give his name and residence, and upon his being identified as the person who received said ballot, the judge shall deposit his ballot in the box, having first detached therefrom its coupon, which he shall then string upon a cord or wire to be provided for the purpose, and the said voter shall forthwith leave the enclosed space. The judges having charge of the registers shall then in the column therein headed "Voted" in the same line with the name of the voter mark the word "Voted" or the letter "V." No ballot without the indorsement of the name or initials of the judge thereon, as hereinbefore provided, shall be deposited in said ballot-box, but if deposited, shall be counted for the purpose of ascertaining the number thereof, and the judges shall in ink mark on the back thereof the would "Counted," and indorse their names.

62. Assistance in marking their ballots shall be given to voters who shall declare, under oath, to the judges of election that by reason of blindness or physical disability they are unable without assistance to mark their ballot. Upon making and filing with the judges such affidavit the voter shall retire to one of said booths with the two clerks, and then and there one of said clerks, in the presence of the other, shall mark the ballot as such voter shall direct, the voter himself naming one by one the candidates for whom he desires his ballot to be marked and not indicating the candidates by a general designation as the candidates of any one political party. The ballots shall not be read to such voter, nor shall any suggestion of any kind be made by either of said two clerks to show him as to how his ballot is to be marked, but the only assistance which it shall be lawful for the clerks to give him is to mark the ballot as he, without prompting or suggestion from them, or either of them, shall direct, but no ballot shall be marked under this section until a majority of the judges of election shall be satisfied of the truth of the fact stated in such affidavits. Voters who are not disabled by blindness or physical injury from marking their ballots shall not be entitled to receive assistance in marking them. And with the exception in favor of persons blind or incapable from physical injury of marking their ballots without assistance, no distinction or discrimination in the matter of assistance in marking ballots shall be made for or against any duly registered voter for any other cause whatever.

Sec. 6. And be it further enacted, That Section 66 of said Article 33, title "Elections," sub-title "Count of Ballots," be and the same is hereby repealed and re-enacted, with amendments, so as to read as follows:

66. The judges shall then open the ballot box and count and announce the whole number of ballots in the box. They shall reject any ballots which are deceitfully folded together, and any ballots which do not have endorsed thereon the name or initials of the judge who held the ballots. If the voter has marked more names than there are persons to be elected to an office, or if there shall be any mark on the ballot other than the cross mark in a square opposite to the name of a candidate, or other than the name or names of any candidate written by the voter on the ballot as provided in Section 40, his ballot shall not be counted. Ballots not counted for such defects shall be marked "Defective" on the back thereof and shall be wrapped in a separate package and returned to the ballot box as hereinafter directed. No vote shall be counted for any candidate opposite whose name no cross mark shall be placed. They shall open the ballots and all of them shall be canvassed separately by one of the judges sitting between two other judges, which judge shall call out each name and the office for which it is designate, and the other judges looking at the ballot at the same time, and the clerks making tally of the same. When all the ballots have been canvassed in this manner, the election clerks shall compare their tallies together and ascertain total number of votes received by each candidate, and when they agree upon the numbers, one of them shall announce in a loud voice to the judges the aggregate number of votes received by each candidate, if requested by any watcher or challenger present at any canvass, it shall be the duty of the judges and each of them to exhibit to such watcher or challenger any ballot cast, fully opened or in such condition and manner that he may fully read and examine the same, but the judges shall not allow any ballot to be taken from their hands. As the ballots are counted they shall be strung upon a strong twine.

Sec. 7. And be it further enacted, That Section 114 A of said Article 33, title "Elections," sub-title "Miscellaneous Provisions," be and the same is hereby repealed and re-enacted so as to read as follows:

