THE DEMOCRATIC ADVOCATE.

VOLUME III.—NUMBER 27. In Preserving Our Union, Let Us be Careful to Preserve also Our Civil Liberties. TERMS—$1.50 IN ADVANCE

WESTMINSTER, MD. THURSDAY, JUNE 11, 1868.

ATTORNEYS.

WM. M. MERRICK. J. J. BAUMGARTNER.

MERRICK & BAUMGARTNER,

ATTORNEYS AT LAW AND SOLICITORS IN CHANCERY,

HAVE associated to practice their profession in the several Courts in Carroll county. Their Office is at the residence of Mr. Baumgartner, in Westminster, Md. Mr. Merrick will be in Westminster during the Term of the Courts, and at such other times as business may require—he may also be consulted at his Office, No. 29 Saint Paul Street, Baltimore, Maryland. nov28-tf

ISAAC E. PEARSON SR. ISAAC E. PEARSON, JR.

I. E. PEARSON & SON,

ATTORNEYS-AT-LAW,

WILL promptly and carefully attend to all kind of business in any of the Courts in this State. Office opposite P. H. Henry's City Hotel, Main Street, Westminster, Md. dec12-1y

A. D. SCHAEFFER,

Attorney at Law and Solicitor in Chancery,

WESTMINSTER, MD.

Office on Main Street a few doors East of Court Street. Can be consulted in the German language. All claims against the United States and State, for Pensions, Back Pay and Bounties, promptly collected. dec5 tf

ABNER NEAL,

JUSTICE OF THE PEACE AND ATTORNEY-AT-LAW.

Office at the Court House.

HE will attend especially to obtaining Decrees for the settlement of estates of deceased persons &c. Deeds, Wills and all Instruments of Writing prepared. Charges moderate. dec5-tf

CROUT & REIFSNIDER,

ATTORNEYS-AT-LAW AND SOLICITORS IN CHANCERY,

WESTMINSTER, MD.

WE have formed a copartnership in the practice of Law in the Courts of Carroll and Howard Counties, and will promptly attend to all business entrusted to our care. Particular attention paid to Collections and procuring Decrees for the sale of Real Estate.

Also, Applications filed for Back Pay and Bounty due heirs of deceased soldiers.

Office adjoining the residence of CHAS. T. REIFSNIDER. no30-tf

R. B. NORMENT,

Attorney at Law,

HAVING located in the City of Westminster, Office on Court Street one door from Main Street, respectfully informs the citizens of Carroll, and adjoining counties, that he will give prompt attention to all business entrusted to him, both before the Courts of this State and the Departments of the General Government at Washington D. C.

Practices in the Courts of Bankruptcy.

REFERENCES.

Rev. J. T. Ward and John Smith, Esq., Westminster.

Charles Abbott, Esq. and Dr. Thomas Feinour, Baltimore.

Samuel Norment, Esq. and Rev. U. Ward, Washington, D. C.

B. F. M. Hurley, Esq., Register in Bankruptcy, Frederick City, Md. nov14-1y

WM. P. MAULSBY. CHAS. B. ROBERTS.

MAULSBY & ROBERTS,

ATTORNEYS-AT-LAW AND SOLICITORS IN CHANCERY AND BANKRUPTCY.

Having associated themselves in the practice of Law in Carroll county, they will attend promptly and carefully to all business entrusted to their charge. Mr. Maulsby will visit Westminster whenever business requires it. Office *directly opposite Court House.* jan4-1y

JOHN E. SMITH. WM. A. MCKELLIP.

SMITH & McKELLIP,

Attorneys-at-Law & Solicitors in Chancery,

HAVING formed a partnership in the practice of law, will give prompt attention to all business entrusted to their care.

Office on Main Street, a few doors East of Court Street. dec5-1y

James A. C. Bond,

Attorney-at-Law and Solicitor in Chancery.

ALL business entrusted to my care will have proper attention. dec12-1y

PHYSICIANS.

Dr. Wm. S. Shipley

OFFERS his professional services to the the citizens of Westminster and vicinity.

OFFICE—adjoining Farmers' and Mechanics National Bank, lately occupied by Dr. J. L. Warfield. After 9 P. M. if not professionally engaged he can be found at the residence of his father, adjoining the Catholic Church. ap9-6mo

Dr. Danl. S. Coonan,

(Lately with Dr. Thos. W. Wells, Hampstead,)

OFFERS his professional services to the residents of Westminster and vicinity. Office and residence Littlestown Road, a few doors above Union Street. dec26-6m

DR. BERNARD MILLS,

East End, Westminster, Md.

