

said order shall be passed, for such absent person to appear in court, and make his or her election as aforesaid; and on proof being made to the satisfaction of the court of the due publication as aforesaid, and on the non-appearance of the person so absent as aforesaid, it shall and may be lawful for the person next entitled, to come in and make election in the same manner as if the person so absent had have appeared and refused to take the estate at the valuation of the commissioners.

CHAP. 94.

4. AND BE IT ENACTED, That if any person or persons entitled to make election (h) as aforesaid shall be an idiot, *non compos mentis*, deaf and dumb, or otherwise disqualified to declare his or her intention, in such case the person next entitled shall be authorised to make his or her election, in the same manner as if the person disqualified as aforesaid had refused to make election as aforesaid.

Provision in case of an idiot.

(h) See note (e) under the second section.

5. AND BE IT ENACTED, That when any person entitled shall elect to take the estate at the valuation of the commissioners, or when all refuse, and the same shall be sold under the direction of the court, and bonds (i) taken for the payment of the purchase money, the bonds so taken shall remain and be a lien on the lands for the purchase of which they were given, until the said bonds shall be wholly paid.

Bonds taken to be a lien.

(i) See note (f) under the second section.

6. AND BE IT ENACTED, That in all cases where an election hath been made under the act to which this is a further additional supplement by the husband in right of his wife, and the valuation of the land of the said intestate hath been paid, or secured to be paid, unto the heir or heirs of the deceased by the person or persons so electing, the commissioners, or a majority of them, or the survivors or survivor of them, shall, under the direction of the court to which the return or returns shall have been made, make and execute to the person so electing, at his expense, a good and valid deed of bargain and sale in fee-simple.

Commissioners to make a deed.

CHAP. XCV.

*An Act for the removal of Nuisances from the precincts and neighbourhood of Baltimore.* Lib. JG. No. 4, fol. 305. Passed Jan. 8, 1803

WHEREAS it hath been represented to this general assembly, that settlers near the precincts of the city of Baltimore have lately been much annoyed by the deposit of carrion, and carcasses of dead animals, in the open air near the public roads, and the dwellings of persons near the precincts, and that by the maintenance of a pack of hounds in a thickly settled neighbourhood, near the said precincts, such neighbourhood is greatly injured and disturbed; therefore,

Preamble.

2. BE IT ENACTED, by the General Assembly of Maryland, That from and after the first day of March next, no person or persons shall hale, cart, carry, drag or deposit, any dead carcase, or other carrion, in Baltimore county, within one mile of the city of Baltimore, unless he or they shall bury, or cause the same to be buried, in such manner, at least two feet under ground, and so as effectually to prevent any offensive smell therefrom, under the penalty of twenty dollars for each and every such offence, together with the expense of burying or removing the same.

Penalty for depositing carrion within one mile of city.