114 A. At least thirty days before every State election the Attorney-General shall prepare full instructions for the guidance of the voters of such election as to obtaining ballots, as to the manner of marking them, and as to obtaining new ballots in place of those accidently destroyed, with such other instructions as shall in his opinion be necessary and proper, said instructions shall be furnished by the Secretary of State to the several Boards of Supervisors of Elections, who shall, respectively cause the same together with copies of Sections 61, 62 and 63 of this Article, to be printed in large, clear type, on separate cards to be called "Cards of Instruction," and said Board of Supervisors shall furnish twelve of the same with ballots for use in each election precinct. They shall also cause to be printed on light cardboard or heavy sized paper, ten or more copies of the form of the ballot provided for each voting place at each election therein, of a considerably magnified size, which shall be called "Specimen Ballots," and the same shall be furnished with the other ballots prepared for each voting place. On the morning of said election, the said Supervisors of Elections shall cause to be conspicuously posted in each polling place, said cards of instruction and largely magnified specimen ballots, and one of said cards of instruction shall be affixed in each booth or voting compartment, and the said specimen ballots shall be conspicuously displayed in said polling room and on the outside of the building wherein said voting shall take place. Not less than three of said cards and three of said specimen ballots shall be posted outside of the guardrails, and not less than three of each of same shall be securely and conspicuously posted on the outside of the building in which the polls are held, before the balloting begins, in such position that the same may be easily examined by the public.

Sec. 8. And be it enacted, That all Acts or parts of Acts inconsistent with the provisions of this Act be and the same are hereby repealed, and this Act shall take effect from the date of its passage.

Approved March 21, 1901.

JOHN WALTER SMITH,
Governor.

SEAL

JOHN HUBNER,
President of the Senate.
FERDINAND C. LATROBE,
Speaker of the House of Delegates.

EXTRA SESSION.
CHAPTER 3.
AN ACT

To provide for taking a Census of the Population of the State of Maryland, under the authority thereof, and to make known by proclamation, by the Governor, the result thereof, and for apportioning the representation in the House of Delegates in conformity with such results.

Whereas, The framers of the Constitution of 1867, wisely following the precedent set them by the draughtsmen of the Constitution of 1864, provided in sections three, four and five, of Article three, for the rearrangement and reapportionment of the representation to which the several counties and Baltimore city should, from time to time, be entitled, and made it the duty of the Governor to declare, by proclamation, the number of delegates to which each county and the city of Baltimore should be entitled under the apportionment after the taking and publishing of the next National census, or after any State enumeration of population; and

Whereas, Under the recent Federal census, a result has been announced as to some of counties, which is so totally contrary to the popular belief, and which would result in such undue representation in the General Assembly of Maryland of certain sections of the State, manifestly not warranted by the number of voters in such sections, as to force the conviction that such Federal census, either by accident or design, will cause great injustice to the people of the entire State; and

Whereas, It will become the duty of the Governor, under the Constitution of the State, to accept the enumeration of the Federal census, unless the General Assembly shall make provision for an enumration of the population of the State, to the end that each county and each legislative district of Baltimore city shall secure, in the next General Assembly of Maryland, the proper representation provided for in the Constitution; therefore,

Section 1. Be it enacted by the General Assembly of Maryland, That a census of the population of the State of Maryland shall be taken, under the authority thereof, prior to the tenth day of June, nineteen hundred and one.

Sec. 2. And be it enacted, That as soon as practicable after the passage of this Act there shall be appointed by the Governor (by and with the advice and consent of the Senate, if that body shall be then in session, otherwise of his own authority), one person to be Superintendent of the Census, whose duty it shall be to superintend, direct, regulate and complete the taking of a State census of population in accordance with the provisions of this Act, and to perform such other duties as may be required of him by law, and who shall receive a compensation of ten dollars per day for the time actually employed in the performance of his duties under this Act; and there shall be appointed by the Governor, in like manner, one person to be Assistant Superintendent of the Census, who shall receive a compensation of six dollars per day for every day actually employed, whose duty it shall be to render general assistance to the Superintendent of the Census, in the performance of his duties, and who, during the absence of the Superintendent of the Census, or when the office of Superintendent shall become vacant, shall perform the duties of the Superintendent.

Sec. 3. And be it enacted, That the Superintendent and the Assistant Superintendent of the Census shall each qualify by taking the oath of office prescribed by section six of Article one of the Constitution, and by giving bond to the State of Maryland, on the part of the Superintendent, in the sum of ten thousand dollars, and on the part of the Assistant Superintendent ten thousand dollars, conditioned for the faithful performance of the duties of their respective offices and for a proper disbursement of and accounting for all funds of the State which shall come into their hands, respectively.