(OPPOSITE THE WASHINGTON ROAD.)

DR. MILLS has returned to Carroll for the purpose of resuming the PRACTICE OF MEDICINE in all its branches except Surgery. *Diseases of Women and Children Treated With Especial Care.* 426-tf

HOMEOPATHY.

DR. F. C. HOFFMEIER, having settled in Westminster, respectfully offers his Professional services, as a *Homœopathic* Physician, to the citizens of Westminster and vicinity.

Office with Dr. S. L. Swartzstead. He can be consulted in the German language. feb27-1y

COPARTNERSHIP.

DRS. F. BUTLER and W. K. FRINGER having this day associated themselves in the practice of Medicine, offer their professional services to their friends and the public in general.

DR. BUTLER having been a long time engaged in an extensive practice in Obstetrics and Surgery, feels confident that he can give satisfaction to all who may be in need of medical assistance.

DR. FRINGER's office at the residence of Mr. Lewis Trumbo, East End; and DR. BUTLER's at his residence at the West End, Westminster. jan23-3m

A. B. McLAUGHLIN,

ORNAMENTAL PAINTER

—AND—

DRAUGHTSMAN.

Room over Lynch's Office at the Depot. feb27-3m

Building Materials!

Building Materials!

THE ATTENTION OF BUILDERS, CARPENTERS, CONTRACTORS, AND all others interested in the purchase of

Building Materials,

is invited to our

NEW AND LARGE STOCK

of well-seasoned and well-finished work, consisting of

DOORS AND DOOR FRAMES,

WINDOWS AND WINDOW FRAMES,

BLINDS AND PANEL SHUTTERS,

SLATE AND WOODEN MANTELS,

MOULDINGS AND BRACKETS,

MARBLE MANTELS,

BUILDER'S HARDWARE,

SAND PAPER BY THE REAM,

NEWEL POSTS, BALUSTERS,

HOT-BED SASH, SASH WEIGHTS AND CORD, &c., &c.

In short, a complete assortment of Building Materials generally, which we offer to the building public at

MODERATE PRICES.

TERMS CASH.

Particular attention paid to orders from the country by mail, and work securely packed for shipment.

LEWIS B. TEBBETTS & CO.,

No. 108 North Howard St., Baltimore, Md. ja23-6m

MORO PHILLIP'S

GENUINE IMPROVED

Super-Phosphate of Lime.

STANDARD GUARANTEED.

For sale at Manufacturers' Depots,

No. 27 North Front Street, Philadelphia.

AND

No. 95 South Street, Baltimore.

And by Dealers in general throughout the Country.

The SOMBRERO GUANO of which MORO PHILLIPS' PHOSPHATE is and always has been manufactured, (and of which he has sole control for the United States,) contains fifty per cent. more Bone Phosphate than Raw Bone, therefore it is more durable. The addition of Ammonia gives it greater fertilizing value.

Over seven years' experience has proved to the Farmer that it makes a heavier grain than even stable manure, and is not only active but lasting.

Price $56 00 per ton, 2,000 lbs.

Discount to dealers.

MORO PHILLIPS,

Sole Proprietor and Manufacturer. mar12-9m

Central Hall Store.

HARDWARE, OILS AND PAINTS.

OUR Stock is now near complete of Hardware, Oils and Paints. Also Shovels, Forks, Rakes, Hoes, Picks, Garden Forks, Spades, Tools of all kinds for Carpenters, Builders, Blacksmiths, Farmers, and Masons. Trowls, Hammers, Pointing and Broad Axes, Screw Plates of all sizes. Our stock consists of such innumerable variety it is useless to describe further. But all of the above is fresh and new and of the latest improved styles. Our Grocery Department is also complete; Sugars one dollar less per hundred than one week ago. Syrups ten per cent. less. Window Glass very low. Leather of all kinds, Spanish and Red Sole, French Calf, Morocco, Buff, Patent Enamled, Skirting, Shoe Findings of all kinds. All of the above stock are new and bought for cash, and will be sold low for cash, or to punctual payers on short time. All we ask is to give us a call and examine our stock and prices, and I will guarantee to satisfy all who may favor us with a call.

