CHAPTER 322.

CHANCERY.

AN ACT

To repeal the eighty-ninth section of the sixteenth Article of the Code of Public General Laws, entitled "Chancery," relating to process against non-resident infant defendants, as amended by the Act of eighteen hundred and sixty-eight, chapter two hundred, and to insert in said Article, in lieu of the section so repealed, the following section relating to process against non-resident infant defendants:

Section 1. Be it enacted by the General Assembly of Maryland, That section eighty-nine, of article sixteen, of the Code of Public General Laws, entitled "Chancery," relating to process against non-resident infant defendants in Chancery, as repealed and re-enacted by the act of eighteen hundred and sixty-eight, chapter two hundred be, and the same is hereby repealed, and that the following section be inserted in said article, as a substitute for, and in lieu of said section so repealed.

Sec. 89. In every suit in Chancery, by bill or petition, where the defendants, or any of them, shall be infants, residing out of this State, or where application is made by the guardian or *procheinn ami* of any non-resident infant to sell, lease, mortgage or exchange, the real or personal property of such infant, on the prayer or petition of the complainant or petitioner, a commission may be issued, without any previous process or notice to any persons, in the discretion of the Judge of the Court in which said suit is brought, who reside near such infants, authorizing them, or either of them, to appoint a guardian to answer for such infant or infants, and take the answer of such infants, by their said guardian, and the said Judge may prescribe the mode of authenticating the execution of such commission, and the answer of every infant so taken in any case, when returned to the Court issuing the commission, shall be as effectual as if taken under a commission, executed within the jurisdiction of such Court; *provided*, that if in any such suit, the party or parties complainant shall allege, and prove by oath or affirmation, that the whereabouts of the infant defendants is unknown to him, her or them, and that he, she or they have made diligent inquiry to ascertain the same, the said oath or affirmation, where there is more than one complainant, to be made by any one, any number, or all of such parties, in the discretion of the Court, or when a commission may have been issued, as herein provided, and the party or parties to whom such commission may have been issued, as herein provided, and the party or parties to whom such commission may have been issued, shall refuse or neglect to execute or return the same, according to the exigency thereof, beyond a reasonable length of time, to be judged of by the Court issuing such commission, then the said infant defendants being non-residents, may be proceeded against by notice given, as provided for in the preceding section of this article, for other non-residents; but in no case shall a bill or petition be taken *pro confesso* against an absent infant defendant.

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

FETTER S. HOBLITZEL,
Speaker of the House of Delegates.
EDWARD LLOYD,
President of the Senate.
Approved April 5th, 1878.
JOHN LEE CARROLL,
Governor of Maryland.

We hereby certify that the aforegoing is a correct copy of an act passed at January session, eighteen hundred and seventy-eight.

AUGUSTUS GASSAWAY,
Secretary of the Senate.
MILTON Y. KIDD,
Chief Clerk House of Delegates.

CHAPTER 276.

Fish and Fisheries.

AN ACT

To repeal an Act passed at the session of the General Assembly of Maryland in eighteen hundred and seventy-six, chapter two hundred and fifty-two, entitled an Act to repeal an Act passed at the session of the General Assembly of Maryland in eighteen hundred and seventy-four, chapter four hundred and twenty-one, entitled an Act to repeal section two, of Article forty-one, of the Public General Laws of Maryland, title "Fish and Fisheries," and to re-enact the same with amendments, and to substitute the following in lieu thereof, and to amend and re-enact so as to read as follows:

Section 1. Be it enacted by the General Assembly of Maryland, That the act passed at the session of the General Assembly of Maryland, eighteen hundred and seventy-six, chapter two hundred and fifty-two, entitled an act to repeal an act passed at the session of the General Assembly of Maryland in eighteen hundred and seventy-four, chapter four hundred and twenty-one, of the Public General Laws of Maryland, title "Fish and Fisheries," and to re-enact the same with amendments, and to substitute the following in lieu thereof, be, and the same is hereby repealed, amended and re-enacted so as to read as follows:

Sec. 1. No person shall, from the tenth day of June to the first day of September, in each year, fish with hauling seine or seines of any kind, within the Chesapeake Bay, or any of its tributaries, lying northward of the following line, viz.: Beginning at the light house on Turkey Point, in Cecil county, and drawn westward to the most northerly point of Spesutia Island, in Harford county.

Sec. 2. And be it enacted, That any person or persons, violating any of the provisions of this act, upon conviction thereof, before any Justice of the Peace of the county in which said act has been violated, shall pay a fine of thirty dollars, and forfeit such seine or seines, and the boat or boats, and materials used in fishing the same, and upon trial and conviction, the seine or seines, boat or boats, and other fixtures used by said offender or offenders, shall be forfeited and sold to the highest bidder by the proper authorities, and the proceeds, together with the fine, after deducting the costs, shall be paid to the County Commissioners of the county in which said offence shall be committed, for the use of the school fund of said county.

