## 1940
## PROCLAMATION OF THE GOVERNOR OF MARYLAND STATE-WIDE REFERENDA

WHEREAS, at the January 1939 session of the General Assembly of Maryland, an Act was passed known as Chapter 353, providing for the creation of a commission of fisheries, and prescribing its powers and duties, and providing for the inspection of oysters and the collection of the tax thereon; and

WHEREAS, at the January 1939 session of the General Assembly of Maryland, an Act was passed known as Chapter 732, to repeal and re-enact, with amendments, Sections 1, 2, 5, and 6 of Article 101 of the Annotated Code of Maryland (1935 Supplement), title "Workmen's Compensation," sub-title "State Industrial Accident Commission"; in words and figures as follows:

CHAPTER 353

AN ACT to repeal Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 of Article 19A of the Annotated Code of Maryland (1935 Supplement), title "Conservation of Natural Resources"; to repeal Sections 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47 and 48 of Article 72 of the Annotated Code of Maryland (1924 Edition), title "Oysters," sub-title "State Fishery Force"; to repeal Sections 80, 81, 84 and 87 of said Article 72, title "Oysters," sub-title "General Measurers and Inspectors"; to repeal Sections 99, 115, 155 and 155A of said Article 72, title "Oysters," sub-title "Oyster Culture"; to repeal Section 46 of Article 19 of said Code, title "State Auditor"; to repeal Chapter 165 of the Acts of 1906; to add a new sub-title and sixteen new sections to Article 19A of said Code, title "Conservation of Natural Resources," said new sub-title to be known as "Commission of Fisheries," and said new sections to be known as Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 12A, 12B, 12C and 12D, providing for the creation of a commission of fisheries and prescribing its powers and duties; to repeal and re-enact, with amendments, Sections 9 and 11 of Article 72 of the Annotated Code of Maryland (1935 Supplement), title "Oysters," sub-title "Culling" 72 of the Annotated Code of Maryland ing"; to add two new sections to Article (1935 Supplement), title "Oysters," sub-title "General Measurers and Inspectors," said new sections to be known as Sections 81 and 84, providing for the inspection of oysters and the collection of the tax thereon; to repeal and re-enact, with amendments, Section 129 of Article 72 of the Annotated Code of Maryland (1935 Supplement), title "Oysters," sub-title "Oyster Culture."

Section 1. Be it enacted by the General Assembly of Maryland, That Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 of Article 19A of the Annotated Code of Maryland (1935 Supplement), title "Conservation of Natural Resources," be and the same are hereby repealed.

Sec. 2. And be it further enacted, That Sections 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47 and 48 of Article 72 of the Annotated Code of Maryland (1924 Edition), title "Oysters," sub-title "State Fishery Force," Sections 80, 81, 84 and 87 of said Article 72, title "Oysters," sub-title "General Measurers and Inspectors," Sections 99, 115, 155 and 155A of said Article 72, title "Oysters," sub-title Oyster Culture," and Section 46 of Article 19 of said Code, title "State Auditor," be and the same are hereby repealed.

Sec. 3. And be it further enacted, That Chapter 165 of the Acts of 1906 be and the same is hereby repealed.

Sec. 4. And be it further enacted, That a new sub-title and sixteen new sections be and the same are hereby added to Article 19A of the Annotated Code of Maryland (1935 Supplement), title "Conservation of Natural Resources," said new sub-title to be known as "Commission of Fisheries," and said new sections to be known as Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 12A, 12B, 12C and 12D, to follow immediately after said sub-title and to read as follows:

"COMMISSION OF FISHERIES"

1. The Commission of Fisheries of the State of Maryland is hereby created and established. The said Commission shall be composed of five members, citizens and residents of this State, all of whom shall have practical knowledge of the tidewater fisheries. One of the members of said Commission shall be designated as the Chairman and shall be known as the "Commissioner of Fisheries." The members of the Commission, including the Chairman thereof, shall be appointed by the Governor, by and with the advice and consent of the Senate, for terms of two years, beginning on the first day of June succeeding their appointment, the terms of the first members of said Commission to be appointed under this Act to begin on June 1, 1939. One associate member shall be a resident of that section of the Eastern Shore north of the Choptank River, one associate member shall be a resident of that section of the Eastern Shore south of the Choptank River, one associate member shall be a resident of that section of the Western Shore, outside the counties of St. Mary's, Calvert and Charles, one associate member shall be a resident of that section of the Western Shore comprising the counties of St. Mary's, Calvert and Charles. The Commissioner of Fisheries shall be chosen from the State at large. All vacancies among said members shall be filled by the Governor with the advice and consent of the Senate.

