

as taken, and all oyster shells and oysters, whose shell measures less than two and one-half inches in length, measuring from hinge to mouth, shall be included in said culling and replaced upon said bed or bar as taken; provided, however, that where spat or small oysters are adhering so closely to the shell of the marketable oyster as to render its removal impossible without destroying the young oyster, then it shall not be necessary to attempt such removal; any person or persons violating the provisions of this section shall be deemed guilty of a misdemeanor, and upon trial and conviction thereof before any circuit court or justice of the peace of this State having jurisdiction, shall be fined not less than fifty nor more than three hundred dollars, (one-half of which fine is to be paid to the informer,) or shall be sentenced to the county jail for a term not less than one month nor more than one year, or both fine and imprisonment in the discretion of the circuit court or justice, or shall forfeit the canoe, vessel, boat or craft used in such violation; and it shall be the duty of the police force of the oyster navy and civil authorities of the State, counties and cities to enforce the provisions of this act.

Oysters to
be culled.

SEC. 20 A. That all oysters sold in this State shall be subjected to the following regulations for the ascertainment of the quantity sold: The contents of every fiftieth tub or measure after the same has been culled and passed as properly measured, shall be dumped on the deck of the vessel from which said oysters are sold, unless some other convenient place shall have been mutually agreed upon by the vendor and purchaser, and the same shall be kept away and separate from any other oysters or oyster shells, and after the whole cargo or vessel load or the quantity of oysters so sold shall have been measured and ascertained, the measurer shall, in the presence of the vendor or his duly authorized agent or employee, proceed to separate from the oysters dumped on the deck or set aside as hereinbefore provided, all shells and small oysters whose shells measure less than two and one-half inches in length, and he shall then proceed to measure the said shells and small oysters and shall make a written memorandum of the number of bushels of oysters remaining after such separation, and shall ascertain as nearly as possible the exact proportion of shell and small oysters to marketable oysters contained in the quantity dumped as hereinbefore provided, and he shall give a copy of said memorandum to the vendor and the original to the purchaser, and the percentage thus found and ascertained shall be taken as the proper percentage of shells to be deducted from the whole cargo or of the quantity sold, if less than a cargo, and the number of bushels remaining after said deduction shall be regarded as the quantity actually sold; that all duties imposed on the measurer of oysters by this act shall be under the supervision and control of the general measurer of oysters, and in case of dispute between the vendor and purchaser as to any matter arising under the pro-

Rules to
measure.