Sec. 4. And be it enacted, That as soon as practicable after this appointment and qualification, the Superintendent of the Census shall appoint one competent person, resident in each voting precinct of the City of Baltimore and of the several counties of the State, to be enumerator of population for said precinct under the provisions of this Act; but in the event that no person qualified to perform the duties resident in any election precinct, is willing to undertake the duties of enumerator for such precinct, the Superintendent may employ any fit person to be enumerator for such precinct; and the said Superintendent is hereby authorized to fill any vacancies that may occur in the office of enumerators.

Sec. 5. And be it enacted, That the term precinct, as used in the Act, shall be construed so as to embrace all the election districts of the several counties which are not sub-divided into voting precincts; each of said election districts, not so sub-divided, to be regarded as a voting precinct for the purposes of this Act.

Sec 6. And be it enacted, That it shall be the duty of each enumerator, so appointed, to make a complete and accurate enumeration of the population of his respective sub-division, which shall comprehend for each inhabitant the name, age, colar, sex, place of birth, literacy or illiteracy, whether naturalized or not, and length of residence in precinct, county and State; and for this purpose it shall be the duty of each enumerator to visit personally each dwelling-house in his sub-division, and each family therein, and each individual living out of a family in any place of abode, and by inquiry made of the head of each family, or of the member thereof deemed most credible and worthy of trust, or of such individual living out of a family, to obtain each and every item of information required by this Act; and in case no person shall be found at the usual place of abode of such family, competent to answer the inquiries made in compliance with the requirements of this Act, then it shall be lawful for the enumerator to obtain the required information, as nearly as may be practicable, from the family or families, person or persons living nearest to such place of abode. But the said enumerators shall not return any person who is not a bona fide resident of the State, or who is only temporarily employed on government reservations, navy yards, proving grounds, Naval Academy, or forts belonging to the United States Government, or of persons who are temporarily residing at hotels or boarding-houses, whose actual residences are outside of the State of Maryland. A separate list of such persons so temporarily residing in the State may, however, be made, in the discretion of the Superintendent of the Census, but shall not be included in the sum total of the population of the State, or of the respective counties or wards of Baltimore city. The compensation of said enumerators shall be three dollars per day for the time actually employed; provided, that no enumerator shall be employed more than fifteen days under the provisions of this Act.

Sec. 7. And be it enacted, That, in addition to the enumeration provided for in the preceding section, the said enumerators shall return on separate blanks to be furnished for that purpose the names of all registered voters in their respective precincts who cannot be found in such precinct, and a separate list of all male persons above the age of twenty-one years, actually residing in such precinct, whose names do not appear on the list of registered voters; and for the purpose of enabling the said enumerators to carry out the provisions of this section, it shall be the duty of the Boards of the Supervisors of Election of the several counties of the State and of the City of Baltimore, to make out and deliver to the Superintendent of the Census, for the use of the enumerators, on or before the fifteenth day of April, nineteen hundred and one, certified copies of the lists of registered voters for each election precinct in the State, as the same appear upon the official registries of voters according to the last revision, and the cost of making such copies shall be paid by the Superintendent of the Census in the same manner as other expenses incurred under this Act.

Sec. 8. And be it enacted, That the enumeration of the population of the State, required by this Act, shall commence not later than the first day of May, nineteen hundred and one, and it shall be the duty of each enumerator to complete the enumeration of his election precinct, and to make full and complete returns thereof to the Superintendent of the Census, upon blanks furnished to him by said Superintendent, on or before the first Monday in June, nineteen hundred and one.

Sec. 9. And be it enacted, That it shall be the duty of the Superintendent of the Census, as soon as practicable after his appointment and qualification, to make and promulgate all necessary regulations as to the form and method of taking the census, and such regulations, when approved by the Governor, shall have the full force and effect of law, and each enumerator and other subordinate officer shall be governed thereby. It shall also be the duty of the Superintendent of the Census to prepare all necessary instructions for the guidance of the enumerators in the performance of their duties, and all blank forms upon which the returns shall be made, and to print and distribute the same, and he is hereby authorized, with the approval of the Governor, to employ such clerical assistance as may be necessary to tabulate the returns of the enumerators and perform the other clerical work of his office, provided that the compensation of no clerk shall exceed three dollars per day; and the Superintendent of the Census is also empowered, in cases where persons cannot speak the English language, to employ interpreters in such numbers as may be considered necessary, their compensation not to exceed three dollars per day, or the rate thereof for the time actually employed.

