



THE ANNOTATED CODE

of the

Public General Laws  
OF MARYLAND

Edited by

GEORGE P. BAGBY

of the Baltimore Bar

Comprising all the Public General Laws of the State in force to and inclusive of the Acts of Assembly of 1924, annotated with decisions of the Court of Appeals of Maryland, the Supreme Court of the United States and the Circuit Courts of Appeals and District and Circuit Courts of the United States, inclusive of 143 Maryland, 262 United States, 67 Law Edition and 296 Federal Reports



Containing also (1) the Constitution of the United States, and (2) the Constitution of Maryland, annotated

In Two Volumes

Volume I,

Containing the Constitutions of the United States and of Maryland, and Article 1, "Rules of Interpretation," to Article 49A, "Investments," of the Public General Laws

Baltimore, 1924

1705-1724

1690-1704

1684-1689

1634-1683

PAGES

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# ACT LEGALIZING ANNOTATED CODE.

## EDITION OF 1924.

1924, ch. 219.

AN ACT legalizing the Annotated Code of Maryland, Edition of 1924, edited by George P. Bagby, and making it evidence of the law.

WHEREAS, A new edition, to be known as the edition of 1924, of the Annotated Code of Maryland, has been prepared by George P. Bagby and is now ready for publication; and

WHEREAS, The said new edition includes all of the statutes still in force contained in the original edition of the Annotated Code legalized and made evidence of the law by the Act of 1912, Chapter 21, and all of the statutes still in force, contained in Volume 3 of the Annotated Code legalized and made evidence of the law by the Act of 1914, Chapter 16, and all of the statutes still in force contained in Volume 4 of the Annotated Code legalized and made evidence of the law by the Act of 1918, Chapter 144, and also all of the Public General Laws still in force contained in the Acts of the General Assembly of Maryland passed subsequent to the publication of Volume 4 of the Annotated Code, to wit, the Acts of 1920 and 1922;

SECTION 1. *Be it enacted by the General Assembly of Maryland,* That the Annotated Code of Maryland, edition of 1924, edited by George P. Bagby, be and the same is hereby legalized and shall be deemed and taken in all the courts of the State, and by all the Justices of the Peace of the State, and by all public officials of the State, to be evidence of the Public General Laws of the State contained in the Code of Public General Laws of Maryland of 1888 and the Public General Laws enacted subsequent thereto, provided that before said edition of 1924 is published, the Public General Laws enacted by the General Assembly of Maryland at its session of 1924 shall be incorporated therein.

*Approved April 9, 1924.*



## PREFACE.

This edition of the Annotated Code of Maryland is the same in plan and scope as the edition of 1912; hence no extended explanation is necessary.

This edition—legalized and made evidence of the law by the act of 1924, ch. 219—includes (1) the Constitution of the United States, with index, (2) the Constitution of Maryland, with index, and (3) the Public General Laws of the State down to and inclusive of the Acts of 1924, with index. The Constitution of Maryland and the Public General Laws are annotated through 143 Md., 262 U. S., 67 Law Ed. and 296 Federal.

The numbering of the articles has not been changed, but because of the enactment and repeal of statutes since the 1912 edition, it was of course necessary to change the numbering of the sections. The number of the sections in the Codes of 1912, 1904 and 1888—the latter being the last Maryland Code which was adopted as the law, rather than as evidence of the law—appears above each statute, where also will be found a reference to the Act or Acts enacting and amending the section. The references above the sections to the Annotated Code of 1912 (abbreviated as "An. Code") refer to the number of the section in the last volume of that Code in which such section appears—there were four volumes of that Code, the first two published in 1912, the third in 1914 and the fourth in 1918.

No liberties have been taken with the statutes; they are reproduced (save for manifest errors in spelling) just as they appear in either the official copy of the Acts, or else in the certified copy thereof on file with the Clerk of the Court of Appeals.

Care should be exercised to ascertain whether the decisions deal with the statute as it now stands. It should also be borne in mind that decisions which do not refer in terms to a statute are not included.

At the back of Volume II, following the index, will be found a table of the Acts of 1920, 1922 and 1924, appearing in the present edition; similar tables of prior Acts will be found in the second, third and fourth volumes of the edition of 1912.

Under the Act of 1916, ch. 126—Art. 66A, sec. 9—all annual and continuing appropriations payable out of the general treasury to schools, commissions, boards, corporations, officers, etc., are repealed, such appropriations being now provided for in the State Budgets—see Art. 3, sec. 52, of the Md. Constitution.

The editor desires to express special and cordial appreciation of the able and painstaking work, in connection with the codification of, and the preparation of the index to, the statutes, of Dr. Horace E. Flack, Head of the Department of Legislative Reference of Baltimore City. Grateful recognition is made of the faithful and valuable assistance of Misses Virginia F. McGuire, Ella S. Hitchcock, Nellie M. Webster and Margaret E. Coonan.

