

one of the deputy commanders of the third district to guard the waters of Choptank river and its tributaries as far as Cambridge; and the duty of the second to guard the waters of Little Choptank river in Dorchester County; and the third to guard the waters of Fishing bay, Honga river, Tar bay, Hooper's straits, Holland's straits and waters of Dorchester County up to the line dividing Dorchester County from the counties of Wicomico and Somerset; and the fourth to guard the waters of the Great Choptank river from Cambridge up as far as oysters grow, and the remaining commanders to guard their respective districts; provided, that the board of public works or the commander of the fishery force are hereby authorized and empowered to order the deputy commander to do duty in any of the waters in the State when, in the judgment of either, the same may be necessary.

For a case involving a conflict between a local law and the act of 1874, ch. 181, which created the "state fishery force," see *Willing v. Bozman*, 52 Md. 61.

See sec. 27.

An. Code, 1924, sec. 38. 1912, sec. 36. 1904, sec. 35. 1894, ch. 380, sec. 34. 1900, ch. 380.

39. The board of public works shall have power to appoint a suitable person to command said force, who shall be known as the commander of the state fishery force, and shall command the one steamer that is regularly in commission as a part of the state fishery force, and to appoint a deputy commander for each sailing vessel for their respective districts from among persons of the counties whose waters comprise the different districts, who shall be commissioned by the governor, and the said deputy commanders shall have power to appoint their subordinates and select their crews, and the terms of office of said commanders shall be for two years unless sooner removed for incompetency or neglect of duty; and if any of the said officers fail in the discharge of his duty by reason of collusion with parties interested in violating any of the provisions of this article, he shall be deemed guilty of a misdemeanor, and upon indictment and conviction in a court of competent jurisdiction shall be fined or imprisoned, at the discretion of the court; no person shall be eligible to the office of commander of the state fishery force or deputy commander who is the owner of or who has any interest in any scrape or dredge boat, and it is hereby made unlawful for the board of public works to appoint any such person as commander or deputy commander of any boat or vessel in the state fishery force; the steamers and boats belonging to the state fishery force are to be used only on business pertaining to its official duties or on State business.

See notes to sec. 37.

An. Code, 1924, sec. 39. 1912, sec. 37. 1904, sec. 36. 1894, ch. 380, sec. 35.

40. The board of public works shall have power to remove any officer of said force for neglect of duty or incompetency; and the commander of the force shall have power to suspend any officer of the force for a period not exceeding thirty days for any neglect of duty; and any officer commanding in said force shall have power to remove any subordinate under his command and to appoint a person to fill the vacancy whenever the interest of said service may, in his judgment, require him so to do.¹

¹ Secs. 37-49 repealed by Ch. 353, 1939, but as this Act will be voted on at the November election, 1940, under petition, these sections will not be repealed unless said Ch. 353 is approved at said election. If said Act is approved, these sections will be repealed as of Dec. 5, 1940.