said court shall take cognizance thereof, and such proceedings shall be thereupon had, as in other criminal cases; and if the person so charged shall be found guilty by the verdict of a Jury, or by the Court, if the case be tried before the Court, the Court shall immediately order such person to give security to indemnify the county from any charges that may accrue for the maintenance of said child, and if he shall neglect or refuse to give such security, he shall be committed to the custody of the Sheriff until he comply; provided that such custody shall not continue longer than twelve months, nor less than six months, in the discretion of the Court. But such personal recognizance shall not entitle him to be discharged from the custody of the Sheriff, unless he shall enter into an additional recognizance to be taken in the name of the State, with good and sufficient sureties to indemnify the Court from all charges that may arise for the maintenance of such child in case he shall fail to make his appearance and abide by, and perform such order as shall be passed therein, and such last named recognizance shall be liable to be proceeded against as is provided in Sections 7 and 8 of this Article.

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

Approved March 21, 1894.

FRANK BROWN, Governor.
JOHN WALTER SMITH,
President of the Senate.
JAMES H. PRESTON,
Speaker of the House of Delegates.

We hereby certify that the aforegoing is a correct copy of an Act of the General Assembly of Maryland, passed January Session, 1894.

J. ROGER McSHERRY,
Secretary of the Senate.
B. L. SMITH,
Chief Clerk of the House of Delegates.

CHAPTER. 110.

AN ACT TO ADD A NEW SECTION TO ARTICLE 70 OF THE CODE OF PUBLIC GENERAL LAWS, TITLE "OFFICIAL OATHS," REGULATING THE ADMINISTRATION OF THE OATH OR AFFIRMATION, OF OFFICE PRESCRIBED BY THE CONSTITUTION, TO DISTRICT SCHOOL TRUSTEES, TO BE DESIGNATED AS SECTION 5 A, AND TO FOLLOW SECTION 5 OF SAID ARTICLE.

SECTION 1. *Be it enacted by the General Assembly of Maryland*, That a new section be and the same is hereby added to Article 70, of the Code of Public General Laws, title "Official Oaths," to be designated as Section 5 A, to follow Section 5 and to read as follows:

5 A. District School Trustees shall take and subscribe the oath or affirmation, of office prescribed by the constitution, before a County School Commissioner, the School Examiner of said county, or a Justice of the Peace, in their respective counties.

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

Approved March 21, 1894.

FRANK BROWN, Governor
JOHN WALTER SMITH,
President of the Senate.
JAMES H. PRESTON,
Speaker of the House of Delegates.

We hereby certify ,That the aforegoing is a correct copy of an act of the General Assembly of Maryland, passed January session, 1894,

J. ROGER McSHERRY,
Secretary of the Senate.
B. L. SMITH,
Chief Clerk of the House of Delegates.

CHAPTER 132.

AN ACT TO REPEAL AND RE-ENACT WITH AMENDMENTS SECTION 611 OF ARTICLE 4 OF THE CODE OF PUBLIC LOCAL LAWS, TITLE "CITY OF BALTIMORE" SUB-TITLE "JUSTICE OF THE PEACE AND CONSTABLES."

SECTION 1. *Be it enacted by the General Assembly of Maryland*, That Section 611 of Article 4 of the Code of Public Local Laws, title "City of Baltimore," sub-title "Justice of the Peace and Constables" be and and the same is hereby repealed and re-enacted with amendments so as to read as follows:

611. Every writ of replevin or summons issued by said justices shall be made returnable before the same or any justice of the peace of ward in which the defendant may reside; and the defendant shall have the right to have his case tried before the justice who issued the writ of replevin or summons or before the justice of the ward in which he resides.

Approved March 27, 1894.

FRANK BROWN, Governor.
JOHN WALTER SMITH,
President of the Senate.
JAMES H. PRESTON,
Speaker of the House of Delegates.

We hereby certify ,That the aforegoing is a correct copy of an act of the General Assembly of Maryland, passed January session, 1894,

J. ROGER McSHERRY,
Secretary of the Senate.
B. L. SMITH,
Chief Clerk of the House of Delegates.

CHAPTER 141.

AN ACT TO ADD SIX NEW SECTIONS TO ARTICLE 81 OF THE CODE OF PUBLIC GENERAL LAWS, TITLE "REVENUE AND TAXES," SUB-TITLE "PAYMENT OF TAXES BY CORPORATIONS," PROVIDING FOR THE PAYMENT BY EVERY NEWLY CREATED CORPORATION OF A BONUS ON ITS CAPITAL STOCK FOR THE USE OF THE STATE, TO COME IN AFTER SECTION 88 AND TO BE DESIGNATED AS SECTIONS 88 F, 88 G, 88 H, 88 I, and 88 J.

SECTION 1. *Be it enacted by the General Assembly of Maryland*, That the following new sections be and the same are hereby added to Article 81 of the Code of Public General Laws, title "Revenue and Taxes," sub-title "Payment of Taxes by Corporations," to be designated as Sections eighty-eight F, eighty-eight G, eighty-eight H, eighty-eight I and eighty-eight J.

