

until a judgment is given in the action, and in the trial of such replevin action it shall be the duty of the court, if the case is being tried without a jury, or the duty of the jury if the case is being tried before a jury, to determine the amount of such lien or claim, if any, and the amount of any expenses which were properly incurred or which accrued prior to the date of trial, including storage and advertising, and the judgment in such action, if for the defendant, shall be either for the return of the property replevied, or for the amount of such lien or claim, and any accrued expenses which were properly incurred by the defendant, including storage and advertising; and the court may also allow a reasonable counsel fee to the defendant's counsel. The burden of proof in such action shall be upon the defendant to establish his claim or lien to the same extent as if he were a plaintiff in an action to secure a judgment on an open account.

SECTION 8. AND BE IT FURTHER ENACTED, That this Act is hereby declared to be an emergency measure and necessary for the immediate preservation of the public health and safety and having been passed by a ye and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, the same shall take effect from the date of its passage.

Approved May 24, 1973.

CHAPTER 881

(House Bill 1566)

AN ACT to add new Section 7-21 to the Code of Public Local Laws of Garrett County (1971 Edition, being Article 12 of the Code of Public Local Laws of Maryland), title "Garrett County", subtitle "County Commissioners", to create a Merit System Board for Garrett County with three members, and generally providing for procedures, appointments, removals, compensation and expenses of the Board.

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That new Section 7-21 be and it is hereby added to the Code of Public Local Laws of Garrett County (1971 Edition, being Article 12 of the Code of Public Local Laws of Maryland), title "Garrett County", subtitle "County Commissioners", and to read as follows:

7-21.

THERE IS HEREBY CREATED A MERIT SYSTEM BOARD CONSISTING OF THREE (3) MEMBERS, ONE (1) OF WHOM SHALL BE ELECTED BY A MAJORITY VOTE OF ALL COUNTY EMPLOYEES COVERED BY THE MERIT SYSTEM, AND TWO (2) OF WHOM SHALL BE APPOINTED BY THE BOARD OF COUNTY COMMISSIONERS REPRESENTING THE PUBLIC AT LARGE, BUT THESE TWO (2) APPOINTMENTS SHALL NOT BE MADE FROM AMONG THE COUNTY EMPLOYEES.

THE TERM OF OFFICE FOR THESE BOARD MEMBERS SHALL BE THREE (3) YEARS IN STAGGERED TERMS, THE INITIAL BOARD TO HAVE ONE MEMBER TO SERVE FOR ONE YEAR, ONE FOR TWO YEARS AND ONE FOR THREE YEARS. THE MEMBER REPRESENTING COUNTY EMPLOYEES SHALL SERVE THE ONE YEAR TERM AND HIS SUCCESSOR SHALL BE ELECTED AS HEREIN PROVIDED. THE