

Saint Mary's Beacon.

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NO. 30

ST. MARY'S BEACON

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State Laws.

LAW—GENERAL.

PASSED BY THE GENERAL ASSEMBLY OF MD.

At the January Session, 1868.

PUBLISHED BY AUTHORITY.

CHAPTER 23

AN ACT

To repeal sections twenty-two and twenty-four of Article sixty-one of the Code of Public General Laws, entitled "Mechanic's Lien," and to enact the following in lieu thereof.

Sec. 1. Be it enacted by the General Assembly of Maryland, that sections twenty-two and twenty-four, of article sixty-one of the Code of Public General Laws, be, and the same are hereby repealed.

Sec. 2. Be it enacted by the General Assembly of Maryland, that the following be substituted in lieu thereof.

§ 22. Every machine, wharf and bridge erected, constructed or repaired within this State shall be subject to a lien in like manner as buildings are made subject under the provisions of this Article.

§ 24. The proceedings to recover the amount of any lien under this Article, whether upon a house, machine, wharf, bridge, boat or vessel, shall be by bill in equity, or by *scire facias*.

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

Approved Feb. 18, 1868.

THOMAS SWANN, Governor.

May 14, 1868—11

[CHAPTER 67.]

AN ACT

To amend the Code of Public General Laws, title "Publication of Laws," by adding thereto an additional section as follows.

Sec. 1. Be it enacted by the General Assembly of Maryland, That the Article of the Code of Public General Laws, entitled "Publication of Laws," being the Act of 1865, chapter 31, be amended by adding thereto an additional section as follows:

§ 5. The Treasurer upon the warrant of the Comptroller shall pay to the publishers of the newspapers in which the Public General Laws are printed in conformity with the first section of this Article, the compensation to which they may respectively be entitled, for printing said General Laws, within six months from the time of publication.

Sec. 40. And be it enacted, That this act shall take effect from the date of its passage.

Approved Feb. 26, 1868.

THOMAS SWANN, Governor.

May 14, 1868—11

[CHAPTER 78.]

AN ACT

Fixing the mileage of Members and Officers of the General Assembly of Maryland.

Sec. 1. Be it enacted by the General Assembly of Maryland, That the mileage of members and officers of Maryland shall be fixed and established as follows, that is to say: the Senators and Delegates from Allegany county shall each receive the sum of eighty dollars; those from Anne Arundel county, except from Annapolis city, the sum of fifteen dollars; those from Baltimore city, the sum of fifty dollars; those from Carroll county, the sum of thirty dollars; those from Cecil county, the sum of thirty-six dollars; those from Charles county, the sum of forty-eight dollars; those from Dorchester county, the sum of ninety dollars; those from Frederick county, the sum of thirty-three dollars; those from Harford county, the sum of twenty-seven dollars; those from Howard county, the sum of eighteen dollars; those from Kent county, the sum of sixty-four dollars; those from Montgomery county, the sum of twenty-six dollars; those from Prince George's county, the sum of twenty-five dollars; those from Queen Anne's county, the sum of sixty-eight dollars; those from Saint Mary's county, the sum of seventy-one dollars; those from Saint

erret county, the sum of ninety-two dollars; those from Talbot county, the sum of eighty-six dollars; those from Washington county, the sum of forty-nine dollars; those from Wicomico county, the sum of eighty-six dollars; and those from Worcester county, the sum of ninety-four dollars.

Sec. 2. And be it enacted, That this Act shall take effect from its passage.

Approved Feb. 26, 1868.

THOMAS SWANN, Governor.

May 14, 1868—11

[CHAPTER 115.]

AN ACT

To repeal section twenty-one and section twenty-five, of Article 74 of the Code of Public General Laws, entitled "Pilots, and to re-enact the same with amendments, so as to read as follows:

Sec. 1. Be it enacted by the General Assembly of Maryland, That section 21 and section 25 of Article 74 of the Code of Public General Laws, entitled "Pilots and the same are hereby repealed.