JOHN H. BOWERS.

ap9 3mo

Wanted

400 CORDS of Rock and Spanish Oak Bark, to be delivered at *Schlosser's* Tanery, 2 miles east of Westminster, on Western Md. Railroad. $1 per cord more will be given than the established in Westminster.

Wanted 500 Cords Black Oak Bark. $1 more per cord will be paid, if delivered at the Shed, than the established price in Westminster. P. G. SCHLOSSER. ap23-2m* E. E. KOONS, Agent.

PARIS Exposition Skirts, new and novel, at HOOD'S & CO.

BEAUTIFUL Embossed Table Covers, at mar26 HOOD'S & CO.

LAWS—GENERAL,

PASSED BY THE

General Assembly of Maryland

At the January Session, 1868.

PUBLISHED BY AUTHORITY.

[CHAPTER 316.]

AN ACT

To repeal section 2, of an Act passed March 21st, 1867, chapter 329, entitled an Act to provide for the selection, drawing and summoning of Jurors in the several counties, and prescribing their qualification, and re-enact the same with amendment.

Section 1. Be it enacted by the General Assembly of Maryland, That section two, of an Act passed March twenty-first, eighteen hundred and sixty-seven, chapter three hundred and twenty-nine, entitled an Act to provide for the selection, drawing and summoning of Jurors, in the several counties and prescribing their qualification, be and the same is hereby repealed, and re-enacted to read as follows:

Sec. 2. And be it enacted, That it shall be the duty of the Judges of the Circuit Courts for each of the counties, at any time after the regular term of said Courts, at which Jurors are required to attend, has adjourned, but not less than fifteen days before the commencement of the next succeeding term, at which juries are required to attend, in the presence of such practising members of the bar of said Court, as shall think proper to attend, notice of the time and place having been first given to said Bar, through the Criers of said Courts, to proceed to select from the lists last furnished by the Clerks of the County Commissioners, provided for in the first section of this Act, and from the poll books of the several election districts of said counties that shall be returned and filed in the Clerk's office of said Court, after any general election that may be last held previous to such selection; a panel to consist of the names of five hundred persons in the county of Baltimore, of two hundred persons in the several counties of Washington, Montgomery, Allegany, Carroll, Frederick, Anne Arundel, Prince George's, Cecil, Harford, Dorchester, Worcester, and Somerset, and of one hundred and fifty persons in the several counties of Howard, Charles, Calvert, St. Mary's, Kent, Queen Anne's, Caroline and Talbot, to be fairly and impartially selected of the age aforesaid, by the said Judges, with special reference to the intelligence, sobriety and integrity of such persons, and without the least reference to their political opinion; and of the names of such persons when so selected a list shall be made, and a certificate thereto appended by the said Judges, that said list of names has been duly selected in conformity with and according to the spirit and intent of this Act, and which said lists and certificates shall be filed with the Clerks of the said Courts, and by them preserved another proceedings of the said Court are kept.

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

Approved March 30, 1868.

THOMAS SWANN,
Governor.

[CHAPTER 311.]

AN ACT

To provide for the changing of the name of any person.

Section 1. Be it enacted by the General Assembly of Maryland, That if any person residing in this State shall desire to change his or her name, such person may file in the Circuit Court of the county of his or her residence or in the Circuit Court of Baltimore city, if such person resides in the city of Baltimore, a petition in which shall be stated the change which such person desires shall be made in his or her name, and reasons therefor, and thereupon the said Court upon being satisfied in such manner as it shall by its rules prescribe that the prayer of the said petition should be granted, shall order and decree that the name of such person be changed as is prayed in said petition, and upon the passage of such decree the true and legal name of such person shall be that determined by the said decree, and a copy of said decree under the seal of said Court, shall be sufficient and legal evidence of the facts therein stated. The petition provided for in this section may be filed on behalf of any infant residing in this State by the father of such infant, or in case of his death, by the mother or guardian of such infant. The costs of the proceedings provided for in this section shall be regulated by the said Courts, and shall be paid by the petitioner.

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

Approved March 30, 1868.

THOMAS SWANN,
Governor.

[CHAPTER 404.]

AN ACT

To repeal section sixteen, of Article eleven, of the Code of Public General Laws, entitled Attorneys at Law, and Attorneys in fact, and to re-enact the same with amendments.