2. The Commissioner of Fisheries shall receive such salary not exceeding $4,500 per annum as may be fixed in the budget, and the associate members of the Commission shall each receive such salary not exceeding $2,400 per annum as may be fixed in the budget.

3. On June 1, 1939, all the rights, powers, duties and functions heretofore conferred upon or exercised by the Conservation Commission with respect to oysters, shellfish, the State Fishery Force or Oyster Navy and the Commander and personnel thereof, Chesapeake Bay and tidewater fish, fisheries, and hatcheries and the State Biological Laboratory shall be transferred to and thereafter be exercised and performed by the Commission of Fisheries and thereupon the said Conservation Commission shall be abolished.

4. The Commission shall have the general supervisory power, regulation and control over the following natural resources of the State, within the bounds of the tidewater, viz: fish, crabs, terrapin, oysters, clams and other shellfish. The Commission shall be charged with the execution of all laws now in force or hereafter enacted relating to any of the above subjects, and particularly with the enforcement of all laws relating to licenses and inspections. The Commission shall have control over the inspection of oysters, fish or crabs, wherever caught or sold in the State of Maryland, and of the enforcement of the cull laws and other protective Measures. The Commission is empowered to provide such arms, ammunition and equipment as may be required for the vessels, boats and vessels owned by it or owned by the State of Maryland and subject to the control of the Commission. The Commissioner, with the approval of the Commission, shall be authorized to operate, sell, buy, lease, exchange, rent or repair such vehicles, vessels, boats, nets and other equipment as may be necessary for the work of the Commission.

5. The Commission shall establish and maintain a permanent office in the City of Annapolis, where its meetings shall be held and where all books, records, charts and other official papers and documents relating to the work of the Commission, shall be kept. The Commission shall meet during the first and third week of each month at its office, in Annapolis, and in addition, shall meet upon call of the Commissioner at such time and place as he may designate.

6. The Commissioner may at any time permit or cause to be taken any fish or marine organism for scientific purposes or for fish or shellfish propagation.

7. The Commission on or before the second Monday in January, in each year, shall prepare and present to the Governor a printed report showing the operations of the Commission during the preceding year, together with a financial statement showing its collections, receipts and disbursements. The said report shall include such statistical information relating to the seafood industry as may have been obtained by the Commission. Prior to each meeting of the General Assembly, the Commission shall make such recommendations to the Governor for the improvement of the condition of the fisheries as it shall deem necessary or advisable. The Commission, upon instructions from the Governor, shall cooperate with any Commission or other agency of the State Government appointed to study the welfare or improvement of the State Government.

8. The Commission shall exercise all the powers herein conferred except that the Commissioner shall be wholly responsible for the enforcement of the fish and shellfish laws, and shall be in command of the Commission's vessels, boats and vehicles. Each associate member shall supervise the planting and transplanting of shells and oysters in the area in which he is a resident in accordance with policies determined by the Commission, and shall perform such other duties as may be directed by the Commission.

9. The Commissioner, with the approval of the Commission, shall appoint a secretary, who shall be paid such salary not to exceed $3,800 per annum as may be fixed in the budget, a surveyor, who shall be paid such salary not to exceed $3,000 per annum, as may be fixed in the budget, a captain, who shall be paid such salary not to exceed $3,000 per annum, as may be fixed in the budget, and a Director of the Marine Laboratory and Biological Research, who shall receive such salary as may be fixed in the budget. The Commissioner, after consultation with the present director, and with the approval of the Commission, shall appoint and continue in employment a biologist and such other employees of the Marine Laboratory as he may deem necessary, and the salaries of each of such employees shall be fixed by the Commission. The Commissioner, with the approval of the Commission, shall employ such clerks and stenographers and other employees as may be necessary. All employees provided for in this Article shall hold their respective positions under the provisions of the Merit System, Article 64A of the Annotated Code of Maryland. The Commission shall have power to require any employee of the Commission who handles funds, to furnish bond in such amount as the Commission may determine.