Sec. 3. And be it enacted, That any person or persons, on conviction, failing to pay the fine, as prescribed in the preceding section, shall be imprisoned in the county jail of the county in which said offence shall be committed; *provided, however*, that any one so offending, shall, upon conviction before a Justice of the Peace of the county in which said offence was committed, have the right of appeal to the Circuit Court of the county in which said offence shall be committed, under the same restrictions governing appeals from the decisions of Justices of the Peace.

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

FETTER S. HOBLITZELL,
Speaker of the House of Delegates.
EDWARD LLOYD,
President of the Senate.
Approved April 5th, 1878.
JOHN LEE CARROLL,
Governor of Maryland.

We hereby certify that the aforegoing is a correct copy of an act passed the General Assembly of Maryland at the January session, eighteen hundred and seventy-eight.

MILTON Y. KIDD,
Chief Clerk House of Delegates.
AUGUSTUS GASSAWAY,
Secretary of the Senate.

CHAPTER 341.

HOSPITAL—MARYLAND.

AN ACT

To amend Article forty-four, of the Code of Public General Laws, title "Hospital Maryland," as the same was amended by the Act of eighteen hundred and seventy-six, chapter three hundred and fifty-one, entitled an Act to repeal sections one to thirteen, both inclusive, of Article forty-four, of the Code of Public General Laws, title "Maryland Hospital," and to enact in lieu thereof the following, to be arranged as sections of said Article of the Code, by amending section four of said Article, and by re-enacting said section four, as amended, and by adding an additional section to said Article forty-four, as so amended by the Act of eighteen hundred and seventy-six, chapter three hundred and fifty-one.

Section 1. Be it enacted by the General Assembly of Maryland, That section four of Article forty-four, of the Code of Public General Laws, title "Hospital Maryland," as the same was amended by the Act of eighteen hundred and seventy-six, chapter three hundred and fifty-one, entitled an Act to repeal sections one to thirteen, both inclusive, of Article forty-four, of the Code of Public General Laws, title Maryland Hospital, and to enact in lieu thereof the following as sections of said Article of the Code, be, and the same is hereby amended and re-enacted so that the same shall read as follows:

4. The Board of Managers shall appoint one of its number as Treasurer, who shall give bond for the faithful performance of his trust in such sum and in such sureties, as the Comptroller of the State shall approve; they shall also appoint a Superintendent, who shall be a well educated physician, and in addition shall also appoint as many physicians, surgeons, apothecaries, stewards, matrons, nurses, servants, and other officers for the administration and service of said hospital, as they may deem necessary, all of whom shall hold their appointments at the pleasure of the Board of Managers.

Sec. 13. Be it enacted, That the Hospital for the Insane, which was heretofore located and built on its present site, at or near Catonsville, in Baltimore county, in this State, by and under the authority of the laws of this State, and which is now under the general direction and control of the Managers of the Maryland Hospital for the Insane, is hereby declared to have been built and established on its said site by the authority and direction of the State; the Board of Managers of the Maryland Hospital for the Insane, are a body politic and corporate, by the name of the Board of Managers of the Maryland Hospital for the Insane, and shall by that name have perpetual succession, may sue and be sued in any court of this State; and may have and use a common seal, and may at their pleasure, alter and change the same; the said corporation shall have and exercise all the rights and powers heretofore vested in the Board of Managers of the Maryland Hospital for the Insane; the said Board of Managers of the Maryland Hospital for the Insane, as such corporation, is hereby declared to be a public agency of this State for the administration of one of the charities thereof; and the hospital aforesaid, located as aforesaid, is hereby declared to be one of the means adopted by this State for the administration of one of its public charities.

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

EDWARD LLOYD,
President of the Senate.
FETTER S. HOBLITZELL,
Speaker of the House of Delegates.
Approved April 1st, 1878.
JOHN LEE CARROLL,
Governor of Maryland.

We hereby certify that the aforegoing is a correct copy of an Act of Assembly passed at January session, eighteen hundred and seventy-eight.

AUGUSTUS GASSAWAY,
Secretary of the Senate.
MILTON Y. KIDD,
Chief Clerk House of Delegates

CHAPTER 172.

CRIMES AND PUNISHMENTS.

AN ACT

To add an additional section to article thirty of the Code of Public General Laws, entitled "Crimes and Punishments," sub-title "Rehypothecation.

Section 1. Be it enacted by the General Assembly of Maryland, That the following section be, and the same is hereby, added to the thirtieth article of the Code of Public General Laws, to be arranged so as to to form a sub-section of section fifty-two, of the same article, and to follow sub-section five of said article, and to be entitled "Rehypothecation."

