

the same to contain ——— bushels of merchantable oysters, and
 ——— bushels of unmerchantable oysters.*

(Signed) _____

1910, ch. 735, sec. 69A (p. 213).

71.†

1904, art. 72, sec. 70. 1894, ch. 380, sec. 59. 1900, ch. 380. 1906, ch. 188, sec. 70.

72. At the beginning of each oyster season the commander of the state fishery force shall divide the inspection points in Baltimore city into four inspection districts and organize the board of inspectors provided for the city of Baltimore in section 69 of this article, and the general measurers and inspectors provided in said section 69 shall be assigned to and remain during the whole season at the specific points mentioned in said section, subject, however, to the discretion of the commander, and the commander of the state fishery force shall have general control and supervision over all general measurers and inspectors and special inspectors, whether appointed by the governor or himself; and the said general measurers and inspectors and special inspectors are hereby required to report to him whenever he shall require the same, and if they shall refuse or neglect to make such report they shall be fined for each said failure or refusal the sum of ten dollars, to be deducted from their salaries, and the said commander shall have the power to transfer any general measurer or inspector or any special inspector from any house or district whenever he may deem it best for the good of the service to enforce the proper inspection, the cull law and the collection of the tax for the oyster fund.

Ibid. sec. 71. 1894, ch. 380, sec. 60. 1900, ch. 380. 1906, ch. 188, sec. 71.

73. It shall be the duty of said general measurers and inspectors of oysters to see that the law in reference to the inspection of oysters be strictly complied with by all subordinates, and the general measurers and inspectors of oysters shall have authority at all times to enter all places and all vessels where oysters are being measured and inspected in the shell and to inspect all the measures or instruments used in meas-

*Section 69 of the act of 1910, ch. 735 (p. 211), was held unconstitutional by the Court of Appeals of Maryland in *Foote v. Claggett*, filed June 23, 1911—see Daily record, June 29, 1911—hence the act of 1910, ch. 413 (p. 205), approved on the same day as chapter 735, but presumably (by reason of its number) approved earlier, becomes operative.

The act of 1910, ch. 413, repealed and re-enacted section 69 of the code of 1904 without specific reference either to the act of 1906, ch. 188, or to the act of 1908, ch. 488, both of which also repealed and re-enacted said section. Presumably, however, the legislature of 1910 intended to repeal and re-enact this section as amended by the acts of 1906 and 1908, and hence the latter acts are not codified.

†Section 69 A of chapter 735 of the act of 1910 is void or inoperative under the decision of the Court of Appeals of Maryland in *Foote v. Claggett*, filed June 23, 1911—see Daily Record, June 29, 1911.