

use. Even if act of 1914 directed ascertainment of natural beds and bars by a different standard from that required by act of 1906, the former act did not violate contractual rights of a lessee under latter act. The taking of oysters by public under license from state, from lands and waters owned by it, is a public use, although such taking is limited to citizens of county within whose territory fishery is located. A plea of *res adjudicata* in a suit under act of 1914 not sustained. *Cox v. Revelle*, 125 Md. 579. And see *Shellfish Commissioners v. Mansfield*, 125 Md. 633.

See notes to sec. 108.

1933, ch. 302.

94. It shall be unlawful to plant, cultivate, or introduce into any of the waters of the State any species of oyster whatever, except the species *Ostrea virginica*. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and shall, upon conviction, be subject to a fine of five hundred dollars (\$500.00) or imprisonment for not less than one year, or both.

It shall be the duty of the Conservation Commission to immediately seize, confiscate and remove any oysters planted or introduced in violation of this section.

1935, ch. 553.

95. It shall be unlawful for any person to plant, import or transport any seed or merchantable oysters in the State of Maryland from another State, or from one locality to another in this State, or to introduce seed or merchantable oysters into any of the waters of this State, when the same are infected by (*Urosalpinx cinerea* Say), commonly known as the oyster drill or screw borer. It shall be the duty of the Conservation Commission to inspect all oysters imported into the State for the purpose of planting, and it is authorized to seize, condemn and destroy any infected oysters so found. The Conservation Commission is further authorized to seize, condemn and destroy any seed or merchantable oysters so infected wherever the same may be found, and to close infected areas and prevent the taking of oysters therefrom, so far as may be necessary to prevent the spread of said oyster drill.

An. Code, 1924, sec. 99. 1912, sec. 86. 1906, ch. 711, sec. 84. 1914, ch. 265, sec. 84.

96. The Board of Shell Fish Commissioners ¹ of Maryland is hereby created. The said Board shall consist of three members, one of whom shall be a resident of one of the tidewater Counties of the Eastern Shore of Maryland, another a resident of one of the tidewater Counties of the Western Shore, and the third a resident of the City of Baltimore, and one of whom shall be a member of the minority party at the time of their appointment. The term of each of the members of said Board shall be two years from the first Monday in May after his appointment. They shall be appointed by the Board of Public Works of the State of Maryland. No member of said Board of Shell Fish Commissioners shall be or become in any manner interested in any land leased or taken up for bedding, planting or cultivating oysters. The acts and duties to be done and performed by said Board under this sub-title may be done and performed by two of said Commissioners, and in all cases the decision of a majority

¹ By ch. 682 of acts of 1916 (art. 19A) the board of shell fish commissioners was superseded by the Conservation Commission. By ch. 29 of acts of 1922 (p. 68), the Conservation Commission was superseded by the Conservation Commissioner and the Conservation Commissioner was superseded by the Conservation Commission by ch. 523 of 1935.