10. The Secretary of the Commission shall have and exercise all the powers and authority conferred by this Article upon the county inspectors hereinafter provided for. The secretary, acting under the control, supervision and direction of the Commissioner, shall have and exercise all the powers and duties herein conferred upon the Commission. It shall be the duty of the secretary to audit the books of the various oyster packers, crab and clam shippers and fish dealers, including any catches of the above seafoods, who may ship direct, for the purpose of ascertaining the total number of bushels of oysters caught within the waters of the State of Maryland, the number of gallons shucked and shipped, the pounds of crabs and crab meat, quantities of soft crabs and clams, quantities of each kind of fish, and also the quantity in bushels or gallons of oysters that are purchased from points out of the State, and shall file with the Commission weekly reports showing the result of such audit.

In order to enable said secretary to secure the information required, all persons engaged in the pursuits mentioned herein shall keep books, statements and accounts, and all such books, statements and accounts shall be open to inspection by the secretary or his duly authorized agents at all times.

Any person violating the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than $100, nor more than $500, and shall be adjudged in contempt of court until he complies therewith. All monies arising from fines collected under this section shall be remitted to the Comptroller for credit to the Conservation Fund.

11. (a) The surveyor shall have charge of surveying and marking natural oyster bars, reserved areas, leased bottoms, crabbing grounds, clam grounds and pound nets, and shall perform such other surveying or engineering work as may be required by the Commissioner.

(b) The captain shall be in command of all vessels and boats owned or controlled by the Commission, and under the control and direction of the Commissioner shall supervise the maintenance and replacement of the same and perform such other duties as the Commissioner may direct. The captain shall have and exercise all the powers and authority conferred by this Article upon the county inspectors hereinafter provided for.

(c) The Director of the Marine Laboratory and Biological Research under the supervision and direction of the Commissioner shall have charge of the Marine Laboratory and the Biological Research carried on in connection therewith, and shall perform such other duties as the Commissioner may direct.

12. The Commissioner, with the approval of the Commission, shall appoint a county inspector for each tidewater county, each of whom shall receive such salary not to exceed $1,500 per annum as may be fixed in the budget, and each of whom shall give bond to the State of Maryland, in the penalty of $1,000, conditioned upon the faithful performance of the duties imposed upon them by this Article. Each county inspector shall be responsible for the enforcement of all laws and regulations pertaining to fisheries, and for the inspection of all oysters, crabs and fish taken within the county for which he is appointed and in such parts of the Atlantic Ocean and its tributaries and the Chesapeake Bay and its tributaries as may be designated by the Commissioner. Each county inspector shall have the right to arrest, seize and confiscate as provided by law, shall have authority over any deputy inspector who may be placed under him and shall be directly responsible to the Commissioner of Fisheries and subject to his orders. Each county inspector shall be charged with the duty of enforcing the laws requiring tonging, dredging, clamming, crabbing, pound net seine and other licenses in his assigned territory, and the laws relating to the collection of the oyster tax, and shall pay on such other duties as may be prescribed by the Commissioner of Fisheries.

12A. The Commissioner, with the approval of the Commission, may appoint not more than fifty deputy inspectors, each of whom shall receive such salary not to exceed $1,200 per annum, as may be fixed in the budget. The Commissioner shall have the right to employ such deputy inspectors by the month or by the year. The deputy inspectors shall have and exercise the powers and duties herein conferred upon the county inspectors and when so directed by the Commissioner shall act under the control, supervision and direction of the county inspectors. Both the county inspectors and deputy inspectors shall have and exercise the rights, powers and duties of the former deputy commanders, general inspectors, special inspectors, inspectors, general measurers, measurers and members of the State Fishery Force, subject in all cases to the orders of the Commissioner of Fisheries.

12B. The Commissioner shall appoint as county or deputy inspectors such male persons as can read and write, and are sufficiently intelligent to pass an examination in the making out of reports, and upon other phases of their duties, as determined by the Commission. No person shall be appointed as a county inspector or deputy inspector until he shall have passed a physical examination to be given by a physician selected by the Commission.

12C. It shall be the duty of the Commissioner to promote the advertising of the seafood products of this State and to prepare such advertising or other matter as it may deem advantageous to the welfare and improvement of the seafood industry, and shall cooperate with the seafood industry in any lawful manner it may deem proper for the benefit of the fisheries.

