

for a lease of the area in question, or if no application has been made for a lease of the area in question, then within five years prior to the making of the resurvey under Section 94-A, or the filing of a petition under Section 94-B of this Act, provided that the actual condition of the area in question at any time within said respective periods of five years or up to the date of hearing shall be taken into consideration in determining whether or not said area is a natural bed or bar, as above defined.

SEC. 84. The Board of Shell Fish Commissioners of Maryland is hereby created. The said Board shall consist of three members, one of whom shall be a resident of one of the tidewater Counties of the Eastern Shore of Maryland, another a resident of one of the tidewater Counties of the Western Shore, and the third a resident of the City of Baltimore, and one of whom shall be a member of the minority party at the time of their appointment. The term of each of the members of said Board shall be two years from the first Monday in May after his appointment. They shall be appointed by the Board of Public Works of the State of Maryland. No member of said Board of Shell Fish Commissioners shall be or become in any manner interested in any land leased or taken up for bedding, planting or cultivating oysters. The acts and duties to be done and performed by said Board under this Act may be done and performed by two of said Commissioners, and in all cases the decision of a majority of the Commissioners shall be binding. One of said Commissioners shall be designated by the Board of Public Works of the State of Maryland as President, and his salary shall be two thousand dollars a year. The salary of each of the other Commissioners shall be eighteen hundred dollars a year. The said Commissioners shall be allowed to employ a Chief Clerk upon a salary of twelve hundred dollars a year, and such assistants, not exceeding three in number, and not more than may be absolutely needed for the performance of the work of the Board, at graded salaries, to be paid by the Commissioners, not to exceed one thousand dollars a year for any such assistants, as it may deem necessary to aid it in the proper performance of its duties, as prescribed in this Act. The said Commissioners shall employ a competent surveyor, who shall also be a hydrographic engineer, upon a salary to be named by said Commissioners not exceeding twenty-five hundred dollars a year. If the Commissioners deem it expedient to employ a hydrographic engineer, who is also a biologist, capable of investigating oyster propagation, an engineer of such qualification may, in their discretion, be employed.