Sec. 2. And be it enacted, That section 21 and section 25 of Article 74 of the Code of Public General Laws, entitled "Pilots, be and the same are hereby re-enacted and amended so as to read as follows:

§ 21. No pilot shall charge or receive any greater or less reward, or compensation for his services as such, than as follows: for every vessel inward bound to Baltimore, or from Baltimore to sea, drawing fifteen feet water or over, five dollars for each foot of water she may draw; for every vessel drawing twelve feet water, and not exceeding fifteen feet, four dollars for each foot she may draw; for all vessels drawing less than twelve feet water, three dollars and fifty cents for each foot she may draw, which rates shall apply to vessels to or from Georgetown.

§ 25. If any master of any vessel shall carry any licensed pilot to sea against his inclination, he shall pay the said pilot, if said vessel be of over twelve feet draught, one hundred dollars per month until said pilot's return or death; if said vessel be of over nine feet, and not over twelve feet draught, eighty dollars a month until said pilot's return or death; if said vessel be of nine feet draught or under, sixty-six dollars and sixty-six and two-thirds cents per month until such pilot's return or death; and for every day's detention at quarantine by order of the health officer, three dollars per day for every day of such detention.

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

Approved March 7, 1868.

THOMAS SWANN, Governor.

May 14, 1868—11

[CHAPTER 170.]

AN ACT

To repeal sections two and three of Article thirty-six of the Code of Public General Laws, title "Estrays, and to re-enact the same with amendments.

Sec. 1. Be it enacted by the General Assembly of Maryland, That sections two and three of Article 36 of the Code of Public General Laws, be, and the same are hereby repealed, and the following enacted in place thereof:

§ 2. Any person taking up an estray trespassing upon his enclosure, shall, before the issue of the Peace of the neighborhood and make affidavit thereof, which affidavit shall contain a description of said estray, and such person shall cause the certificate of such Justice as to such affidavit to be published once in each of two successive weeks in any newspaper published in the county where such estray shall be taken up, if any be so published, and also copies of same be set up at not less than three of the most public places in the neighborhood, if such estray be of the value of ten dollars or upward.

§ 3. If there be no newspaper published in the county where the estray may be found, or if it be of less value than ten dollars, in such cases the said persons shall cause copies of the certificate of the Justice of the Peace to be set up at three of the most public places in the neighborhood where found.

Section 2. And be it enacted, That this Act shall take effect from its passage.

Approved March 20, 1868.

THOMAS SWANN, Governor.

May 14, 1868—11

[CHAPTER 173.]

AN ACT

To repeal section seventeen, Article fifty-three of the Code of Public General Laws, entitled "Landlord and Tenant, exempting certain articles from distress for rent, and to re-enact the same so as to read as follows:

Sec. 1. Be it enacted by the General Assembly of Maryland, That section seventeen, Article fifty-three, of the Code of Public General Laws, entitled "Landlord and Tenant," be repealed and re-enacted as follows:

§ 17. The following property shall be exempt from distress for rent, to wit, every spinning-wheel, loom, or sewing machine, which may be loaned, or hired to the tenant, and every horse, carriage and harness, whip and robe, in any livery stable, or which may be at livery, or stored

with any keeper of any livery stable, or in any other place, outhouse or barn of the tenant, and all property of any boarder or sojourner at any hotel, tavern, public or private boarding house, and any vehicle not the property of the tenant, in any shop for repairs, every stove, every piano or other musical instrument, rented or hired or loaned to the tenant where the contract of renting or hiring, or lending is in writing, signed by the parties thereto, and acknowledged before a Justice of the Peace of the county or city wherein the parties reside, and the Justice shall enter upon his docket the substance of the contract, and that the parties acknowledge the same.

Sec. 2. And be it enacted, That this Act shall take effect from the day of its passage.

Approved March 20, 1868.