12D. All sums of money provided to be paid to the Conservation Department under the provisions of Section 13 of Article 39 of the Annotated Code, as enacted by Chapter 471 of the Acts of 1929, shall hereafter be paid over to the Commission of Fisheries and be annually expended by it in the propagation of tidewater fish.

Sec. 5. And be it further enacted, That Sections 9 and 11 of Article 72 of the Annotated Code of Maryland (1935 Supplement), title "Oysters," sub-title "Culling," be and the same are hereby repealed and re-enacted, with amendments, to read as follows:

9. Any person who shall have oysters in his possession which contains more than eight per cent. of shells, and oysters less than three inches from hinge to mouth (whether adhering to marketable oysters or not), which for the purpose of this Article are declared to be unmerchantable oysters, shall be guilty of a misdemeanor, and in ascertaining such percentage any county inspector and deputy inspector is hereby authorized and directed to select such amount of oysters from any pile, hold, bin, house or other place as he may think proper, and to require the same to be culled and disposed of, as provided in Section 11 of this Article and any person violating any of the provisions of this Section shall be subject to the penalties and fines as provided in Section 11 of this Article, in precisely the same manner as if he were a captain of a boat.

11. Any person, firm or corporation engaged in catching oysters with rakes or tongs, or selling oysters so caught, in violation of any provisions of Sections 8 and 9 of this Article, shall be deemed guilty of a misdemeanor, and upon conviction before any justice of the peace or court of competent jurisdiction shall be fined the sum of not less than ten dollars ($10) nor more than fifty dollars ($50) and any person, firm or corporation engaged in catching oysters by means of dredges, or selling oysters so caught, or buying or packing oysters in violation of any provision of Sections 8 and 9 of this Article, shall be deemed guilty of a misdemeanor and, upon conviction before any justice of the peace or court of competent jurisdiction, shall be fined the sum of not less than Fifty Dollars ($50.00) nor more than One Hundred Dollars or confined in jail not less than 30 days nor more than six months, either or both, and in addition to such fine or imprisonment said cargo shall be confiscated and returned to natural beds or bar under the supervision of the oyster inspector or other officer making the arrest, and at the expense of the violator, which expense shall be in addition to the fine imposed and collectible in the same manner, and the boat or vessel shall be held as security for the payment of said fine. If the violator has taken oysters only with tongs he shall be fined as above, and the boat in which said oysters are found shall be held as security for the payment of said fine. In addition to the above penalties the justice of the peace or judge may, in a case where the violator has been previously convicted of violating the provisions of this sub-title, suspend or revoke the license under which said violator may be operating for the purpose of catching, shucking, packing or canning oysters. In case there is an appeal or waiver of trial before justice of the peace, in order to provide for the disposition of any oysters that have been declared unmerchantable, the cargo of oysters shall remain in the possession or custody of the inspector or other officer making the arrest until the captain of the boat or vessel or the packer shall have reculled the oysters in question; and the officer under whose supervision the reculling is done, after ascertaining the quantity of unmerchantable oysters and shells so culled out, shall give the captain or other person in charge of said vessel or packing house, a certificate showing the number of bushels of such unmerchantable oysters and the said captain or other person shall return said unmerchantable oysters so culled out of the natural beds or bars under the supervision of the officer. The cost of reculling and expenses incident to same shall be borne by the violator.

Sec. 6. And be it further enacted, That a new section be and the same is hereby added to Article 72 of the Annotated Code of Maryland (1935 Supplement), title "Oysters," sub-title "General Measurers and Inspectors," said new section to be known as Section 81, to follow immediately after said sub-title and to read as follows:

81. Each county inspector or deputy inspector shall inspect all oysters in the district to which he is assigned by the Commissioner of Fisheries, and upon the inspection of any such oysters, he shall make a certificate of the number of bushels in triplicate, one of which shall be given to the purchaser, one to the seller and the other retained by the inspector. An inspection charge of 2c per bushel is hereby levied upon all oysters caught within the limits of the State of Maryland, unloaded from vessels at the place in Maryland where said oysters are to be no further shipped in bulk in vessels, to be charged equally to the buyer and seller, but to be paid weekly to the Comptroller of the State Treasury or his agent by the buyers; the certificate retained by the inspector shall be mailed by him weekly to the Comptroller or his agent and in case the amounts of money shown to be due be not paid in one week thereafter to the Comptroller or his agent, which is hereby required to be done, the properties of the parties so indebted may be levied on and sold by the Comptroller or his agent as in cases of taxes in default, without other process of law; the said inspection levied is also made a charge on oysters caught within the limits of the State of Maryland and sold by commission merchants and others selling by less than the cargo; and also an inspection charge of six cents per barrel containing not more than three bushels of oysters caught within the limits of the State of Maryland; on oysters caught within the limits of the State of Maryland contained in bags an inspection charge of four cents per bag containing not more than two bushels; and all transportation companies carrying oysters in the shell caught within the limits of the State of Maryland, consigned to Baltimore, shall furnish to the inspector or collector of oyster tax, a copy of their manifest showing the number of bushels on board on arrival of steamer and to whom consigned, and the inspectors are charged with the duty of seeing that the proper returns are made for the purpose of this section by such commission merchant or retailer, and in performance of their duty the said inspectors are authorized and directed to visit places where oysters caught within the limits of the State of Maryland in less than cargo lots are sold, and get from such sellers a statement under oath as to the number of bushels sold from time to time and return to the inspectors a certificate thereof to be forwarded to the Comptroller as required in the case of certificates for cargo, and the payments of the amounts so found to be due shall be similarly enforced. All oysters found within the State of Maryland shall be presumed to have been caught within the limits of the State of Maryland and the burden of proof shall be upon any one claiming to the contrary to establish his said claim by clear and satisfactory evidence. The Commissioner of Fisheries shall furnish to each of the county inspectors and deputy inspectors certificates in book form, supplied with carbon paper, so that each of the said triplicate certificates shall be exactly the same; the form of the certificate shall be as follows:

.....19.....

I hereby certify that I have this date inspected for Captain....., schooner....., a cargo of oysters caught within the limits of the State of Maryland, sold to....., and found the same to contain..... bushels of merchantable oysters and .....bushels of unmerchantable oysters.

Signed.....

Sec. 7. And be it further enacted, That a new section be and the same is hereby added to Article 72 of the Annotated Code of Maryland (1924 Edition), title "Oysters," sub-title "General Measurers and Inspectors," said new section to be known as Section 84, to follow immediately after Section 83 and to read as follows:

84. In addition to the certificates required by Sections 81 and 82 hereof every packer or commission merchant buying oysters in the State of Maryland shall furnish to the inspector assigned to his district, a weekly report under oath showing the number of bushels, bags or barrels of oysters purchased by him during the preceding week.

Sec. 8. And be it further enacted, That Section 129 of Article 72 of the Annotated Code of Maryland (1935 Supplement), title "Oysters," sub-title "Oyster Culture," be and the same is hereby repealed and re-enacted, with amendments, to read as follows:

129. It shall be lawful at any time after the closed season for taking oysters, to take oysters from such natural beds or bars in Chesapeake Bay as the Commission may mark out for that purpose, and at such time as the Commission may designate, but not to exceed one month in any one year and under such regulations as said Commission may from time to time prescribe; and, provided, however, that said oysters may be sold only for the purposes now permitted under the existing laws of Maryland, during the season of the year above mentioned; and in addition thereto, to persons engaged in the industry of planting and cultivating oysters within the State of Maryland, the same to be delivered only upon land which may have been leased under the provisions of this sub-title for said purposes of planting or cultivation.

Sec. 9. And be it further enacted, That if any provision of this Act shall be declared unconstitutional or invalid by any Court, such judgment shall not affect, impair or invalidate the remaining provisions thereof, but shall be confined in its operations to the specific provision so held unconstitutional or invalid and the inapplicability or invalidity of any section, clause or provision of this Act in any one or more instances shall not be taken to affect or prejudice in any way its applicability or invalidity in any other instance.

Sec. 10. And be it further enacted, That this Act shall take effect on June 1, 1939.

Approved: May 3, 1939.

CHAPTER 732

AN ACT to repeal and re-enact, with amendments, Sections 1, 2, 5 and 6 of Article 101 of the Annotated Code of Maryland (1935 Supplement), title "Workmen's Compensation," sub-title "State Industrial Accident Commission."