Sub-Section 6. It will not be lawful for any person or persons, bank, building associatoin or corporation, to re-pledge or rehypothecate any stock, bonds or other security, or securities, the title to which passes by delivery or endorsement received or held by him, or them, as security for any money lent or advanced to the owner or holder of such stocks, bonds or other securities during the continuance of the contract of pledge or hypothecation without the consent of the pledger, and every person, or officer of such bank, building association or corporation who shall so repledge or rehypothecate such stocks, bonds or other securities so received or held, without the consent of the said pledger so given, as aforesaid, shall be guilty of a misdemeanor, and on conviction thereof shall be sentenced to pay a fine of not less than five hundred dollars, nor more than five thousand dollars or to imprisonment in the penitentiary for not more than five years, or to both, in the discretion of the court.

Sec. 2 Be it enacted, That this act shall take effect from and after the date of its passage.

FETTER S. HOBLITZELL,
Speaker of the House of Delegates.
EDWARD LLOYD,
President of the Senate.
Approved this 27th day of March, 1878.
JOHN LEE CARROLL,
Governor of Maryland.

We hereby certify that the aforegoing is a correct copy of an act of assembly passed at January session 1878.

MILTON Y. KIDD,
Chief Clerk of the House of Delegates.
AUGUSTUS GASSAWAY,
Secretary of the Senate.

CHAPTER 330.

LEVY FOR STATE PURPOSES.

AN ACT

To regulate the levy for State purposes for the year eighteen hundred and seventy-eight and for subsequent years.

Section 1. Be it enacted by the General Assembly of Maryland, That the County Commissioners of the several counties of this State, and the Mayor and City Council of Baltimore City are hereby directed to levy the State taxes for the year eighteen hundred and seventy-eight and annually thereafter to be collected according to law, and to be appointed as follows: A tax of five and one-half cents on each one hundred dollars, to meet the interest and to create a sinking fund for the redemption of the defense or bounty loan; a tax of three-fourths of one cent on each hundred dollars to meet the interest and create a sinking fund for the redemption of the Deaf and Dumb Asylum loan, a tax of one cent on each one hundred dollars to meet the interest and create a sinking fund for the redemption of the Maryland Hospital Loan; a tax of ten cents on each one hundred dollars to aid in support of the Public Schools, to be distributed according to law, among the several counties and the City of Baltimore, and a tax of one and one-half cents on each one hundred dollars to meet the interest and create a sinking fund for the redemption of the Treasury Relief Loan, making an aggregate of eighteen cents and three-fourths of a cent on each one hundred dollars; and the Comptroller of the Treasury shall levy the same State taxes on the shares of capital stock of all Banks, State and National, and other incorporated institutions and companies of this State; the shares of whose capital stock are liable, by law, to assessment and taxation.

Sec 2. And be it enacted, That all acts or parts of acts inconsistent with the provisions of this act be and the same are hereby, repealed.

Sec. 3. And be enacted, that this act shall take effect from the date of its passage.

FETTER S. HOBLITZELL,
Speaker of the House of Delegates.
EDWARD LLOYD,
President of the Senate.
Approved this 5th day of April, 1878.
JOHN LEE CARROLL,
Governor of Maryland.

We hereby certify that the aforegoing is a correct copy of an act of assembly passed at the January session, 1878.

MILTON Y. KIDD,
Chief Clerk of the House of Delegates.
AUGUSTUS GASSAWAY,
Secretary of the Senate.

CHAPTER 102.

ACCOUNTS OF COLLECTORS.

AN ACT

To authorize the Comptroller of the Treasury to adjust and settle the accounts due by collectors, sheriffs, clerks of courts, register of wills, and other receivers of public moneys, in cases where the indebtedness accrued prior to and including the year eighteen hundred and seventy-five.

Section 1. Be it enacted by the General Assembly of Maryland, That the Comptroller of the Treasury be, and he is hereby, authorized and empowered, to adjust and settle the claims of the State against all collectors, sheriffs, clerks of courts and registers of wills, and other collectors or receivers of public moneys, and their securities, in all cases where said claims accrued prior to and including the year eighteen hundred and seventy-five, and whether said claims be now in the form of judgments 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 the said parties and their securities upon the payment into the treasury of the amount required by him to be paid in the settlement, as aforesaid, *provided, however*, that the Governor and Treasurer, for the time being, shall each approve in writing of any such abatement before the same shall be effective; and, provided, further, 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 the State's Attorney, who shall have the case in hand, the legal fees, and all fees of clerks or sheriffs.

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

EDWARD LLOYD,
President of the Senate.
FETTER S. HOBLITZELL,
Speaker of the House of Delegates.
Approved March 20, 1878.
JOHN LEE CARROLL,
Governor of Maryland.

We hereby certify that the aforegoing is a correct copy of an act of assembly passed at January session, 1878.

AUGUSTUS GASSAWAY,
Secretary of the Senate.
MILTON Y. KIDD,
Chief Clerk of the House of Delegates.