Section 1. Be it enacted by the General Assembly of Maryland, That section sixteen of Article eleven, of the Code of Public General Laws, be and the same is hereby repealed and re-enacted to read as follows:

Sec. 16. No Register of Wills or Clerk of any Court, shall practice as attorney at law in any of the Courts of this State, whatsoever; nor shall any deputy Register of Wills, or any deputy Clerk of any Court, practice as attorney at law in any Court of this State, of which he is an officer, or to which he may be attached as a deputy or assistant officer.

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

Approved March 30, 1868.

THOMAS SWANN,
Governor.

[CHAPTER 369.]

AN ACT

To repeal section seventeen of Article thirty of the Code of Public General Laws, entitled Crimes and Punishments, under head of Bribery, and to re-enact the same with amendments.

Section 1. Be it enacted by the General Assembly of Maryland, That section 17, of Article 30, of the Code of Public General Laws, entitled Crimes and Punishments, under the head of Bribery, be and the same is hereby repealed, amended and re-enacted to read as follows:

Sec. 17. If any person shall bribe or attempt to bribe any executive officer of the State of Maryland, any Judge or other Judicial officer of said State, any member or officer of the General Assembly of Maryland, or any member or officer of any municipal corporation in said State, or executive officer of such corporation, in order to influence any such officer or person in the performance of any of his official duties, and if any Governor or executive officer of the State of Maryland, any Judge or other Judicial officer of said State, any member of the General Assembly of Maryland, or officer thereof, or any member or officer of any municipal corporation, or mayor or other executive officer thereof in said State shall demand or receive any bribe, fee, reward or testimonial for the performance of his official duties, or for neglecting or failing to perform the same, every such person so bribing or attempting to bribe any of such officers or persons, shall be deemed guilty of bribery, and on being convicted thereof, shall be fined not less than one hundred nor more than five thousand dollars, or in the discretion of the Court sentenced to be imprisoned in the Penitentiary of this State, for not less than two nor more than twelve years, or both fined and imprisoned; and shall also be forever disfranchised and disqualified from holding any office of trust or profit in the State of Maryland, and any person so bribing or attempting to bribe or so demanding or receiving a bribe, fee, reward or testimonial, shall be competent witnesses, and compelled to testify against any person or persons who have committed any of the above offenses. Provided, that all persons so compelled to testify in any such case or cases shall be exempt from trial and punishment for the offense of which such person so testifying may have been guilty.

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

Approved March 30, 1868.

THOMAS SWANN,
Governor.

[CHAPTER 378.]

AN ACT

To repeal section fifty, Article five of the Code of Public General Laws, title Appeals, sub-title Appeals from Justices of the Peace, and to re-enact the same with amendments.

Section 1. Be it enacted by the General Assembly of Maryland, That section fifty, Article five, of the Code of Public General Laws, title Appeals, sub-title Appeals from Justices of the Peace, be repealed and re-enacted so as to read as follows:

Appeals from Justices of the Peace.

Sec. 50. Any party aggrieved thereby may appeal from any judgment of a Justice of the Peace to the Circuit Court for the county or the Baltimore city Court of Baltimore, at any time within sixty days from the rendition of such judgment, and the Court to which such appeal is taken shall hear the case de novo, and determine the same according to law, and the equity and right of the matter, and this section shall be construed to include all actions of debts for the collection of fines, penalties and forfeitures imposed by any law of this State, and which are made recoverable before a Justice of the Peace in which a right of appeal may not be given by the law imposing the same.

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

Approved March 30, 1868.

THOMAS SWANN,
Governor.

[CHAPTER 380.]

AN ACT

To amend and re-enact the one hundred and sixty-seventh section of the ninety-third Article of the Code of Public General Laws, entitled Testamentary Law.

Section 1. Be it enacted by the General Assembly of Maryland, That the one hundred and sixty-seventh section of the ninety-third Article of the Code of Public General Laws, entitled Testamentary Law, be and the same is hereby altered so as to read as follows:

Sec. 168. The Orphan's Court, if they shall think such sale advantageous to the ward, may order any guardian to sell leasehold estates of his ward, and shall order the proceeds to be invested in bank stock or any other good security in the name of the ward, and no sale, transfer or disposal of the said stock shall be made without the order of the Court. The said Court may also, if they shall think the same advantageous to the ward, order any guardian to lease any leasehold estates of the ward, for the whole or any part of the unexpired term, on such terms as may be deemed advantageous, provided that such argument for a lease shall not have any effect until reported to and approved by the Court, and the rents arising on such lease shall be accounted for as other property or income of the ward.