Sec 10. And be it enacted, That no enumerator, clerk, interpreter, or other person employed in taking the census or casting up the same, shall enter upon his duties until he shall have taken and subscribed before a proper person an oath or affirmation, to be prescribed and furnished in printed form by the Superintendent of the Census, which shall conform to the requirements of section six of Article 1 of the Constitution, and in the case of an enumerator, with the addition that he will accurately ascertain and faithfully return the number of persons in the precinct under his charge.

Sec. 11. And be it enacted, That any clerk, enumerator, interpreter, or other employee, who, having taken the prescribed oath of office required by this Act, shall, without justifiable cause, neglect or refuse to perform the duties enjoined on him by this Act, or shall fail to complete his work within the prescribed time, he shall be guilty of a misdemeanor, and, upon conviction, shall be fined not exceeding two hundred and fifty dollars; provided, that if the Superintendent of the Census shall be satisfied that, by the use of due diligence, any enumerator shall have been unable to complete his work within the fifteen days of actual service, hereinbefore provided for, he may, with the approval of the Governor, allow such enumerator compensation for such additional days, not exceeding five, as may be absolutely necessary for the completion of his work; or if he shall willingly or knowingly make a false certificate or fictitious return he shall be guilty of a misdemeanor, and, upon conviction of the last named offence, he shall be fined not exceeding two hundred and fifty dollars, or be imprisoned not exceeding three months.

Sec. 12. And be it enacted, That each and every person more than twenty years of age belonging to any family residing in any enumeration district shall be, and each of them is hereby required, if requested by the enumerator, to render a true account under oath to be administered by the enumerator, to the best of his knowledge, of every person belonging to such family, and whoever shall wilfully fail or refuse to render such true account shall be guilty of a misdemeanor, and upon conviction shall be fined a sum not exceeding fifty dollars, or committed to jail not exceeding one year in the discretion of the court, and whoever shall render a false account, when thus requested and sworn, shall be guilty of perjury. That all fines imposed by this Act may be collected, through due process, in any court of law of competent jurisdiction, and all penalties enforced by indictment.

Sec. 13. And be it enacted, That the Superintendent of the Census may authorize the expenditure of the necessary sums for traveling expenses for officers and employees of the census office and the incidental expenses essential to carrying out this Act, as hereinbefore provided for and not otherwise, including the rental of sufficient quarters in the City of Baltimore, and he is authorized to print such blanks, circulars, envelopes and other items as may be necessary, and he shall audit the claims for compensation of all the enumerators and other subordinate employees which shall be verified by affidavit and pay the same, making requisition upon the Comptroller for the necessary funds, as hereinafter provided.

Sec. 14. And be it enacted, That, when the returns shall be received from the enumerators, it shall be the duty of the Superintendent of the Census to examine and scrutinize the same, and in the event of discrepancies or deficiencies appearing in the returns from any precinct, to use all diligence in causing the same to be corrected or supplied; and when all the returns shall have been received, he shall compile the same and forward to the Governor the completed and tabulated returns from each county of the State and the wards of Baltimore City, giving the number of actual bona fide residents in each election precinct, and the number of male inhabitants above twenty-one years of age, and whether registered as voters or not, in each precinct of the several counties of the State and the wards of the City of Baltimore; said final and complete tabulated returns to be delivered to the Governor on or before the twentieth day of July, nineteen hundred and one, and to contain a complete enumeration of all the people of the State.

Sec. 15. And be it enacted, That the enumeration of population so made and returned to the Governor, as hereinbefore provided, shall be the basis upon which the Governor shall arrange the reapportionment of representation in the House of Delegates to the several counties and the City of Baltimore, as required by section 5 of Article 3 of the Constitution; and, having made such apportionment, the Governor shall immediately declare by proclamation the number of delegates to which each of the several counties and the City of Baltimore shall be entitled in the House of Delegates of the next General Assembly of Maryland.

