

1884, ch. 257, sec. 3.

53. The governor, upon the recommendation of the canned goods exchange of Baltimore city, shall appoint two persons as examiners of hermetically sealed or cove oysters, who shall each give bond to the State of Maryland in the penalty of ten thousand dollars for the faithful discharge of his duties, which bond shall be liable for any failure or fraud in the discharge of the same, whose duty it shall be to visit, at least once a day, if possible, and as much oftener as in their judgment may be necessary and as the duties of their office will permit, every factory or place where cove oysters are being packed in this State, and to examine the goods there packed, or being packed; and if the examiner shall have good reason to believe the cans there packed do not contain the weight as stamped thereon, as directed by section 51, he shall select six cans indifferently from the said lot he so suspects, and cut them, and after properly draining the liquor or water from the same, as hereinbefore provided, shall weigh the contents, and if the weight of the contents of said six cans shall be found to be less than the weight stamped thereon, the lot of goods from which the said six cans were selected shall be by him condemned as fraudulently packed in violation of the provisions of sections 51-54 of this article, and the same shall be forfeited and destroyed by the said examiner; provided, however, that if the packer or owner of any such goods demands the same, the examiner shall cut the same in presence of a committee of not less than five persons, to be appointed by the canned goods exchange as aforesaid; and provided further, if the owner of said goods shall desire to appeal from the decision of said examiner condemning said goods as fraudulently packed, he shall at once notify said examiner of said intention to appeal, and shall within five days thereafter file in the circuit court for the county in which said examiner may have condemned said goods, or in the Baltimore city court, if condemned in said city, a petition setting forth the action of said examiner, and that the petitioner has appealed to the court from such decision, and the court shall thereupon docket a cause between the said petitioner and said examiner, and process shall issue as in ordinary suits at law; and said examiner shall appear and answer the said petition, and either party shall be entitled to a trial by jury, to determine whether said goods have been fraudulently packed in