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

Approved March 30, 1868.

THOMAS SWANN,
Governor.

[CHAPTER 385.]

AN ACT

To repeal section six, of Chapter 189, of the Laws of Maryland, passed January session, eighteen hundred and sixty-seven, entitled an Act to provide by law for taking and perpetuating the evidence of the number of persons held to labor and service in the State of Maryland, and emancipated by the Constitution adopted in the year eighteen hundred and sixty-four, and by whom such persons were so held, passed March 22d, eighteen hundred and sixty-seven, and substitute in lieu thereof the following section:

Section 1. Be it enacted by the General Assembly of Maryland, That section six of Chapter one hundred and eighty-nine of the Laws of Maryland, passed January session eighteen hundred and sixty-seven, entitled an Act to provide by law for taking and perpetuating the evidence of the number of persons held to labor and service in the State of Maryland, and emancipated by the Constitution adopted in the year eighteen hundred and sixty-four; and by whom such persons were so held, be and the same is hereby repealed, and the following substituted in lieu thereof.

Sec. 6. And be it enacted, That the aforesaid commissioners shall perform the duties of their respective offices within two years from the date of the passage of this Act, and that in case of the death, resignation, refusal to act or removal from office of any of the aforesaid commissioners, the Governor shall fill such vacancy or vacancies, and that this Act shall take effect from the date of its passage.

Approved March 30, 1868.

THOMAS SWANN,
Governor.

[CHAPTER 366.]

AN ACT

To repeal and re-enact with amendments, sections thirty-three, thirty-four, thirty-five, thirty-nine and seventy five of Article eighty-one of the Code of Public General Laws, entitled "Revenue and Taxes," and relating to the appointment of, and the bonds to be given by, and compensation paid to the Collectors of State Taxes.

Section. 1. Be it enacted by the General Assembly of Maryland, that sections thirty-three, thirty-four, thirty-five, thirty-nine and seventy-five, of Article eighty-one, of the Code of Public General Laws, entitled "Revenue and Taxes," be and the same are hereby repealed, and that there be enacted in lieu thereof the following:

Sec. 33. The County Commissioners in the several counties, and the Mayor and City Council of Baltimore, shall on the first Tuesday in April in each year, or as soon thereafter as may be, appoint a Collector or Collectors for their respective counties, and one Collector for Baltimore city, for the collection of taxes levied, or to be levied for the current year, and it shall not be lawful for the local authorities of the said counties or the municipal authorities of said city, to provide any fixed annual or other stated compensation for the collection of the State Taxes, or a compensation or a salary of any kind to the said Collectors for their services in collecting the State Taxes, otherwise than by a per centum on the amount of their collections as contemplated in the seventy-fifth section of this Article.

Sec. 34. Sub-Sec. 1 Every Collector of county Taxes before he acts as such shall give bond to the State of Maryland, in a penalty of double the amount of such Tax to be collected by him, with good and sufficient securities to be approved in the several counties by the County Commissioners, with condition that if the above bound shall well and faithfully execute his office, and shall account for, and pay to the County Commissioners, or their order, the several sums of money which he shall receive for the county, or be answerable for by Law, at such time as the Law shall direct, and every collector of State Taxes, appointed by the County Commissioners shall also give a separate bond to the State of Maryland in a penalty double the amount of the Tax to be collected by him, with good and sufficient securities to be approved by the Governor, with condition that if the above bound shall well and faithfully execute his office, and shall account for and pay to the Treasurer of the State, the several sums of money which he shall receive for the State, or be answerable for by Law, at such times as the Law shall direct, then the said obligation to be void, otherwise to remain in full force and effect, provided however the provisions of this Act shall not apply to Baltimore, Allegany, Charles, Montgomery, Somerset, Wicomico and Anne Arundel counties.

Sub Sec. 2 Every collector of State Taxes in the city of Baltimore, before he acts as such, shall give a bond to the State of Maryland in a penalty of seventy five thousand dollars, to be approved by the Governor, with the conditions that if the above bound shall well and faithfully execute his office, and shall account for and pay to the Treasurer of the State the several sums of money which he shall receive for the State, or be answerable for by Law, at such times as the Law shall direct, then such obligation to be void, otherwise to remain in full force and virtue in Law.

