

peace of said county, who shall forthwith summon the owner or other person so neglecting or refusing and upon being satisfied after an examination into the facts of the existence of the said disease in the trees or fruit as charged by said commissioners, it shall be the duty of said justice of the peace to forthwith issue an order to said commissioners, or one of them, or to a constable of said county, to destroy said trees or fruit, and for the purpose of destroying the same, it shall be lawful for said commissioners or constable to enter upon any premises in said county, and seize said diseased trees or fruit wherever found, and have the same destroyed by fire or otherwise.

Proceed-
ings.

SEC. 6. *And be it enacted*, That it shall be the duty of said justice of the peace in passing the order as provided in the preceding section, to fix such fine and penalty as he may see fit, not exceeding the sum of ten dollars for each offense, and all costs incident to or attending such proceedings, and upon failure to pay said fine and costs, to commit said person to the county jail for a term not exceeding thirty days.

Penalty

SEC. 7. *And be it enacted*, That "Yellows" is hereby declared to be a contagious disease affecting the constitution and vital growth of the tree and manifested by the following symptoms or one of them: 1. A premature ripening of the fruit which is flavorless and with the color thereof not solid but mottled or variegated. 2. Wiry growth of shoots from the trunk or branches of the tree.

Symptoms

SEC. 8. *And be it enacted*, That this act shall take effect from the date of its passage.

Effective.

Approved February 18, 1890.

CHAPTER 27.

AN ACT to refund to Caroline Sell, widow of Peter Sell, a sum of money erroneously paid by her into the treasury of the State.

WHEREAS, Caroline Sell, widow of Peter Sell, late of Frederick county, deceased, erroneously paid to the register of wills of said county the sum of thirty-three dollars and thirty-four cents (\$33.34), as collateral inheritance tax; therefore,

Preamble.

SECTION 1. *Be it enacted by the General Assembly of Maryland*, That the comptroller of the treasury be and he is hereby directed to issue his warrant on the treasurer of Maryland, to pay to Caroline Sell, the widow of Peter Sell, late of Frederick county, deceased, the sum of thirty-three dollars and thirty-four cents (\$33.34), collateral inheritance tax erroneously paid by her into the treasury of the State.

Warrant.