THOMAS SWANN, Governor.

May 14, 1868—11

[CHAPTER 180.]

AN ACT

To repeal sections seventy-four, seventy-five, seventy-six, seventy-seven and seventy-eight of Article 75, of the Code of Public General Laws, entitled "Pleadings, Practice and Process, Sub-title Removal of Causes, as amended by the Act of Assembly of eighteen hundred and sixty-five, chapter one hundred and eighty-seven, and to enact the following as substitutes therefor.

Sec. 1. Be it enacted by the General Assembly of Maryland, That sections seventy-four, seventy-five, seventy-six, seventy-seven and seventy-eight of Article 75, of the Code of Public General Laws, entitled "Pleadings, Practice and Process," sub-title Removal of Causes, as amended by the Act of Assembly, passed at the January Session of eighteen hundred and sixty-five, chapter one hundred and eighty-seven, be and the same are hereby repealed, and that the following sections be substituted therefor.

§ 74. In all suits or actions at Law, issues from the Ophans' Court or other Court sitting in equity, and in all proceedings or indictments now pending, or which may be pending at the time of the passage of this act, or which may be hereafter instituted in any of the Courts of this State, except the Court of Appeals, having jurisdiction thereof, the Judge or Judges thereof, upon suggestion in writing, if made by the State's Attorney, or the prosecutor of the State, or upon suggestion in writing supported by affidavit made by any of the parties thereto, had been originally instituted thereon; provided, that such suggestion shall be made before or during the time at which the issue or issues, petition, presentment or indictment, unless the party or parties applying for such removal shall in addition to such affidavits as have herein already been provided for, further state under oath, that he, she or they had come to such belief, or been convinced of the facts, since the issue or issues, petition, presentment or indictment was filed; provided, that no discharge or acquittance under this Act, shall be effective unless the party or parties, to be benefited by the same, shall first pay to the State's Attorney who shall have the case in hand, the legal fees, and also all fees of Clerks and Sheriffs.

Sec. 2. And be it enacted, That the State's Attorney shall, when required, render unto the Comptroller, all the assistance he may require in the adjustment and settlement of the aforesaid claims, and the State's Attorney shall have power to examine evidence, and take and certify to affidavits as to the solvency of any official bond that may be in, or as to the solvency or insolvency of parties against whom fines and forfeitures were rendered in all cases where such fines and forfeitures form part of the State's claim against the principal, and the sureties on the bond aforesaid; and the State's Attorney shall generally perform and do all other acts and things germane to the purpose of this Act, that may be required in writing by the Comptroller as aforesaid, and shall certify and return to the Comptroller all the aforesaid evidence.

Sec. 3. And be it enacted, That in all cases wherein the Comptroller shall require the State's Attorney to assist him in executing this Act, he shall, in addition to the sum of twenty-five per cent. on any State claim that he may collect, or assist him, the Comptroller, in collecting, and which said claim accrued prior to eighteen hundred and fifty-one; a commission of ten per cent. in any claim he may collect or assist in collecting, and which said claim accrued between the thirty-first day of December, eighteen hundred and fifty, and the first day of January, eighteen hundred and sixty-one; and a commis-

sion of five per cent. on any claim he may collect or assist in collecting, and which said claim accrued between the thirty-first day of December, eighteen hundred and sixty, and the first day of January, eighteen hundred and sixty-six; and the Comptroller is hereby authorized to expend in his discretion upon the approval of the Governor and Treasurer as aforesaid, the sum of five thousand dollars, or so much thereof as may be necessary, out of any moneys in the Treasury not otherwise appropriated to pay the cost of taking and collecting the aforesaid evidence; provided, that all affidavits and other evidence that shall be taken on behalf of the party debtor to the State, shall be defrayed by said party, and the State shall not be answerable for the same.

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

Approved March 28, 1868.

THOMAS SWANN, Governor.

May 14, 1868—11

[CHAPTER 197.]