Section 1. Be it enacted by the General Assembly of Maryland, That Sections 1, 2, 5 and 6 of Article 101 of the Annotated Code of Maryland (1935 Supplement), title "Workmen's Compensation," sub-title "State Industrial Accident Commission," be and they are hereby repealed and re-enacted, with amendments, to read as follows:

1. A Commission is hereby created which shall be known as the State Industrial Accident Commission, to be composed of four Commissioners. Upon June 1st, 1939, all of the terms of the Commissioners in office upon the taking effect of this Act shall terminate, and the Governor shall thereupon appoint one Commissioner who shall hold office for a term of one year, one for a term of two years, one for a term of three years, and one for a term of four years. Upon the expiration of the term of each Commissioner, his successor shall be appointed by the Governor for a term of four years. Each Commissioner shall devote his entire time to the duties of the office, and shall not hold any position of trust or engage in any occupation or business interfering or inconsistent with his duties as such Commissioner, or serve on or under any committee of a political party. Each Commissioner shall hold office until his successor shall be appointed and shall have qualified. Vacancies shall be filled by the Governor for the unexpired term. The Governor may at any time remove any Commissioner from office for inefficiency, neglect of duty or malfeasance in office. Before such removal he shall give such Commissioner a copy of the charges against him and shall fix a time when he can be heard in his own defense, either in person, or by counsel, which shall not be less than ten days thereafter, and such hearing shall be open to the public. The principal office of the Commission shall be in the City of Baltimore, but branch offices may be established at other places in the State for the purpose of administering this Article.

2. The Governor shall designate one member of the Commission as the Chairman thereof, and he shall be the administrative and executive head of the Commission and shall have the final authority in all matters relating to the assignment of cases for trial, the management of the State Accident Fund and the administrative work of the Commission and employees, except in the promulgation of rules and regulations wherein the Commission shall act as a body, and in the trial and determination of cases, as hereinafter provided. The other three members are hereby vested with authority to hear and determine any hearing, trial, inquiry or investigation which the Commission is authorized to hold or undertake; and any one of such other three members can preside alone at any such hearing, trial, inquiry and investigation, and every order and determination made by any one member shall be deemed to be the order or determination of the Commission. The Chairman shall only sit in the trial of cases when, in his judgment, it is necessary to expedite the trial work of the Commission.

3. The present employees of the Commission shall continue to serve in their present positions and shall retain all of their rights under Article 64A of the Annotated Code, title "Merit System." The Chairman of the Commission shall have the power to make any future appointments as are provided for in the Budget, which appointments must be made in accordance with the provisions of said Article 64A. The secretary and other assistants that may be employed shall be entitled to receive their actual necessary expenses while traveling on the business of the Commission. Such expenses shall be itemized and sworn to by the person who incurred the expense, and allowed by the Chairman of the Commission. The Chairman of the Commission shall keep and maintain its main office and such branch offices as he shall deem proper and necessary for the administration of this Article, and shall provide suitable rooms, necessary office furniture, supplies, books, periodicals and maps for the same. All necessary expenses shall be audited and paid out of the appropriation in the State Treasury provided for in this Article. The Commission shall provide itself with a seal for the authentication of its orders, awards and proceedings, upon which shall be inscribed the words, "State Industrial Accident Commission, State of Maryland—Official Seal."

Each member of the Commission and each person appointed to office or employment by the Commission shall, before entering upon the duties of his office or employment, take and subscribe the constitutional oath of office.

6. The Secretary of the Commission shall keep and maintain a full and true record of all proceedings of the Commission, of all documents or papers ordered filed by the Commission or by its rules, of decisions or orders made by any member of the Commission and of all decisions or orders made by the Commissioner or approved and confirmed by it and ordered filed, and he shall be responsible to the Commission for the safe custody and preservation of all such documents at its office. He shall have the power to administer oaths in all parts of the State, so far as the exercise of such power is properly incident to the performance of his duty or that of the Commission. The Chairman of the Commission may designate, from time to time, one of the clerks of the office, appointed by him, to exercise the powers and duties of the Secretary during his absence.

Sec. 2. And be it further enacted, That this Act shall take effect June 1, 1939.

Approved: May 11, 1939.