Sec. 16. And be it enacted, That to enable the Superintendent of the Census to carry out the provisions of this Act, the sum of forty thousand dollars or so much thereof as may be necessary is hereby appropriated, to be immediately available, and the Comptroller and Treasurer of the State of Maryland shall pay the same, from time to time, upon the requisition of the Superintendent of the Census.

Sec. 17. And be it enacted, That this Act shall take effect from the date of its passage.

Approved March 26, 1901.

JOHN WALTER SMITH,
Governor.

SEAL

JOHN HUBNER,
President of the Senate.
FERDINAND C. LATROBE,
Speaker of the House of Delegates.

EXTRA SESSION, 1901.
CHAPTER 8.

Entitled "An Act to repeal Sections 657, and 211 of the Acts of 1898, Chapter 123, entitled "City of Baltimore," sub-title "Charter," and to enact in lieu of Section 657 three sections to be known as Sections 657, 657A and 657B, and to re-enact Section 211 with amendments.

SECTION 1.—Be it enacted by the General Assembly of Maryland, That Sections 657 and 211 of the Acts of 1898, Chapter 123, entitled "City of Baltimore," sub-title "Charter," be and the same are hereby repealed; that three sections be and they are hereby enacted in lieu of Section 657, and to be known as 657, 657A and 657B, and that Section 211 be re-enacted with amendments, all of which to read as follows:

657. That the twenty-four wards, into which the City of Baltimore is now divided, shall be numbered as follows: present first ward shall in future be known and numbered twenty-second ward; the present second ward shall in future be known and numbered fourth ward; the present third ward shall in future be known and numbered fifth ward; the present fourth ward shall in future be known and numbered third ward; the present fifth ward shall in future be known and numbered second ward; the present sixth ward shall in future be known and numbered first ward; the present seventh ward shall in future be known and numbered sixth ward; the present eighth ward shall in future be known and numbered seventh ward; the present ninth ward shall in future be known and numbered eighth ward; the present tenth ward shall in future be known and numbered tenth ward; the present eleventh ward shall in future be known and numbered ninth ward; the present twelfth ward shall in future be known and numbered twelfth ward; the present thirteenth ward shall in future be known and numbered eleventh ward; the present fourteenth ward shall in future be known and numbered seventeenth ward; the present fifteenth ward shall in future be known and numbered fourteenth ward; the present sixteenth ward shall in future be known and numbered thirteenth ward; the present seventeenth ward shall in future be known and numbered fifteenth ward; the present eighteenth ward shall in future be known and numbered sixteenth ward; the present nineteenth ward shall in future be known and numbered twentieth ward; the present twentieth ward shall in fuutre be known and numbered nineteenth ward; the present twenty-first ward shall in future be known and numbered eighteenth ward; the present twenty-second ward shall in future be known and numbered twenty-third ward; and the present twenty-fourth ward shall in future be known and numbered twenty-fourth ward.

657A. The First Legislative District of Baltimore City shall be and consist of the wards as newly numbered in this Act from one to eight, both inclusive, as said wards were laid out under the provisions of the Act of 1898, chapter 10, approved February 19, 1898; and the Second Legislative District of Baltimore City shall be and consist of the wards as newly numbered in this Act from the ninth to the sixteenth, both inclusive, as said wards were laid out under the provisions of the Act of 1898, as aforesaid; and the Third Legislative District of Baltimore City shall be and consist of the wards as newly numbered in this Act from the Seventeenth to the Twenty-fourth, both inclusive, as said wards were laid out under the provisions of the Act of 1898, as aforesaid.

657B. The First Councilmanic District shall be and consist of the wards as newly numbered by this Act from one to six, both inclusive, as said wards were laid out under the provisions of Act of 1898, aforesaid; that the Second Councilmanic District shall be and consist of the following wards, as newly numbered by this Act, namely: Seventh, eighth, ninth, twelfth, thirteenth and fifteenth, as said wards were laid out under the provisions of the Act of 1898, aforesaid; that the Third Councilmanic District shall be and consist of the following wards, as newly numbered by this Act, namely: Tenth, eleventh, fourteenth, sixteenth, nineteenth and twentieth, as said wards were laid out under the provisions of the Act of 1898, as aforesaid; that the Fourth Councilmanic District shall be and consist of the following wards, as newly numbered by this Act, namely: Seventeenth, eighteenth, twenty-first, twenty-second, twenty-third and twenty-fourth, as said wards were laid out under the provisions of the Act of 1898 as aforesaid.