A "vote of thanks" is also extended to Mr. Morton K. Rothschild, of the Baltimore Bar, for his courteous and efficient aid.

GEORGE P. BAGBY.

BALTIMORE, OCTOBER 1, 1924.

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# THE CONSTITUTION OF THE UNITED STATES OF AMERICA.<sup>1</sup>

WE THE PEOPLE of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common Defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this CONSTITUTION for the United States of America.

## ARTICLE I.

SECTION 1. All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

SECTION 2. The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the

<sup>1</sup> In May, 1785, a committee of Congress made a report recommending an alteration in the Articles of Confederation, but no action was taken on it, and it was left to the State Legislatures to proceed in the matter. In January, 1786, the Legislature of Virginia passed a resolution providing for the appointment of five commissioners, who, or any three of them, should meet such commissioners as might be appointed in the other States of the Union, at a time and place to be agreed upon, to take into consideration the trade of the United States; to consider how far a uniform system in their commercial regulations may be necessary to their common interest and their permanent harmony; and to report to the several States such an act, relative to this great object, as, when ratified by them, will enable the United States in Congress effectually to provide for the same. The Virginia commissioners, after some correspondence, fixed the first Monday in September as the time, and the city of Annapolis as the place for the meeting, but only four other States were represented, viz: Delaware, New York, New Jersey, and Pennsylvania; the commissioners appointed by Massachusetts, New Hampshire, North Carolina, and Rhode Island failed to attend. Under the circumstances of so partial a representation, the commissioners present agreed upon a report, (drawn by Mr. Hamilton, of New York,) expressing their unanimous conviction that it might essentially tend to advance the interests of the Union if the States by which they were respectively delegated would concur, and use their endeavors to procure the concurrence of the other States, in the appointment of commissioners to meet at Philadelphia on the second Monday of May following, to take into consideration the situation of the United States; to devise such further provisions as should appear to them necessary to render the Constitution of the Federal Government adequate to the exigencies of the Union; and to report such an act for that purpose to the United States in Congress assembled as, when agreed to by them and afterwards confirmed by the Legislatures of every State, would effectually provide for the same.

Congress, on the 21st of February, 1787, adopted a resolution in favor of a convention, and the Legislatures of those States which had not already done so (with the exception of Rhode Island) promptly appointed delegates. On the 25th of May, seven States having convened, George Washington, of Virginia, was unanimously elected President, and the consideration of the proposed constitution was commenced. On the 17th of September, 1787, the Constitution as engrossed and agreed upon was signed by all the members present, except Mr. Gerry, of Massachusetts, and Messrs. Mason and Randolph, of Virginia. The president of the convention transmitted it to Congress, with a resolution stating how the proposed Federal Government should be put in operation,

Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

No Person shall be a Representative who shall not have attained to the Age of twenty-five Years, and been seven Years a Citizen of the United States, and who shall not, when elected, be an inhabitant of the State in which he shall be chosen.

<sup>1</sup> [Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years, and excluding Indians not taxed, three fifths of all other Persons.] The actual Enumeration shall be made within three Years after the first Meeting of the Congress of the United States, and within every subsequent Term of ten Years, in such Manner as they shall by Law direct. The Number of Representatives shall not exceed one for every thirty Thousand, but each State shall have at Least one Representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to chuse three, Massachusetts eight, Rhode-Island and Providence Plantations one, Connecticut five, New York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

When vacancies happen in the Representation from any State, the Executive Authority thereof shall issue Writs of Election to fill such Vacancies.

The House of Representatives shall chuse their Speaker and other Officers; and shall have the sole Power of Impeachment.

SECTION 3. The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six Years; and each Senator shall have one Vote.

Immediately after they shall be assembled in Consequence of the first Election, they shall be divided as equally as may be into three Classes. The Seats of the Senators of the first Class shall be vacated at the Expiration of the second Year, of the second Class at the Expiration of the fourth

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and an explanatory letter. Congress, on the 28th of September, 1787, directed the Constitution so framed, with the resolutions and letter concerning the same, to "be transmitted to the several Legislatures in order to be submitted to a convention of delegates chosen in each State by the people thereof, in conformity to the resolves of the convention."

On the 4th of March, 1789, the day which had been fixed for commencing the operations of Government under the new Constitution, it had been ratified by the conventions chosen in each State to consider it, as follows: Delaware, December 7, 1787; Pennsylvania, December 12, 1787; New Jersey, December 18, 1787; Georgia, January 2, 1788; Connecticut, January 9, 1788; Massachusetts, February 6, 1788; Maryland, April 28, 1788; South Carolina, May 23, 1788; New Hampshire, June 21, 1788; Virginia, June 26, 1788; and New York, July 26, 1788.