AN ACT

To amend the seventh Section of the eighteenth Article of the Code of Public General Laws, providing for the payment of public moneys by Clerks of Courts.

Sec. 1. Be it enacted by the General Assembly of Maryland, That the seventh Section of the eighteenth Article, of the Code of Public General Laws, be and the same is hereby repealed, and re-enacted as follows:

§ 7. Each Clerk shall on the first Mondays of March, June, September and December, in each and every year, pay to the Treasurer, all public money which he may have received, and on his failure to do so within thirty days thereafter, his bond may be put in suit for the use of the State, in which suit, recovery shall be had for the amount appearing to be due the State, with interest at the rate of ten per cent. per annum, from the date or dates when the same became payable as aforesaid; and a failure on the part of any Clerk to make such payment, shall amount to a forfeiture of the commissions to which he would otherwise be entitled, and any recovery on the bond of a Clerk for the non-payment of public money received by him, shall be evidence of a misdemeanor in office, for which upon conviction, he may be removed.

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

Approved March 28, 1868.

THOMAS SWANN, Governor.

May 14, 1868—11

[CHAPTER 209.]

AN ACT

To add to the eleventh Section of Article 56 of the Code of Public General Laws, a subsection requiring a license to enable any person to act as Insurance Broker.

Sec. 1. Be it enacted by the General Assembly of Maryland, That there shall be added to section eleven, of Article fifty-six, of the Code of Public General Laws a substitute as follows:

Any person applying for the same, and paying the sum of one hundred dollars, may obtain a license for carrying on the business of Insurance Broker, and any individual, co-partnership or firm, who shall carry on the business of an Insurance Broker without a license shall be subject to the penalties imposed upon other brokers by section seventeen of this Article.

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

Approved March 28, 1868.

THOMAS SWANN, Governor.

May 14, 1868—11

[CHAPTER 210.]

AN ACT

To authorize the Comptroller of the Treasury to adjust and settle the accounts due by Collectors, Sheriffs, Clerks, Registers and other receivers of the public moneys, in cases where the indebtedness accrued prior to the year eighteen hundred and sixty-six.

Sec. 1. Be it enacted by the General Assembly of Maryland, That the Comptroller of the Treasury be, and he is hereby fully authorized, and empowered to adjust and settle the claims of the State against all Collectors, Sheriffs, Clerks, Registers and other collectors or receivers of public moneys, and their sureties in all cases where the said claims accrued prior to the year eighteen hundred and sixty-six, and whether said claims be now in the form of judgment or otherwise; and for the purpose of closing all such cases, the Comptroller is hereby fully authorized to compromise the same by abating the interest that has accrued, or any portion thereof, or any part of the principal debt, in his discretion, so as to best subserve the interest of the State, and shall grant discharges to said parties, and their sureties, upon the payment into the Treasury of the amount required by him, to be paid in settlement as aforesaid; provided, however, that the Governor and Treasurer for the time being, shall each approve in writing, of any such statement before the same shall be effective; and provided that no discharge or acquittance under this Act, shall be effective unless the party or parties, to be benefited by the same, shall first pay to the State's Attorney who shall have the case in hand, the legal fees, and also all fees of Clerks and Sheriffs.

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

Approved March 28, 1868.

THOMAS SWANN, Governor.

May 14, 1868—11

[CHAPTER 196.]

AN ACT

To amend Sections 146 and 147, of the 81st Article of the Code of Public General Laws, relating to the payment of public moneys by Clerks and Registers of Wills.

Sec. 1. Be it enacted by the General Assembly of Maryland, That the one hundred and forty-sixth and one hundred and forty-seventh sections of the eighty-first article of the Code of Public General Laws, be and the same are hereby repealed and re-enacted as follows:

§ 146. It shall be the duty of the several Clerks and the several Registers of Wills in this State, to account with oath, and pay to the Treasurer on the first Mondays of March, June, September and December, in each and every year, all sums of money received by them respectively under this Article, for which they shall be allowed a commission of five per centum upon the amount so paid over.