211. The Second Branch shall consist of nine members, one of whom shall be the President thereof, and shall possess the qualifications and be elected as hereinafter provided. The other eight members shall be elected from four Councilmanic Districts, two from each district; said districts to be established and fixed as herein defined by this Act. The members of the Second Branch, excepting the President thereof, shall be citizens of the United States, above the age of twenty-five years, residents of the city of Baltimore four years prior to the election, each of whom has been assessed with property in the said city in the sum of five hundred dollars, and who has paid taxes on the same for two years prior to his election; and said members of the Second Branch shall hold their office for four years, except as provided in Section 213 of this Article, and each of them shall be paid a salary of one thousand dollars per annum, payable monthly.

Sec. 2. And be it further enacted, That nothing in this Act shall affect the terms of the present Senators and Members of the House of Delegates from Baltimore City, but they shall severally continue to represent the respective Legislative Districts to which they were elected until the end of their terms, respectively, as fully as if this Act had not been passed. Nor shall anything in this Act affect the terms of the members of the First Branch, nor the members of the Second Branch of the City Council, but they shall severally continue to represent the wards and Councilmanic Districts for which they were elected, until the expiration of their term, respectively, as fully as if this Act had not been passed. Nor shall anything in this Act affect the terms or the jurisdiction of any of the Justices of the Peace in and for the City of Baltimore, or other officials in said City, but they shall be entitled to continue to discharge their duties and exercise their jurisdiction until the expiration of their terms, as fully as if this Act had not been passed.

Sec. 3. And be it further enacted, That this Act shall take effect from the date of its passage.

Approved March 28, 1901.

JOHN WALTER SMITH,
Governor.

SEAL

JOHN HUBNER,
President of the Senate.
FERDINAND C. LATROBE,
Speaker of the House of Delegates.

EXTRA SESSION, 1901.
CHAPTER 10.

Entitled an Act to add a new section to Article 33 of the Code of Public General Laws, title "Elections," sub-title "Miscellaneous Provisions," to come after Section 117, and to be known as Section 117A, relating to the subdivision of election districts and election precincts.

SECTION 1. Be it enacted by the General Assembly of Maryland, That a new section be and the same is hereby added to Article 33 of the Code of Public General Laws, title "Elections," sub-title "Miscellaneous Provisions," to come in after Section 117 and to be known as Section 117A, to read as follows:

117A. As soon after the passage of this Act as shall be reasonably practicable, it shall be the duty of the Boards of Supervisors of Elections of the several counties to examine the boundaries of the several election districts and election precincts in their respective counties, and whenever, in their judgment and discretion, it shall be expedient for the convenience of the voters to subdivide any of said election districts or election precincts, having a number of voters in excess of six hundred, they are hereby empowered and authorized to make such subdivisions, and to establish the boundaries of such subdivisions in such a way as to facilitate and expedite the casting of their ballots by the voters thereof either by a designation of an entirely new and different polling place, or by providing for two separate polling places at or near the former polling place. Whenever, in the exercise of the discretion conferred upon the several Boards of Supervisors of Election by this section, they shall subdivide any election district or election precinct, they shall appoint officers of registration and judges and clerks of election therefor, as in this Article provided, who shall have all the powers, perform all the duties, be subject to all the responsibilities and liable to all the penalties prescribed in this Article for officers of registration, judges and clerks of election. All the members of the Boards for the several counties shall, whenever any such division or precinct is divided as herein provided, sign their names to the books which contain the names copied from the original books for such new district or precinct, in the hands of each Supervisor, and shall duly certify that said new books contain all the names of the persons entitled to vote in such newly established districts or precincts. Such said certificates shall appear on the blank line next following the last name in each letter of the alphabetical list of names in the new books so transcribed, and such said certificates shall be attested by the clerk to the respective Boards of Supervisors.

