

shall be deemed to have been unculled; and the person or persons who have taken the same, and any person who shall offer the same for sale, or have the same in his possession for sale, shall be deemed guilty of a misdemeanor.

Duty of
inspector.

SEC. 3. *And be it enacted*, That when the purchaser or any other person shall have reason to believe that any cargo of oysters has been brought to the market in violation of this law, the inspector shall be called in to ascertain the fact, and he shall thereupon cause the contents of every fiftieth tub or measure to be dumped in any convenient place to be agreed on by the vendor and purchaser, and the same shall be kept away and separate from the other oysters or oyster shells; and after the whole cargo, vessel load or quantity of oysters so sold shall have been measured and the quantity ascertained, the inspector shall, in the presence of the vendor or his duly authorized agent or employe, proceed to separate from the oysters so set aside all shells and small oysters less than two and one-half inches in length, and he shall proceed to measure the shells and small oysters set aside, as hereinbefore provided, and if said shells and small oysters so set aside, after being so separated from the marketable oysters, shall be found to exceed five per cent. of the whole quantity so set aside, as aforesaid, then the vendor shall be deemed to have violated this act.

Penalty.

SEC. 4. *And be it enacted*, That any person violating any section of this act shall, upon conviction thereof, be fined not less than twenty-five dollars and not more than three hundred dollars, in the discretion of the judge of the court or other tribunal before whom such offender may be tried.

Oysters to be
subject to the
laws of the
State where
offered for
sale.

SEC. 5. *And be it enacted*, That all oysters taken in the waters of the Chesapeake bay or its tributaries, either in the State of Maryland or Virginia, shall be subject to the operation of the laws of the State in which such oysters may be offered for sale; and any person offering oysters for sale or having the same in his possession for sale, which shall not have been culled as required by the laws of the State in which they may be offered for sale, shall be liable to trial and conviction in the same manner that such persons would be if such oysters had been caught in the State where they are offered for sale; and upon conviction shall be punished in such manner as is provided by the laws of the State in which such oysters may be so offered for sale.