CHAPTER 40.

APPEALS.

AN ACT

To add an additional section to Article five, of the Code of Public General Laws, entitled "Appeals."

Section 1. Be it enacted by the General Assembly of Maryland, That the following additional section shall be added to Article five of the Code of Public General Laws, entitled "Appeals."

Sec. 2. And be it enacted, That whenever any writ of error or appeal shall be brought upon any judgment, or any indictment, information, presentment, inquisition, or conviction in any criminal case, and the Court of Appeals shall reverse the judgment for error in the judgment, or sentence itself, it shall be the duty of the Court of Appeals to remit the record to the court below, in order that such court may pronounce the proper judgment upon such indictment, information, presentment, inquisition or conviction; provided, however, that it shall be the duty of the court in passing any sentence under the provisions of this section, to deduct from the term of sentence the time already served by the prisoner under the previous sentence from the date of his conviction.

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

EDWARD LLOYD,
President of the Senate.
FETTER S. HOBLITZELL,
Speaker of the House of Delegates.
Approved February 21st, 1878.
JOHN LEE CARROLL,
Governor of Maryland.

We hereby certify that the aforegoing is a correct copy of an act passed the General Assembly of Maryland at the January session, 1878.

AUGUSTUS GASSAWAY,
Secretary of the Senate.
MILTON Y. KIDD,
Chief Clerk of Delegates.

CHAPTER 182.

BOUNDARY LINE.

AN ACT

To authorize the appointment of Commissioners to adjust and settle the boundary line between West Virginia and Maryland.

WHEREAS by the Act of eighteen hundred and fifty-two, chapter two hundred and seventy-five, the Governor of Maryland was empowered to correspond with the Governor of Virginia, with a view to locate, run and mark the line between said States, beginning at Fairfax Stone, and running due north to the Pennsylvania line, for reasons set forth in the preamble to said act of eighteen hundred and fifty-two; and,

Whereas, Commissioners were appointed by the Governors of Virginia and Maryland, for said purpose; and,

Whereas, said Commissioners did meet at the place of beginning, namely: Fairfax Stone, in September, eighteen hundred and fifty-eight, and with Lieutenant Michler, of the United States Corps of Engineers, proceeded to locate, run and mark said line between the places of beginning Fairfax Stone and the Pennsylvania line, and make report to their respective States, in eighteen hundred and sixty, and also delivered to their respective States field books, plates and topographical charts of the same, for the purpose of ratifying and establishing the line between said States, and,

Whereas, the war between the States prevented any further action under said Commissioners; and as a further result, caused the organization of the State of West Virginia; and,

Whereas, there are now strong reasons for the ratification and permanent settlement of said line between Maryland and West Virginia, therefore,

Section 1. Be it enacted by the General Assembly of Maryland, That the Governor be, and he is hereby requested to open correspondence with the Governor of West Virginia, with a view to the establishment and ratification of the line between the States of West Virginia and Maryland, as run, marked and located by the Commissioners appointed under the act of eighteen hundred and fifty-two, chapter two hundred and seventy-five; and in case the Legislature of West Virginia shall pass an act providing for the appointment of a commissioner or commissioners, to act in conjunction with a commissioner or commissioners on the part of the State of Maryland, in the premises, then and in such case the Governor be, and he is hereby authorized and required to appoint a commissioner or commissioners, who, together with the commissioner or commissioners, who may be appointed on the part of West Virginia, who shall review said line beginning at Fairfax Stone, and running due north to the Pennsylvania line, as surveyed, traced and marked by Lieutenant Michler.

Sec. 2. And be it further enacted, That it shall be the duty of the commissioner or commissioners appointed by this act, after passing over said line to make a report setting forth their reasons for the ratification, settlement and final acceptance of the line between said States; and it shall be the duty of the commissioner or commissioners of each respective State to forward copies of their joint report, to each of their respective legislatures, and upon the ratification of such report by the State of West Virginia and the State of Maryland, through their respective legislatures, and the Congress of the United States, the said boundary line shall be fixed and established so as to remain for ever.

Sec. 3. And be it further enacted, That the sum of five hundred dollars be, and the same is hereby appropriated out of any money in the Treasury not otherwise appropriated, for the purpose of defraying the expenses of the commissioner or commissioners, hereafter appointed to carry into effect the provisions of this act.

Sec. 4. And be it enacted that this act shall take effect from and after the date of its passage.

FETTER S. HOBLITZELL,
Speaker of the House of Delegates.
EDWARD LLOYD,
President of the Senate.
Approved April 5th, 1878.
JOHN LEE CARROLL,
Governor of Maryland.

We hereby certify that the aforegoing is a correct copy of an act passed at January session, eighteen hundred and seventy-eight.

AUGUSTUS GASSAWAY,
Secretary of the Senate.
MILTON Y. KIDD,
Chief Clerk House of Delegates.