§ 147. If any of the said Clerks or Registers shall fail to account and pay over as required in the last preceding section, the Comptroller shall in thirty days thereafter, give notice thereof to the State's Attorney, for the county or city, whose duty it shall be to put the bond of such Clerk or Register in suit, for the use of the State, in which suit a recovery shall be had for the amount appearing to be due, with interest at the rate of ten per cent. per annum, from the date or dates when the same was payable as aforesaid, which recovery shall be evidence of misdemeanor, and upon conviction thereof, the said Clerk or Register shall be removed from office, which shall in return be filed as prescri-

bed by the Constitution; and such failure on the part of any Clerk or Register shall amount to a forfeiture of the commission to which he would otherwise be entitled.

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

Approved March 28, 1868.

THOMAS SWANN, Governor.

May 14, 1868—11

[CHAPTER 197.]

AN ACT

To amend the seventh Section of the eighteenth Article of the Code of Public General Laws, providing for the payment of public moneys by Clerks of Courts.

Sec. 1. Be it enacted by the General Assembly of Maryland, That the seventh Section of the eighteenth Article, of the Code of Public General Laws, be and the same is hereby repealed, and re-enacted as follows:

§ 7. Each Clerk shall on the first Mondays of March, June, September and December, in each and every year, pay to the Treasurer, all public money which he may have received, and on his failure to do so within thirty days thereafter, his bond may be put in suit for the use of the State, in which suit, recovery shall be had for the amount appearing to be due the State, with interest at the rate of ten per cent. per annum, from the date or dates when the same became payable as aforesaid; and a failure on the part of any Clerk to make such payment, shall amount to a forfeiture of the commissions to which he would otherwise be entitled, and any recovery on the bond of a Clerk for the non-payment of public money received by him, shall be evidence of a misdemeanor in office, for which upon conviction, he may be removed.

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

Approved March 28, 1868.

THOMAS SWANN, Governor.

May 14, 1868—11

[CHAPTER 211.]

AN ACT

To add additional sections to Article sixteen of the Code of Public General Laws, entitled "Chancery, to come in after section seventy-eight of said Article.

Sec. 1. Be it enacted by the General Assembly of Maryland, That the following sections be added to the sixteenth Article of the Code of Public General Laws, entitled "Chancery, to come in after section seventy-eight in said Article.

§ That upon any bill being filed for the sale of any ground dedicated and used for the purposes of burial, in which lots have been sold, and deeds executed, or certificates issued to the purchasers of such lots, provided such lots shall be no longer used for burial purposes, the Court may order notice to be given by publication in one or more newspapers published in the city or county in which the ground to be sold may be situated, stating the substance and object of the said bill, and containing the names of the original lotholders, or their assignees, if known, warning all the lotholders, whether they be residents or non-residents, adults or infants, to appear on or before a day fixed in such order, and show cause why the relief prayed should not be granted; and such notice shall be published as the Court may direct, not less, however, than once a week for four successive weeks, two months before the day fixed by such order for the appearance of the parties, and if such lotholders shall not appear at the time stated, in such notice, a commission to take testimony may be issued by the complainant *ex parte*.

§ That after the return of such commission, the Court, upon being satisfied from the testimony that it is necessary, and would be for the interest and advantage of the parties interested that the ground should be sold, may forthwith pass a decree for the sale of the same, upon such terms as it shall deem proper, and shall distribute the proceeds of sale among the parties interested, according to their several interests, as the same shall be shown to the Court.

§ That a decree passed in a proceeding for the sale of a burial ground shall be valid to pass the title to the purchaser or purchasers of the same or any part thereof, free, clear, and discharged of, and from the claims of the Corporation or Trustees, who may hold the same for the purposes aforesaid, their successors or assigns, and all persons, an interest as lotholders in such ground, whether they are entitled as original lotholders, and whether they be residents or non-residents, adults or infants.