Said Boards of Supervisors shall furnish to the officers of registration and judges of election, appointed by them for such new additional voting precincts, full and complete sets of registry books, containing the names of all voters already registered, duly and properly arranged for such additional voting precincts, and for the entering upon such registry books persons entitled to be newly registered thereon; the cost of such subdivision and preparation of proper registry books shall be paid by the County Commissioners of the county in which such subdivisions shall be made upon proper requisition and vouchers presented by the Boards of Supervisors of Elections.

The boundaries of said additional precincts established under this section shall be made known by advertisement in two newspapers in said counties, once a week for three successive weeks, before the first day of September in each year in which such subdivision is made, said newspapers to be designated as provided in other cases under this article, where advertisements are required to be made in at least two newspapers.

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

Approved April 1, 1901.

JOHN WALTER SMITH,
Governor.

SEAL

JOHN HUBNER,
President of the Senate.
FERDINAND C. LATROBE,
Speaker of the House of Delegates.

EXTRA SESSION, 1901.
CHAPTER NINETEEN.

An Act creating a Sewerage Commission for Baltimore City and authorizing the Mayor and City Council of Baltimore to issue the stock of said Corporation to an amount not exceeding Twelve Million (12,000,000) dollars for the purpose of providing, constructing and maintaining a public sewerage system, to provide for the collection and disposal of the sewerage of said City and the inhabitants thereof, and to authorize the submission of an ordinance for that purpose to the legal voters of said City.

SECTION 1.—Be it enacted by the General Assembly of Maryland, That Thomas G. Hayes, Wallace Stebbins, Benjamin T. Feldmann, Alfred M. Quick and Charles E. Phelps, Jr., and two members to be appointed by the Mayor of Baltimore, subject to the confirmation of a majority of all the members elected to the Second Branch of the City Council of Baltimore, be and are hereby constituted a Commission to be known as the Sewerage Commission of Baltimore City. Said Commission to serve without pay, unless otherwise determined by the Mayor and City Council of Baltimore. That the Mayor shall be ex-officio a member and the President of the said Commission, and the said Commission shall elect one of its number Secretary of said Commission. The said Commission shall forthwith adopt and construct such a sewerage system for Baltimore City, and the inhabitants thereof, as said Commission may deem best adapted and suited to said sewerage service. The said Commission shall have all the power which may be necessary to execute said work. The said Commission are hereby empowered to exercise the power of eminent domain, in order to condemn any land or interest in or building in the construction or maintenance of said sewerage system in the mode provided for by the general laws of this State, relative to condemnation of lands. The said Commission shall appoint and remove at pleasure the entire force of employees employed by it, but not the employees of any contractor which may be required to construct and maintain said sewerage system, and all work done in the construction and maintenance of said sewerage system shall be by day laborers, who shall be registered voters of said City or of the Counties of this State, whether employed directly by said Sewerage Commission, or by any contractor under it, except such labor as requires technical knowledge and skill, which may be employed without these requisites. Said Commission shall have power to pass such rules and regulations as may be necessary for the construction and maintenance of said work, and said Commission shall from time to time, and as rapidly as said sewerage system may be available, require existing buildings, and those hereafter constructed, to be connected with said sewerage system. The said Commission shall award all contracts to the lowest responsible bidders, which may be made in the construction and maintenance of said sewerage system. The Mayor and City Council of Baltimore shall furnish said Commission with necessary rooms and furniture.

Vacancies in said Commission shall be filled by said Commission except where a vacancy occurs by death, resignation or removal of one or both of those appointed by the Mayor, subject to the confirmation of the Second Branch of the City Council, as hereinbefore provided, in which event such vacancies are to be filled in the same manner as the original appointees were made, and the members of said Commission shall be municipal officers, and subject to removal by the Mayor, as provided in the Act of 1898, Chapter 123. Said Commission shall not, under any circumstances, permit the crude sewerage from the city of Baltimore to empty into the Chesapeake Bay or its tributaries, nor shall any of the effluent or resultants of said sewerage be permitted to enter into said Bay or its tributaries, until the same has been subjected to analysis by three expert chemists of well-recognized repute, to be chosen by the State Board of Public Works, and said effluent or resultant by said chemists pronounced to be free from all impurities which could be injurious to the oyster or fish industries of this State.