CHAPTER 475.

Clerks of Courts.

AN ACT

To repeal and re-enact section five of article eighteen, of the Code of Public General Laws, entitled "Clerks of Courts," as re-enacted by an Act passed at January session, eighteen hundred and sixty-five, chapter five.

Section 1. Be it enacted by the General Assembly of Maryland, That section five of article eighteen, of the Code of Public General Laws, entitled "Clerks of Courts," as re-enacted at the January session of the General Assembly of Maryland, eighteen hundred and sixty-five, be and the same is hereby repealed and re-enacted with amendments, to read as follows:

Sec. 5. Be it enacted by the General Assembly of Maryland, That the clerk of the courts of this State may issue an execution on judgment, or decree, at any time after the rendition thereof, directed to the sheriff of another county, whether a return of *nulla bona* to a writ of execution issued to the sheriff of the county or city wherein the said judgment or decree was rendered, has been made or not, which writ of execution issued and directed to the sheriff of another county, shall be made returnable to the Circuit Court of the county to which it may be sent, and if sent to the city of Baltimore, returnable to the Superior court of said city, and there shall be sent therewith by the clerk issuing the same, to the clerk of the court to which said writ shall be returnable, a copy of the docket entries in the case upon which the court may proceed on said execution, by renewal or otherwise, in the same manner as if said execution had issued on a judgment or decree rendered in said court, and on attachments on judgment or decrees, shall be regarded as an execution, the meaning of this section; *provided, nevertheless*, that no execution or attachment on judgment shall be issued and directed to another county, if there has been no return of nulla bona, until the plaintiff or plaintiffs, or his or their attorney of record, shall make and file with the clerks issuing the same, an affidavit that he or they are unable to discover in the county or city where the judgment or decree has been obtained, property from which the same can be realized; and *provided, further*, that no judgment or decree shall be a lien upon real estate situated in another county from that wherein the said judgment or decree was obtained, or in the city of Baltimore, except from the date of the entry of the copy of the docket entries by the clerk of the Court to which the said writ shall be returnable.

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

FETTER S. HOBLITZELL,
Speaker of the House of Delegates.
EDWARD LLOYD,
President of the Senate.
Approved April 5th, 1878.
JOHN LEE CARROLL,
Governor of Maryland.

We hereby certify that the aforegoing is a correct copy of an act passed at the General Assembly of Maryland, at the January session, 1878.

MILTON Y. KIDD,
Chief Clerk of the House of Delegates.
AUGUSTUS GASSAWAY,
Secretary of the Senate.

CHAPTER 343.

To Establish a House of Refuge.

AN ACT

To repeal Section one, of an Act passed at the January Session of eighteen hundred and fifty-three, of the General Assembly of Maryland, entitled an Act to amend an Act entitled an Act to establish a House of Refuge for Juvenile Delinquents, and supplements thereto, so as to reduce the number of managers thereof, and to re-enact the same with amendments, so as to read as follows:

Section 1. Be it enacted by the General Assembly of Maryland, That section one, of the act passed at the January session of eighteen hundred and fifty-three, of the General Assembly of Maryland, entitled an act to amend an act entitled an act to establish a House of Refuge for Juvenile Delinquents, and supplements thereto, so as to reduce the number of managers thereof, be and is hereby repealed and re-enacted with amendments, so as to read as follows:

Section 1. And be it enacted, That the number of managers of the House of Refuge shall be fifteen, instead of twenty-four, as now prescribed by law, and of whom five shall be appointed by the Governor, by and with the consent of the Senate; five shall be elected by the members of the association, and five shall be appointed by the Mayor and City Council of Baltimore, in the manner, and at the times prescribed in the act of the General Assembly of Maryland, passed at December session, eighteen hundred and thirty, chapter sixty-four, entitled an act to establish a House of Refuge for Juvenile Delinquents, seven of which said managers shall constitute a quorum for the transaction of business.

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

EDWARD LLOYD,
President of the Senate.
FETTER S. HOBLITZELL,
Speaker of the House of Delegates.
Approved April 1, 1878.
JOHN LEE CARROLL,
Governor of Maryland.

We hereby certify, that the aforegoing is a correct copy of an Act passed the General Assembly of Maryland, at the January Session, 1878.

AUGUSTUS GASSAWAY,
Secretary of the Senate.
MILTON Y. KIDD,
Chief Clerk of Delegates.

CHAPTER 238.

TO AUTHORIZE A LOAN.

AN ACT

To authorize a loan to relieve the Treasury from losses accruing from the failure of certain sources of revenue, and also to authorize a sale of certain bonds of the Baltimore and Ohio Rail Road Company therein referred to.