Sub-Sec. 3. Every collector of State Taxes in the city of Baltimore shall make daily deposits of such sums of money as he shall receive for Taxes collected for said State, less the amount of the commission allowed him for the collection of the same, to the credit of the Treasurer of the State of Maryland, in some bank in said city which pays to the State, the school Tax, as provided by Law, to be designated by said Treasurer, and on failure to make such daily deposits, he shall on proof thereof to the satisfaction of the Governor, be liable to removal from office by the Governor, and the Comptroller shall immediately enter suit upon his bond.

Sub-Sec. 4. The Treasurer of the State shall make weekly examination of the books of the Collector of State Taxes in Baltimore city, whose books shall always be open to such inspection.

Sec. 35. The said bonds when approved by the County Commissioners shall be recorded in the office of the Clerk of the Circuit Courts of the respective counties, and when approved by the Governor shall be filed in the office of the Comptroller of the Treasury.

Sec. 39. If there be no collector of State taxes qualified and compensated in conformity with the foregoing provisions in any of the counties or in the city of Baltimore, by the first day of May in any year, the Governor shall appoint from any part of the State, a collector or collectors for the said county or city, who shall give bond with sureties to be approved by the Governor, and be in all respects on a footing with other State collectors' bonds, as provided in the case of collectors appointed by the Mayor and City Council of Baltimore, and the County Commissioners and the said collectors shall have all the powers of other collectors.

Sec. 75. The County Commissioners and the Mayor and City Council of Baltimore, shall levy upon their respective counties and the city of Baltimore, within twenty days after collectors shall have been appointed, such commission as will in their judgment insure a speedy collection of said taxes, not exceeding five per centum on the amount to be placed in the hands of said collectors for the counties for collection, except in Calvert county, where it shall not exceed six per centum and not exceeding two per centum on the amount to be placed in the hands of said collector, for the city of Baltimore, said commission to be levied for the use of such collectors respectively, and to be collected as other charges are collected.

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

Approved March 30, 1868.

THOMAS SWANN,
Governor.

[CHAPTER 30.]

AN ACT

To amend the forty-third section of the twenty-ninth Article of the Code of Public General Laws, relating the compensation of the crier of the Court of Appeals, and of the Sheriff appointed to attend said Court, and the Act of eighteen hundred and sixty-two, chapter 107, amending the same, by repealing the same, and enacting a substitute therefor.

Section 1. Be it enacted by the General Assembly of Maryland, That the forty-third section of the twenty-ninth Article of the Code of Public General Laws, relating to the compensation of the Crier of the Court of Appeals, and of the Sheriff appointed to attend said Court, and the Act of 1862, chapter 107, amending the same, be and they are hereby severally repealed, and that the following be and the same is hereby enacted in lieu thereof:

Sec. 43. The Crier appointed by the Court of Appeals, shall receive five dollars a day for his attendance for every day, Sundays excepted, during the terms of session of said Court of Appeals, and whenever in the judgment of said Court the attendance or services of a sheriff, may be required in said Court, the Judges thereof, may direct a sheriff to attend or perform such services, for which attendance and services, the said sheriff shall be entitled to a per diem of three dollars and fifty cents, and the Judges of said Court shall, at the end of each session of the said Court, give the said crier and sheriff a certificate of the number of days for which they are respectively entitled to said per diem.

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

Approved February 18, 1868.

THOMAS SWANN,
Governor.

[CHAPTER 325.]

AN ACT

To provide for giving effect to Informal or or Invalid Deeds.

Section 1. Be it enacted by the General Assembly of Maryland, That whenever any deed or bill of sale shall have been duly signed and sealed by the parties thereto, but shall not have been acknowledged by the said parties or any one of them in the manner or form or before the person authorized to take such act or acknowledgment, the Circuit Court of a county in which by law the said deed or bill of sale ought to be or to have been recorded, or the Circuit Court of Baltimore city, if the said deed or bill of sale ought by law to be or to have been recorded in said city, may upon the petition of any party to said deed or bill of sale, or his or their assigns, or any person claiming under them setting forth the defects in the acknowledgment of said deed or bill of sale, pass an order directing the other parties thereto to appear and answer the said petition, and say cause notice to be given to such parties by summons or publication according to the practice of the said Court, and may direct testimony to be taken in relation to the matters in said petition or in said petitions and answer contained; and the said Court may grant relief upon said petition by directing the said parties or any of them, to acknowledge or to re-acknowledge the said deed or bill of sale as the case may require, and the order of the said Court, passed in the premises, directing the said acknowledgment to be made as aforesaid, shall operate in the same manner and to the same extent, from the date of the said order, as if the said party ordered as aforesaid, to acknowledge or re-acknowledge the said deed or bill of sale had thereupon so done; provided, however, that the rights of any person who shall not be a party to said proceedings as aforesaid, shall not be in any wise affected by said order.

