

to pay Court costs incurred in the event said petition is dismissed and costs are imposed upon the petitioners; and the party or parties taking the appeal to the Court of Appeals shall file a similar bond in such sum as the lower Court may fix, conditioned to pay Court costs incurred in the event the appeal to the Court of Appeals is dismissed and costs are imposed upon the appellant.

The contention that provisions of act of 1914, ch. 265, for ascertainment of outlines of natural oyster bars by testimony in court, are so defective and contradictory as to make act incapable of enforcement, overruled. The act of 1914 does not violate the Fourteenth Amendment of Federal Constitution, or art. 23 of Declaration of Rights. The portion of this section providing that court of appeals may review all questions of fact or law, does not require that entire act be held invalid under art. 15, sec. 6, of Md. Constitution; term "fact" may be eliminated. Evidence. *Shellfish Commrs. v. Mansfield*, 125 Md. 631.

See notes to sec. 93.

This section referred to in discussing meaning of term "citizen"—see notes to art. 25, sec. 144. *Fitzwater v. Hydro-Elec. Corp.*, 149 Md. 466.

An. Code, 1924, sec. 112. 1912, sec. 96C. 1914, ch. 265, sec. 94C.

109. The rights and interests of lessees under leases outstanding and in force on April 3, 1914, covering areas within the limits of natural beds or bars which may be established by the resurveys provided for by Section 107, or by proceedings taken under Section 108, and the oysters belonging to such lessees, located on such areas, shall be condemned by the State of Maryland for the use of the public. The proceedings for the acquisition by the State of the rights, interests and properties of such lessees shall be that set forth in Article 33A; and it shall be the duty of the State's Attorney of the County in which or nearest to which the areas in question are located to institute forthwith in the Circuit Court for such County condemnation proceedings in behalf of the State of Maryland against the said lessees or those claiming under them, and to conduct said proceedings to a finality in accordance with the provisions of said statute, and the respective Circuit Courts for the Counties in which or nearest to which the areas so condemned are located are hereby vested with full power to hear and decide such cases, with right of appeal to the parties as provided by said statute. But no such right, interest or property shall be divested until the compensation awarded in such condemnation proceedings to the lessees or those claiming under them has first been paid to them by the State of Maryland.

This section referred to in holding that state's attorney of Somerset County was required to report appearance fees to comptroller and pay same into state treasury—see notes to art. 5, sec. 9, Md. Constitution. *Tull v. Sterling*, 133 Md. 168.

See notes to sec. 93.

An. Code, 1924, sec. 113. 1912, sec. 97. 1906, ch. 711, sec. 95.

110. The said Commission shall be authorized to call to their assistance the county surveyor of any county whenever in its judgment his assistance is necessary, and shall pay him for his services such compensation as is authorized by law for his services in other proceedings.

An. Code, 1924, sec. 114. 1912, sec. 98. 1906, ch. 711, sec. 96.

111. The Conservation Commission shall cause an accurate survey of and delineation upon the maps and charts aforesaid of all bottoms of the tributaries of the Chesapeake bay where grass grows and it is profitable to scrape for soft shell or shedder crabs, and shall have such bottoms properly designated by permanent objects on the shore, as provided here-