The said State Board of Public Works shall publish the findings of said chemists immediately after the same have been submitted to it, by three insertions in all of the daily papers published in Baltimore City, over the signatures of said chemists, attested by their affidavits. Subsequent examinations shall, from time to time, be made when in the judgment of said State Board of Public Works the same shall be deemed necessary, or when petitioned for by twenty citizens, who are registered voters of said State, and are personally interested in the oyster industry of the State, and when any subsequent examination is made, it shall be in all respects the same as that hereinbefore provided for, and if, as the result of said subsequent examination or examinations, any impurities detrimental to the oyster or fish industries of this State shall be found to exist in said effluent or said sewerage, or its resultants, the said State Board of Public Works is authorized to prevent any further flow of said effluent or resultant of said sewerage into the waters of said Bay or its tributaries, until the said State Board of Public Works shall be satisfied as the result of a re-examination, that said effluent or resultant is free from impurities detrimental, as aforesaid, to the oyster or fish industries of this State. The privilege of filing said petition as hereinbefore provided shall not be more frequently than once in every three months. Said examination and publication shall be at the expense of the City of Baltimore.

SECTION 2.—Be it further enacted, That the cost of construction and maintenance of said sewerage system, including both principal and interest, shall be raised and provided for by general taxation, the necessary percentum to be levied by the Mayor and City Council of Baltimore, each and every year, upon all property liable to taxation in said City, and to be set apart and known as the "Sewerage Fund," for the purpose of meeting the interest upon the bonds issued under the provisions of this Act, and creating a "Sinking Fund" for the redemption of said bonds at maturity.

SECTION 3.—Be it further enacted, That for the purpose of providing the money required to pay at the time for constructing and maintaining said sewerage system, which cost is afterward to be assessed as hereinbefore provided in Section 2, the Mayor and City Council of Baltimore be, and it is hereby authorized to issue certificates of stock, of the Mayor and City Council of Baltimore, for a sum not exceeding Twelve Million (12,000,000) dollars, said stock to be issued from time to time, as the said Mayor and City Council of Baltimore shall by ordinance prescribe. The proceeds of the sale of said stock to be used for the purpose of providing the money for the purpose aforesaid. The said stock shall be issued in such amounts, and payable at such time and times, and shall bear such rates of interest as the Mayor and City Council shall provide by ordinance hereinafter mentioned, and all the money derived from general taxation to be levied as hereinbefore provided shall be used and applied in such manner and under such provisions as shall be prescribed by said ordinance to the payment of the said certificates of stock hereinafter mentioned, and the interest to become thereon; but the said certificates of stock shall not be issued until and unless the Ordinance which the Mayor and City Council of Baltimore is hereby authorized to pass for the purpose aforesaid, shall be approved by a majority of the votes of the legal voters of the City of Baltimore, cast at the same time and place to be provided by said ordinance, in the provision for submitting the same to the legal voters of said City, as required by Section 7 of Article 11 of the Constitution of Maryland; provided, however, that should a majority of votes cast at the election aforesaid be cast against said ordinance, then this Act shall be considered of no effect and as if the same had never been passed.

SECTION 4.—Be it further enacted, That this Act shall take effect from the date of its passage.

Approved April 1, 1901.

JOHN WALTER SMITH,
Governor.

SEAL

JOHN HUBNER,
President of the Senate.
FERDINAND C. LATROBE,
Speaker of the House of Delegates.

His Awkward Fall.

"Sorry to trouble you, madam, but your husband fell from a fourth-story window he was cleaning to-day, and—"

"Oh, my poor husband!"

"Your husband is all right, ma'am, but he fell so blamed awkward that he broke my awning all to pieces and got away before I could see him. Here's the bill for damages, and you tell him that if he wants to save trouble he'd better settle it right away."

In Colonial Days.

"And they tell me a colony has been planted in Delaware. Haste to know how it is prospering?"

"Marvelously! The first peach crop hath been a glorious failure!"—Puck.

Lacks Confirmation.

"So your friend is a confirmed bachelor, is he, Mrs. Green?"

"La, no; he ain't never be'n confirmed. He ain't 'Piscopal."

One Acceptance.

Major, in old Kentucky—Did the editor ever accept anything you sent him?

Colonel—Yes; I sent him a challenge once.