

cargo of oysters unless a general inspector, measurer or special inspector shall be present, and said inspector or measurer shall cause to be culled any portion or all of the cargo necessary to determine the percentage of culls in said cargo, and if the said percentage shall be more than five per cent. of unmerchantable oysters of the portion of cargo so measured, then the said cargo shall be deemed to be unculted, and the captain, master or person in charge of such oysters shall be required to cull the whole cargo, and in case said cargo contains more than five per cent. of unmerchantable oysters, be fined the sum of twenty-five dollars, and in addition to that the sum of six cents per bushel for the entire cargo, including all shells and oysters, large and small, in his or their possession or charge, and also a further fine of one additional cent per bushel on the entire cargo for each additional one per cent. of unmerchantable oysters which said cargo may be found to contain; and the inspector or measurer, after ascertaining the quantity of unmerchantable oysters so culled out, shall give the captain or other person in charge of said vessel a certificate showing the number of bushels of such unmerchantable oysters, and said captain or other person in charge shall return the said unmerchantable oysters so culled out and scatter them on the ground or rocks whence taken, under the direction of the deputy commander of the oyster police boat on the beat, and upon such delivery and scattering, the deputy commander or other person in charge of the oyster police boat shall endorse the said certificate as to the number of unmerchantable oysters so scattered, which certificate shall entitle the captain, his assignee, or any other person entitled thereto to receive the sum of ten cents per bushel for each bushel of unmerchantable oysters so disposed of and scattered; and the Comptroller of the Treasury shall, upon presentation of such certificate so endorsed, draw his warrant on the oyster fund in favor of the party entitled to the same for the amount therein specified. The fine of twenty-five dollars and the per bushel rate fine herein mentioned to be recovered on conviction before a justice of the peace or a court of competent jurisdiction, and in the event that the party who has thus violated the provisions of this article be supposed to be financially