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

Approved March 28, 1868.

THOMAS SWANN, Governor.

May 14, 1868—11

[CHAPTER 196.]

AN ACT

To amend Sections 146 and 147, of the 81st Article of the Code of Public General Laws, relating to the payment of public moneys by Clerks and Registers of Wills.

Sec. 1. Be it enacted by the General Assembly of Maryland, That the one hundred and forty-sixth and one hundred and forty-seventh sections of the eighty-first article of the Code of Public General Laws, be and the same are hereby repealed and re-enacted as follows:

§ 146. It shall be the duty of the several Clerks and the several Registers of Wills in this State, to account with oath, and pay to the Treasurer on the first Mondays of March, June, September and December, in each and every year, all sums of money received by them respectively under this Article, for which they shall be allowed a commission of five per centum upon the amount so paid over.

§ 147. If any of the said Clerks or Registers shall fail to account and pay over as required in the last preceding section, the Comptroller shall in thirty days thereafter, give notice thereof to the State's Attorney, for the county or city, whose duty it shall be to put the bond of such Clerk or Register in suit, for the use of the State, in which suit a recovery shall be had for the amount appearing to be due, with interest at the rate of ten per cent. per annum, from the date or dates when the same was payable as aforesaid, which recovery shall be evidence of misdemeanor, and upon conviction thereof, the said Clerk or Register shall be removed from office, which shall in return be filed as prescri-

bed by the Constitution; and such failure on the part of any Clerk or Register shall amount to a forfeiture of the commission to which he would otherwise be entitled.

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

Approved March 28, 1868.

THOMAS SWANN, Governor.

May 14, 1868—11

[CHAPTER 197.]

AN ACT

To amend the seventh Section of the eighteenth Article of the Code of Public General Laws, providing for the payment of public moneys by Clerks of Courts.

Sec. 1. Be it enacted by the General Assembly of Maryland, That the seventh Section of the eighteenth Article, of the Code of Public General Laws, be and the same is hereby repealed, and re-enacted as follows:

§ 7. Each Clerk shall on the first Mondays of March, June, September and December, in each and every year, pay to the Treasurer, all public money which he may have received, and on his failure to do so within thirty days thereafter, his bond may be put in suit for the use of the State, in which suit, recovery shall be had for the amount appearing to be due the State, with interest at the rate of ten per cent. per annum, from the date or dates when the same became payable as aforesaid; and a failure on the part of any Clerk to make such payment, shall amount to a forfeiture of the commissions to which he would otherwise be entitled, and any recovery on the bond of a Clerk for the non-payment of public money received by him, shall be evidence of a misdemeanor in office, for which upon conviction, he may be removed.

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

Approved March 28, 1868.

THOMAS SWANN, Governor.

May 14, 1868—11

[CHAPTER 199.]

AN ACT

To repeal Section thirty, Article forty-seven, of the Code of Public General Laws, and to re-enact the same with amendments.

Sec. 1. Be it enacted by the General Assembly of Maryland, That Section thirty, of Article forty-seven of the Code of Public General Laws, be and the same is hereby repealed, and re-enacted as follows:

§ 30. The illegitimate child or children, of any female, and the issue of any such illegitimate child or children, shall be able and capable in law to take and inherit both real and personal estate from their mother or from each other, or from the descendants of each other as the case may be, and where such illegitimate child or children, shall die leaving no descendants, or brothers, or sisters, or the descendants of such brothers and sisters, then and in that case, the mother of such illegitimate child or children, if living, shall inherit both real and personal estate from such illegitimate child or children, and if the mother be dead, then and in that case, the heirs at law of the mother shall inherit the real and personal estate of such illegitimate child or children, in like manner as if such illegitimate child or children had been born in lawful wedlock.

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

Approved March 28, 1868.

THOMAS SWANN, Governor.

May 14, 1868—11