Whereas, losses have accrued to the revenues of the State from the failure of the Susquehanna and Tide Water Canal Companies, to pay the interest on the mortgages due the State, and from the failure of the Baltimore and Ohio Rail Road Company, to pay any portion of the amount due the State from the one-fifth of the receipts from passengers on its Washington Branch Road, and also from the failure to pay the accustomed dividends on the stock of the State, in the said Washington Branch Road; and,

Whereas, it is necessary, in order to relieve the State Treasury from the effects of said several losses, to create a loan for that purpose; therefore,

Section 1. Be it enacted by the General Assembly of Maryland, That a loan be, and is hereby created, to be called the Treasury Relief Loan, and the Treasurer of the State is hereby authorized and directed to issue certificates of debt, or bonds of the State, to an amount not exceeding five hundred thousand dollars, to be countersigned by the Comptroller, in the name and on behalf of the State of Maryland, which bonds or certificates shall bear interest at the rate of six per centum per annum, payable semi-annually on the first day of January and the first day of July, in each year, and be redeemable at the pleasure of the State, in not less than ten nor more than fifteen years, and which said bonds or certificates shall be sold for not less than their face value, exclusive of all commissions, and the proceeds passed into the Treasury to reimburse the same for the losses which have so occurred thereto.

Sec. 2. And be it enacted, That a special tax of one and one-half cents be, and the same is hereby laid on each and every one hundred dollars of the taxable property of this State, to meet the interest and create a sinking fund for the redemption of the bonds or certificates of debt, herein directed to be issued; and the said tax shall be annually levied, collected and paid over to the State Treasurer, until the debt created by this act shall have been paid, and a distinct and separate account shall be kept thereof, and the proceeds thereof are hereby pledged to the payment of the interest and principal of the said bonds or certificates of debt, and for that purpose, so much thereof as may be necessary shall be applied to the payment of the interest upon said bonds or certificates of debt, and the balance invested by the Treasurer in such manner as the increment of the sinking fund of the State is authorized by law to be invested.

Sec. 3. And be it enacted, That the Treasurer be, and he is hereby further authorized to sell, with the approval of the Governor and Comptroller, and to the best advantage, from time to time, as the necessity of the Treasury may require, any or all of the bonds which are to be issued to the State of Maryland by the Baltimore and Ohio Rail Road Company, in accordance with chapter —— of the acts of the present General Assembly, and to apply the proceeds of the sale or sales thereof, to the support of the government of the State; *provided*, that said bonds shall not be sold for less than par value.

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

FETTER S. HOBLITZELL,
Speaker of the House of Delegates.
EDWARD LLOYD,
President of the Senate.
Approved April 1st, 1878.
JOHN LEE CARROLL,
Governor of Maryland.

We hereby certify that the aforegoing is a correct copy of an Act of Assembly, passed at January session, 1878.

AUGUSTUS GASSAWAY,
Secretary of the Senate.
MILTON Y. KIDD,
Speaker of the House of Delegates.

CHAPTER 424.

TERRAPINS.

AN ACT

To protect diamond back terrapins in the waters of the State of Maryland, and to regulate the catching of the same.

Section 1. Be it enacted by the General Assembly of Maryland, That hereafter it shall be unlawful for any person to take or catch diamond back terrapins from the waters of this State, between the first day of April and the first day of November, in each year.

Sec. 2. Be it enacted, That it shall be unlawful for any person or persons, to take or catch from the waters of this State, any diamond back terrapin, of a less size than five inches in length upon the bottom shell, at any time.

Sec. 3. Be it enacted, That it shall be unlawful for any person to interfere with, or in any manner destroy the diamond back terrapin eggs.

Sec. 4. Be it enacted, That none but bona-fide citizens of the counties of this State, bordering upon the waters of the same, shall take or catch diamond back terrapins from said waters.

Sec. 5. Be it enacted, That any person or persons violating the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction of the same, before a Justice of the Peace, in the county in which the offense shall have been committed, he, she, or they shall be find a sum not less than five nor more than ten dollars for each diamond back terrapin so taken or caught, or for destroying any diamond back terrapin eggs, one-half of said fine to go to the informer, and the balance to be paid over by the said Justice of the Peace to the County Commissioners of said county, to be by them disbursed for the benefit of said county, said fine to be collected as other fines and forfeitures are now collected.

Sec. 6. Be it enacted, That the possession of any diamond back terrapin, by any person or persons, within the time prescribed by this act, prohibiting the taking and catching of the same, shall be deemed prima facia evidence that said person or persons have violated the provisions of this act.

Sec. 7. Be it enacted, That the constables of the several counties of this State, shall, upon the information of any one, arrest all persons violating the provisions of this act, and carry them before the nearest Justice of the Peace of the county, wherein such offense shall have been committed, to be dealt with in accordance with the provisions of section five of this act.

Sec. 8. Be it enacted, That this Act shall take effect from the date of its passage.

FETTER S. HOBLITZELL,
Speaker of the House of Delegates.
EDWARD LLOYD,
President of the Senate.
Approved April 5th, 1878.
JOHN LEE CARROLL,
Governor of Maryland.