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

Approved March 30, 1868.

THOMAS SWANN, Governor.

[CHAPTER 441.]

AN ACT

To regulate the decisions of points and questions reserved for Courts in banc as provided by section 22, of Article 4, of the Constitution.

Section 1. Be it enacted by the General Assembly of Maryland, That when at the trial of any cause, any party to such cause shall require any point or question decided by the Court to be reserved for the consideration of the Court in banc, and either of the Judges of the said Court shall be disqualified to sit in such cause, then it shall be lawful for the party at whose instance the point or question shall be reserved to elect to have such point or question decided by the remaining Judges or Judge, who may be qualified to sit in such cause, or to have the cause removed to some other Court of a different Circuit for the decision of the Judges thereof, (or of such of said Judges who may be qualified to sit in such cause in banc,) or take an appeal to the Court of Appeals; and if such party or his counsel shall fail to make and file such election in writing, within thirty days after the announcement of such disqualification, or within thirty days after the trial of the cause, in case such announcement shall have been made before the trial, then such point or question shall be decided by the remaining Judges or Judge, who may be qualified to sit in such cause; provided that every point or question reserved upon a motion for a new trial shall be decided by the remaining Judges or Judge who may be qualified to sit in such cause.

Sec. 2. Points or questions reserved for the Court in banc, shall be taken by means of exceptions to be reduced to writing and signed and sealed by the Judges or Judge before whom the cause may be tried and framed, that the point or question may be fully presented as to both law and fact, in case the cause shall be transmitted to the Court of Appeals instead of being heard by the Court in banc.

Sec. 3. Whenever any cause shall be removed to any other Court upon a point or question reserved for the Court in banc, as hereinbefore provided, the said cause shall remain in the said Court, for trial as if the same had originated therein.

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

Approved March 30, 1868.

THOMAS SWANN, Governor.

[CHAPTER 30.]

AN ACT

To authorize the Delaware Railroad Company to extend a branch railroad across the State line, into Kent county, Maryland.

Whereas, the Kent county Railroad Company, and the Queen Anne's and Kent Railroad Company, corporations existing by law in the State of Maryland, desire and propose to connect one or both of the railroads to be constructed by them with a branch railroad, authorized by law in the State of Delaware, to be built by the Delaware Railroad Company, and whereas, the most desirable point for such connection of said railroads is not on the State line but at or near Massey's Cross Roads, so called, in Kent county, Maryland. Now, therefore,

Section 1. Be it enacted by the General Assembly of Maryland, That the Delaware Railroad Company, a corporation existing by law in the State of Delaware, be and it is hereby authorized and empowered to extend that branch of the Delaware Railroad, which it may build, for the purpose of connecting with the Kent county Railroad, or the Queen Anne's and Kent Railroad, or with either of them, from the crossing of the State line to such point within six hundred yards from Massey's Cross Roads, Kent county, Maryland, as it may agree upon with the Kent county Railroad Company and the Queen Anne's and Kent Railroad Company, or either of them, for a point of junction and connection; and for the purpose of making, maintaining and operating such extension of said branch railroad in the State of Maryland, the said Delaware Railroad Company shall be able to sue and be sued, plead and be impleaded in all Courts of the State of Maryland, and to purchase, receive, have, hold and enjoy lands, tenements and hereditaments, goods, chattels and estate, real, personal or mixed, of what kind soever, and the same from time to time, to sell, mortgage, alien, grant and dispose of, and to make dividends of such portions of the profits of operating said branch as its Directors may think proper, and generally to do all and singular the matters and things which may lawfully appertain to the location, construction, maintenance and management of said branch railroad as if the said "the Delaware Railroad Company" were a corporation, created under the law of the State of Maryland, specially for these purposes.

