

or on any of the public roads or streets specified in the preceding sections, it shall be the duty of such constable to procure a warrant for the arrest of the owner or owners of such animal or animals, and to arrest such owner or owners under said warrant, and to take him or them before some justice of the peace in and for said county to be dealt with as hereinbefore provided; and in case any constable shall fail to perform the duties imposed on him by this act, he shall be subject to indictment therefor in the circuit court for said county, and upon conviction thereof shall be fined not less than one dollar nor more than five dollars for each and every offense, and upon failure or refusal to pay said fines and the costs of prosecution, shall be committed to the jail of said county and confined therein for not less than five days nor more than thirty days.

Arrest.

SEC. 4. *And be it enacted*, That all fines and penalties imposed and collected under this act shall be paid to the board of school commissioners of said county for the use of the public schools of said county.

For schools.

SEC. 5. *And be it enacted*, That this act shall take effect from the date of its passage.

Effective.

Approved April 3, 1890.

CHAPTER 320.

AN ACT to repeal section one hundred and eighty-eight, of article sixteen, of the Code of Public General Laws, entitled "Chancery," sub-title "Sales," relating to the sale of real estate where the personal estate is insufficient to pay the debts of the decedent, and to re-enact the same with amendments.

SECTION 1. *Be it enacted by the General Assembly of Maryland*, That section one hundred and eighty-eight, of article sixteen, of the Code of Public General Laws, entitled "Chancery," sub-title "Sales," be and the same is hereby repealed and re-enacted so as to read as follows:

Repeal

SEC. 188. Where any person dies or shall have died leaving any real estate in possession, remainder or reversion, and not leaving personal estate sufficient to pay his debts and costs of administration, the court on any suit instituted by any of his creditors, may decree that all the real estate of such person, or so much thereof as may be necessary shall be sold to pay his debts, and the funeral expenses of the decedent to an amount not exceeding three hundred dollars shall be considered the debt of said decedent, any person having claims for funeral expenses not exceeding three hundred dollars in the aggregate, shall be considered creditors of

To sell real estate.