We hereby certify that the aforegoing is a correct copy of an act passed at the January session, 1878.

AUGUSTUS GASSAWAY,
Secretary of the Senate.
MILTON Y. KIDD,
Chief Clerk House of Delegates.

CHAPTER 316.

DISTRIBUTION.

AN ACT

To repeal Section one hundred and thirty-seven of article ninety-three, of the Code of Public General Laws, title Testamentary Law, sub-title Distribution, and re-enact the same to read as follows:

Section 1. Be it enacted by the General Assembly of Maryland, That section one hundred and thirty-seven, of article ninety-three, of the Code of Public General Laws, title Testamentary Law, sub-title Distribution, be repealed, and is hereby re-enated so to read as follows:

Section 137. If any legal representative shall appear, after payment has been made, under the preceding section, the Board of County School Commissioners receiving such payment, shall pay the same to such representative, but no collateral more remote than brothers' and sisters' children shall claim under this section.

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

FETTER S. HOBLITZELL,
Speaker of the House of Delegates.
EDWARD LLOYD.
President of the Senate.
Approved April 5, 1878.
JOHN LEE CARROLL.
Governor of Maryland.

We hereby certify that the aforegoing is a correct copy of an Act passed the General Assembly of Maryland, at the January session 1878.

AUGUSTUS GASSAWAY,
Secretary of the Senate.
MILTON Y. KIDD,
Chief Clerk of the House of Delegates.

CHAPTER 270.

LICENSES.

AN ACT

To add an additional section to article fifty-six, of the Code of Public General Laws, title "Licenses," sub-title "Brokers."

Section 1. Be it enacted by the General Assembly of Maryland, That an additional sub-section be added to section seventeen, article fifty-six, of the Code of Public General Laws, title "Licenses," sub-title "Brokers," to read as follows:

Sec. 17. Sub-sec. 2. If any individual, co-partnership, or firm, shall use or exercise the business or occupation of a merchandise broker, without having procured a license, as required by law, he shall be subject to a penalty of five hundred dollars for each offence, one-half thereof for the use of the State and the other half to the informer.

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

FETTER S. HOBLITZELL,
Speaker of the House of Delegates.
EDWARD LLOYD,
President of the Senate.
Approved April 5, 1878.
JOHN LEE CARROLL,
Governor of Maryland.

We hereby certify that the aforegoing is a correct copy of an Act passed at the General Assembly of Maryland, at the January session, 1878.

MILTON Y. KIDD,
Chief Clerk of the House of Delegates.
AUGUSTUS GASSAWAY,
Secretary of the Senate.

CHAPTER 141.

Pleadings, Practice and Process.

AN ACT

To repeal section sixty-four, of Article seventy-five, of the Code of Public General Laws, relating to Pleadings, Practice and Process, as amended by Chapter two hundred and eighty-three, of the Acts of the January session of eighteen hundred and sixty-four, and to re-enact the same so as to read as follows.

Section 1. Be it enacted by the General Assembly of Maryland, That section sixty-four, of article seventy-five, of the Code of Public General Laws, relating to Pleadings, Practice and Process, as amended by chapter two hundred and eighty-three, of the acts of January session, eighteen hundred and sixty-four, be, and the same is hereby repealed and re-enacted so to read as follows.

Sec. 64. Whenever any lands or tenments shall be sold by any sheriff, constable, coroner or elisor, by virtue of any process or execution, from any court or Justice of the Peace of this State, or by any trustee, under the decree of any court of this State, by the trustee of any insolvent petitioner, by any trustee under any voluntary deed of trust, or by any mortgagee under a mortgage, with power to sell, and the debtor named in such execution or decree, the insolvent petitioner, grantor or mortgagor, in said deed of trust or mortgage, or any other person holding under said debtor, insolvent petitioner, grantor or mortgagor, by title subsequent to the date of the judgement, decree, insolvent application, deed of trust, or mortgage, respectively, shall be in actual possession of the lands and tenements sold, shall fail or refuse to deliver possession of the same to the purchaser thereof, the Judge of the Circuit Court of the county in which said lands or tenements may be situated; or if situate in the city of Baltimore, the Judge of the Circuit Court, or of the Superior Court, shall, on application in writing, to be verified by the affidavit of the purchaser, or his attorney, unless good cause to the contrary be shown by the debtor, insolvent petitioner, grantor or mortagor, his agent or attorney, or other person concerned, within not less than fifteen nor more than thirty days, from the filing of such application, as aforesaid, issue a writ in the nature of a writ of *habere facias possessionem*, reciting therein the proceedings which may have been had on said process, thereby commanding the said sheriff, constable, coroner or elisor, to deliver possession of the said lands and tenements, to the purchaser thereof; and no such judge shall refuse to issue such writ because such purchaser may have entered into an agreement with the person in actual possesion of such lands and tenements, at the time of such sale, whereby the right of such person to remain in possession for a limited period is secured, if after the expiration of the period limited by said agreement, such person shall refuse or fail to surrender up possession.