The President informed Congress, on the 28th of January, 1790, that North Carolina had ratified the Constitution November 21, 1789; and he informed Congress on the 1st of June, 1790, that Rhode Island had ratified the Constitution May 29, 1789. Vermont, in convention, ratified the Constitution January 10, 1791, and was, by an act of Congress approved February 18, 1791, "received and admitted into this Union as a new and entire member of the United States."

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<sup>1</sup> The clause included in brackets is amended by the fourteenth amendment, second section, p. 15.

Year, and of the third Class at the Expiration of the sixth Year, so that one-third may be chosen every second Year; and if Vacancies happen by Resignation, or otherwise, during the Recess of the Legislature of any State, the Executive thereof may make temporary Appointments until the next Meeting of the Legislature, which shall then fill such Vacancies.

No Person shall be a Senator who shall not have attained to the Age of thirty Years, and been nine Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State for which he shall be chosen.

The Vice President of the United States shall be President of the Senate, but shall have no Vote, unless they be equally divided.

The Senate shall chuse their other Officers, and also a President pro tempore, in the absence of the Vice President, or when he shall exercise the Office of President of the United States.

The Senate shall have the sole Power to try all Impeachments. When sitting for that Purpose, they shall be on Oath or Affirmation. When the President of the United States is tried, the Chief Justice shall preside: And no Person shall be convicted without the Concurrence of two thirds of the Members present.

Judgment in Cases of Impeachment shall not extend further than to removal from Office, and disqualification to hold and enjoy any Office of honor, Trust or Profit under the United States: but the party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment and Punishment, according to Law.

SECTION 4. The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of chusing Senators.

The Congress shall assemble at least once in every Year, and such Meeting shall be on the first Monday in December, unless they shall by Law appoint a different Day.

SECTION 5. Each House shall be the Judge of the Elections, Returns and Qualifications of its own Members, and a Majority of each shall constitute a Quorum to do Business; but a small Number may adjourn from day to day, and may be authorized to compel the Attendance of absent Members, in such Manner, and under such Penalties as each House may provide.

Each House may determine the Rules of its Proceedings, punish its Members for disorderly Behavior, and with the Concurrence of two thirds, expel a Member.

Each House shall keep a Journal of its Proceedings, and from time to time publish the same, excepting such Parts as may in their Judgment require Secrecy; and the Yeas and Nays of the Members of either House on any question shall, at the Desire of one fifth of those Present, be entered on the Journal.



Neither House, during the Session of Congress, shall, without the Consent of the other, adjourn for more than three days, nor to any other Place than that in which the two Houses shall be sitting.

SECTION 6. The Senators and Representatives shall receive a Compensation for their Services, to be ascertained by Law, and paid out of the Treasury of the United States. They shall in all Cases, except Treason, Felony and Breach of the Peace, be privileged from Arrest during their Attendance at the Session of their respective Houses, and in going to and returning from the same; and for any Speech or Debate in either House, they shall not be questioned in any other place.

No Senator or Representative shall, during the Time for which he was elected, be appointed to any civil Office under the Authority of the United States, which shall have been created, or the Emoluments whereof shall have been increased during such time; and no Person holding any Office under the United States, shall be a Member of either House during his Continuance in Office.

SECTION 7. All Bills for raising Revenue shall originate in the House of Representatives; but the Senate may propose or concur with Amendments as on other Bills.

Every Bill which shall have passed the House of Representatives and the Senate, shall before it become a Law, be presented to the President of the United States; If he approve he shall sign it, but if not he shall return it, with his Objections to that House in which it shall have originated, who shall enter the Objections at large on their Journal, and proceed to reconsider it. If after such Reconsideration two thirds of that House shall agree to pass the Bill, it shall be sent, together with the Objections, to the other House, by which it shall likewise be reconsidered, and if approved by two thirds of that House, it shall become a Law. But in all such Cases the Votes of both Houses shall be determined by Yeas and Nays, and the Names of the Persons voting for and against the Bill shall be entered on the Journal of each House respectively. If any Bill shall not be returned by the President within ten Days (Sundays excepted) after it shall have been presented to him, the Same shall be a Law, in like manner as if he had signed it, unless the Congress by their Adjournment prevent its Return, in which Case it shall not be a Law.

Every Order, Resolution, or Vote to which the Concurrence of the Senate and House of Representatives may be necessary (except on a question of Adjournment) shall be presented to the President of the United States; and before the Same shall take Effect, shall be approved by him, or being disapproved by him, shall be passed by two thirds of the Senate and House of Representatives, according to the Rules and Limitations prescribed in the Case of a Bill.

SECTION 8. The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common