Sec. 2. And be it further enacted, That whenever in locating and building said branch of the Delaware Railroad, it shall be necessary for the Delaware Railroad Company, its engineers, contractors or employees, to enter upon, and occupy any lands in the State of Maryland, or to take earth or other material for said railroad therefrom, and the owner or owners of said lands shall refuse to permit such entry and occupation, and the parties cannot agree upon the compensation to be made for any injury or supposed injury that may be done to said lands by such entry and occupation, then the Commissioners hereinafter named, on being notified by the company, shall go upon said lands and assess the damages of such owner or owners, on oath or affirmation, fairly and impartially, taking into consideration all the benefits to be derived from or in consequence of the building of said branch railroad to said owner or owners, and said Commissioners shall certify their award to both parties; whereupon the said Company on paying the damages so assessed, shall become entitled to have, use and enjoy the said lands with the improvements thereon, for the purposes by it required forever. And in case any owner or owners of lands necessary for the purpose of said Company shall be a minor or non-resident, or for any other case incapable of receiving, or unwilling or neglecting to receive said damages, or to call on said Company for the same, the said Company may deposit the amount of damages awarded to the credit of such owner or owners in such bank in the county of Kent, or in the city of Baltimore, as the Commissioners in making their award shall designate, and after so depositing in bank subject to his, her or their order, the amount awarded as damages to any owner or owners of land, the said Company shall be entitled to have, use and enjoy such land with its improvements in same manner as if such damages had been paid to the owner or owners as hereinbefore provided; the following named persons shall be five (5) Commissioners for the purposes recited in this section: Samuel Hurlock, Jonathan Hodgson, Richard Millington, Benjamin Hazel and James R. Jones. And in case of the death, disability or refusal to serve, of any one or more Commissioners, the Governor of State shall appoint another, or others to fill the vacancy or vacancies; the said Commissioners shall be entitled to receive from the Delaware Railroad Company, compensation at the rate of three dollars per day, and expenses actually incurred while so employed.

Sec. 3. And be it further enacted, That the President and Directors of the said Delaware Railroad Company shall have full power and authority to connect the railroad, which may be constructed under the provisions of this Act, with other railroads hereinbefore named, or with any railroad that may be hereafter constructed to or across such other railroads, to make contracts and agreements with any other Railroad Company, for the transportation of freights and passengers, and for furnishing cars and motive power. And it shall be lawful for the President and Directors of the Kent county Railroad Company, and of the Queen Anne's and Kent Railroad Company, or either of them, to enter into a contract to guarantee said Delaware Railroad Company, its lessees or assigns against loss by extension of its branch road into Maryland, to such extent and in such manner as the contracting parties may agree to give and receive such guarantee.

Sec. 4. And be it further enacted, That on the completion of the branch railroad, herein provided for, it shall be lawful for said Delaware Railroad Company, its lessees or assigns, to demand and receive sums of money for the transportation of persons and property, not exceeding in any case the rate of toll per mile which may be charged on the Delaware Railroad, as it or they shall fix.

Sec. 5. And be it further enacted, That in case any person shall knowingly obstruct, injure, remove or destroy any part of the roadway, culverts, bridges, tracks, buildings, or other appurtenances of the railroad hereby authorized to be built, such person for every such offence shall forfeit and pay to the said Delaware Railroad Company, or its authorized agent, three times the amount of damage done, which may be recovered by suit brought before a Justice of the Peace, or in the Circuit Court for Kent county, as debts of like amount are recovered.

Sec. 6. And be it further enacted, That in the construction of their said branch railroad, the Delaware Railroad Company shall so cross all established public roads as not to impede their use as such, and shall make at least one convenient crossing place from side to side of their track on each farm divided by their railroad if called upon so to do, and shall afterwards maintain such public and private crossing in passable condition.

Sec. 7. And be it further enacted, That if the said Delaware Railroad Company shall not have completed the branch railroad hereinbefore described, so that trains run over it within two years from the date of the passage of this Act, then this Act shall be null and void; and provided further, that nothing in this Act shall entitle the said Company to any part of the money appropriated by the Act of eighteen hundred and sixty, chapter three hundred and three, to the Kent county or Queen Anne's, or Kent county Railroad Companies, but that the sum appropriated by said Act to the aforesaid Companies shall be paid to them respectively.

Sec. 8. And be it further enacted, That in case the said Company shall hereafter misuse or abuse the privileges hereby granted, the General Assembly shall have power to revoke or annul this charter. And this Act shall take effect from the date of its passage.

Approved February 26, 1868.

THOMAS SWANN, Governor.