88 F. Every corporation which shall be incorporated after the date of the passage of this Act under any general or special law of this state except cemetery companies, companies created for purely benevolent and charitable purposes, railroad companies and building or homestead associations incorporated under Article 23 of the Code of Public General Laws, title "Corporations," sub-title "Provisions for the Formation of Corporations," Section eighteen, class (5) shall pay to the State Treasurer for the use of the State a bonus of one-eighth of one per centum upon the amount of capital stock which said company is authorized to have, and a like bonus upon the amount of any subsequent increase of capital stock the company is authorized to have; said bonus upon the original capital stock shall be due and payable upon the incorporation of said company and upon the increase upon the recording of the certificate of such increase or the passage of any special Act authorizing such increase, and no company as aforesaid which shall be incorporated after the date of the passage of this Act shall have or exercise any corporate powers until said bonus has been paid to the State Treasurer. Whenever any company of the character aforesaid incorporated prior to the date of the passage of this Act shall be authorized to increase its capital stock it shall pay a tax of one-eighth of one per centum to the State Treasurer for the use of the State upon the amount of increase said company is authorized to have; said bonus shall be due and payable upon the recording of the certificate of increase authorized or upon the passage of any special Act authorizing such increase.

88 G. If any corporation or company from which said bonus shall be due shall fail or neglect to pay the same to the Treasurer of the State for the space of two months after the same has been due and payable as aforesaid it shall be the duty of the Comptroller to make out said account against said corporation and certify the same under the seal of his office and transmit the same to some Attorney in whom he has confidence and to cause suit to be brought for the recovery of said bonus, but no acquittance shall be good to discharge such corporation from such bonus but the receipt of the Treasurer of the State or the proper officer to whom execution on judgment may issue.

88 H. Suit for the recovery of such bonus shall be brought in the county where the incorporation papers of said corporation are recorded or where the principal office of such company is located or in the City of Baltimore if the incorporation papers of such company are recorded, or the principal office of such company is there located, and the service of the writ of summons upon any officer or agent of such company or upon any stockholder or incorporator in such company, shall be deemed and taken as sufficient service on such corporation upon the return of the writ issued against such corporation, and such corporation being summoned as aforesaid the cause shall stand for trial or hearing according to the law and the respective rules of courts of this State; and if judgment shall be rendered against such corporation a fee of ten dollars shall be allowed the Attorney for the State to be taxed in the plaintiff's costs.

88 I. If after suit brought and judgment rendered against any corporation from which said bonus shall be due as aforesaid shall continue in arrears and shall fail or neglect to pay said bonus to the State Treasurer for the space of two years after the same shall be in arrears such failure and neglect shall be deemed to amount to and shall constitute a forfeiture of the charter of such corporation and said charter shall be decreed to be so forfeited and annulled *ipso-facto*, and that and thereupon all corporate powers exercised by any such building or homestead association formed since January first, 1890, and prior to the date of the passage of this Act are hereby given validity and full force.

88 J. The certificate of the Comptroller under the seal of his office shall be *prima facia* evidence of the amount of bonus due as aforesaid to entitle the State to judgment for said bonus and costs of suit.

SEC. 2. *And be it enacted*, That all Acts and parts of Acts inconsistent with the provisions of this Act be and the same are hereby repealed; provided, however, that no corporation incorporated prior to the date of the passage of this Act shall in any manner by this Act be released or relieved from the payment of any bonus now due and owing by it or which shall become due and payable by it prior to the date of the passage of this Act under the provisions of chapter five hundred and thirty-six of the Acts of the General Assembly of Maryland of the year eighteen hundred and ninety, excepting nevertheless such classes of corporations as will be exempt from the operation of this Act which said classes of corporations heretofore formed shall be exempt from the operation of this Act in like manner as such classes of corporations hereafter to be formed.

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

Approved March 21, 1894.

FRANK BROWN, Governor.
JOHN WALTER SMITH,
President of the Senate.
JAMES H. PRESTON,
Speaker of the House of Delegates.

We hereby certify that the aforegoing is a correct copy of an Act of the General Assembly of Maryland, passed January Session, 1894.

J. ROGER McSHERRY,
Secretary of the Senate,
B. L. LMITH,
Chief Clerk of the House of Delegates.

CHAPTER 143.

AN ACT TO REPEAL AND RE-ENACT WITH AMENDMENTS, SECTIONS 311 A, OF ARTICLE 93 OF THE CODE OF PUBLIC GENERAL LAWS TITLE "TESTAMENTARY LAW," SUB-TITLE "WILLS" AS SAID SECTION WAS ENACTED BY CHAPTER 169 OF THE ACTS OF 1892.

SECTION 1. *Be it enacted by the General Assembly of Maryland*, That Section 311 A of Article ninety-three (93) of the Code of Public General Laws, title "Testamentary Law," sub-title "Wills" as said section was enacted by Chapter 169 of the Acts of 1892, be and the same is hereby repealed and re-enacted with amendments so as to read as follows:

311 A. Sections 310 and 311 of this Article shall not apply to any will or bequest executed prior to the first day of August, eighteen hundred and eighty-four, but as to any such will or bequest the law as it existed prior to the said date shall apply and govern the same.

Approved March 29, 1894.

FRANK BROWN, Governor.
JOHN WALTER SMITH,
President of the Senate.
JAMES H. PRESTON,
Speaker of the House of Delegates.

We hereby certify that the aforegoing is a correct copy of an Act of the General Assembly of Maryland, passed January Session, 1894.

J. ROGER McSHERRY,
Secretary of the Senate.
B. L. LMITH,
Chief Clerk of the House of Delegates.

CHAPTER 151.

AN ACT TO REPEAL SECTION 319 OF ARTICLE 93 OF THE CODE OF PUBLIC GENERAL LAWS, TITLE "TESTAMENTARY LAW," SUB-TITLE "WILLS" AND TO RE-ENACT THE SAME WITH AMENDMENTS.

SECTION 1. *Be it enacted by the General Assembly of Maryland*,