

63. No action of trespass *quare clausum fregit* in Charles County shall be adjudged to be maintained or supported by evidence that the defendant, or any horse, cow or other domestic animal (other than hogs or swine) belonging to him passed on or over any waste or unenclosed land in the said county, or by proof that any such animal trod down or ate the grass or herbage or rooted up or distributed the soil or earth on any such waste or unenclosed land, and the defendant in any such action may plead the general issue and give the special matter in evidence, provided, however, that this section shall not be enforced within the corporation limits of La Plata. Cannot trespass upon unenclosed land. Proviso.

64. No person shall restrain any horse, cow or other beast (other than hogs or swine) damage feasant, upon any waste or unenclosed land in Charles County; provided, however, that this section shall not be enforced within the corporation limits of La Plata. Town limits exempted.

SEC. 2. *And be it enacted*, That all Acts or parts of Acts inconsistent with this Act be and the same are hereby repealed, and that this Act shall take effect from and after the date of its passage.

Approved April 8, 1904.

CHAPTER 399.

AN ACT to protect citizens of Maryland from certain communicable diseases, especially tuberculosis of the lungs and larynx.

SECTION 1. *Be it enacted by the General Assembly of Maryland*, That from and after the date of the passage of this Act any person affected with any disease whose virus or infecting agent is contained in the sputum, saliva or other bodily secretion or excretion, who shall dispose of his sputum, saliva or other bodily secretion or excretion as to cause offense or danger to any person or persons occupying the same room or apartment, house or part of a house, shall, on complaint of any person or persons subjected to such offense or danger be deemed guilty of a nuisance. And any person subjected to such a nuisance may make complaint in person or writing to the Commissioner of Health of Baltimore City or the local health officer of any city, town or county in the State of Maryland where the nuisance complained of arises or exists. And it shall be the duty of the Commissioner of Health or of any local health officer receiving such complaint to investigate, and if it appears that the nuisance complained of is such as to cause offense or danger to any person occupying the same room, apartment, house or part of a house, he shall serve a notice upon the person so complained of, reciting the alleged cause of offense or danger, and requiring him to dispose of his sputum, saliva or other bodily secretion or excretion in such a manner as to remove all reasonable cause of offense or danger. And any person failing or refusing to comply with orders or regulations of the Health Commissioner of Baltimore City or of the health Protecting persons from communicable diseases.