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

FETTER S. HOBLITZELL,
Speaker of the House of Delegate.
EDWARD LLOYD,
President of the Senate.
Approved March 1st, 1878.
JOHN LEE CARROLL,
Governor of Maryland.

We hereby certify that the aforegoing is a correct copy of an act passed the General Assembly of Maryland, at the January Session, 1878.

AUGUSTUS GASSAWAY,
Secretary of the Senate.
MILTON Y. KIDD,
Chief Clerk House of Delegates.

CHAPTER 364.

FEES OF OFFICERS.

AN ACT

To repeal Section eleven, of Article thirty-eight, of the Code of Public General Laws, title Fees of Officers, and to re-enact the same with amendments.

Section 1. Be it enacted by the General Assembly of Maryland, That section eleven, of article thirty-eight, of the Code of Public General Laws, title Fees of Officers, be and the same is hereby repealed, amended and re-enacted so as to read as follows:

11. Be it enacted, That the Commissioner of the Land Office shall be entitled to demand and receive the following fees, to wit: For a common warrant, two dollars; for a special warrant, three dollars; for a special warrant of escheat, five dollars; for a special warrant of proclamation, five dollars; for a special warrant of resurvey, five dollars; for making out patent for any number of acres less than one hundred, five dollars; for making out patent for every one hundred acres above one hundred, one dollar additional; for recording patent, for every one hundred words, thirteen cents; for every search, twenty-five cents; for examining every certificate of survey of one hundred acres or under, one dollar and sixty cents; for examining every certificate of survey of from one hundred to two hundred acres, two dollars; for examining every certificate of survey of from two hundred to three hundred acres, two dollars and twenty-five cents; for examining every certificate of survey for every one hundred acres over three hundred acres, twenty-five cents; for examining every certificate of re-survey up to one hundred acres, three dollars; for examining every certificate of re-survey of from one hundred to two hundred acres, three dollars and fifty cents; for examining every certificate of re-survey of from two hundred to three hundred acres, four dollars; for examining every certificate of re-survey for every one hundred acres over three hundred, fifty cents; for examining every paper accompanying a certificate of survey or re-survey, twenty-five cents; for entering a caveat, fifty cents; for filing every paper, ten cents; for every certificate of award of soldier's lots, seventy-five cents; for making all copies, per one hundred words, thirteen cents; for every seal, twenty-five cents.

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

EDWARD LLOYD,
President of the Senate.
FETTER S. HOBLITZELL,
Speaker of the House of Delegates.
Approved April 1, 1878.
JOHN LEE CARROLL,
Governor of Maryland.

We hereby certify, that the aforegoing is a correct copy of an act passed the General Assembly of Maryland, at the January session, 1878.

AUGUSTUS GASSAWAY,
Secretary of the Senate.
MILTON Y. KIDD,
Chief Clerk House of Delegates.

CHAPTER 467.

Crimes and Punishments, Subtitle Rogues and Vagabonds.

AN ACT

To repeal section one hundred and seventy-three, of Article Thirty, of the Code of Public General Laws entitled "Crimes and Punishments," sub-title "Roguesand Vagabonds," and to re-enact the same with amendments.

Section 1. Be it enacted by the General Assembly of Maryland, That section one hundred and seventy-three, of article thirty, of the Code of Public General Laws, entitled Crimes and Punishments, sub-title Rogues and Vagabonds be, and the same is hereby repealed and re-enacted so as to read as follows:

173. If any person shall be apprehended having upon him any picklock, key, crow, jack, bit or other implement, at places and under circumstances, from which an intent may be presumed feloniously to break and enter into any dwelling-house, warehouse, store-house, stable, or outhouse, or shall have upon him any pistol, dagger, cutlass, bludgeon or other offensive weapon, also at places and under circumstances from which may be presumed an intent feloniously to assault any person, or shall be found in or upon any dwelling house, warehouse, storehouse, stable or outhouse, or in any enclosed yard or garden, or area, belonging to any house, with an intent to steal any goods or chattels, every such persons shall be deemed a rogue and a vagabond, and on being convicted thereof shall be sentenced to the Penitentiary for not less than one month, nor more than two years, or by imprisonment in jail, at the discretion of the Court, for a like term.

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

EDWARD LLOYD,
President of the Senate.
FETTER S. HOBLITZELL,
Speaker of the House of Delegates.
Approved April 5th, 1878.
JOHN LEE CARROLL,
Governor of Maryland.

We hereby certify that the aforegoing is a correct copy of an act passed the General Assembly of Maryland at the January Session, 1878.

AUGUSTUS GASSAWAY,
Secretary of the Senate.
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