WHEREAS, petitions to refer the aforesaid Acts of the General Assembly to the voters of the State of Maryland, for adoption or rejection, have been filed with the Secretary of State in conformity with the provisions of Article XVI of the Constitution of Maryland, entitled "The Referendum," and the said Acts of Assembly will be so submitted to the voters at the election to be held on November 5, 1940.

NOW, THEREFORE, I, HERBERT R. O'CONOR, GOVERNOR OF THE STATE OF MARYLAND, pursuant to the authority and direction contained in Section 5 (a) of Article 16 of the Constitution of Maryland, do hereby order and direct that this Proclamation containing a full, true and correct copy of Chapters 353 and 732 of the Acts of the General Assembly of Maryland of 1939, be published in at least two newspapers in each of the Counties of the State where so many may be published and where not more than one may be published then in that newspaper, and in three newspapers published in the City of Baltimore, one of which shall be published in the German language, in such manner and for such time as is provided in Section 1 of Article 14 of the Constitution of Maryland.

GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF MARYLAND. DONE AT THE CITY OF ANNAPOLIS, THIS 29TH DAY OF JULY, IN THE YEAR OF OUR LORD, ONE THOUSAND NINE HUNDRED AND FORTY.

THE GREAT SEAL - OF - MARYLAND

HERBERT R. O'CONOR
*By the Governor:*

FRANCIS PETROTT
*Secretary of State.*

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Studies show that about one-half of America's hogs are raised west of the Mississippi, while about three-fourths of the pork is eaten east of the Mississippi.

### Lady Mendl

Lady Mendl, American-born wife of the British diplomat, achieved stardom on Broadway as Elsie de Wolf.

### Barrymore Cartoonist

John Barrymore, the actor, once drew cartoons for a New York newspaper.

### Adams Taught Rhetoric

President John Quincy Adams once taught rhetoric at Harvard.

### Vatican City Area

The area of Vatican City is 108.7 acres.

## GENERAL HUGH S. JOHNSON Says:

United Features — WNU Service

### BIBLE AND CONSCRIPTION

WASHINGTON. — My repeated statement that compulsory selective service is also of biblical origin has been challenged.

Well, the draft consists of three steps. First comes registration of the whole adult male population and classification as to availability for military service. In Numbers 26; 1 and 2 "The Lord spake unto Moses . . . saying take the sum of all the congregation of the Children of Israel from 20 years old and upward throughout their father's houses, all that are able to go to war in Israel." The ensuing first "registration report" showed 601,730 registrants.

The next step is the assignment of quotas. Numbers 31-3 "Moses spake . . . arm some of yourselves unto the war . . . of every tribe a thousand . . . shall ye send to the war." They were drafted and inducted.

Some men are "exempted" according to regulations. For rules of exemption in the Mosaic draft, see Deuteronomy 20; 5-9. Briefly, they exempted men who were providing homes and had not "dedicated" them, newly married men, men who were growing vineyards not yet mature and, curiously enough, self-confessed cowards. In Deuteronomy 24-5, the "married man" exemption was confined to one year.

The theory of this selective service is found in Numbers 32-6 "And Moses said unto the children of Gad (Gad correct) and the children of Reuben" (who wanted to call it a day in the conquest of Canaan) "shall your brethren go to war and shall ye sit here?" Then he recalled an earlier evasion of military service by the children at Kadesh-Barnea and reminded them that "the Lord's anger was kindled against Israel and he made them wander in the wilderness for 40 years." The entire tribes of Reuben and Gad (Gad correct) marched, "every man armed to battle."

Maybe all that was not a faithful forerunner of our selective service system of 1917 and the Burke-Wadsworth bill of today, but it seems so to me. It is interesting but unimportant, because there is no respectable argument in law, morals or ethics against the universal obligation to military service when it is necessary to the safety of a people. It is inherent in the social compact. These be four dollar words but I imagine something like this happened.

Og and Ug and some other cavemen got tired of losing hides, cattle and women every time some great Neanderthaler Snaggletooth in the next valley decided to raid off the reservation. Singly he could bash in the brains of any. They held a conference and ub-glubbed a gang-up on him. The next time he came they sent him howling home. That kept the peace. Some kind of society became possible and that tribe was formed and on its way to better things and the more abundant life. Fine. But could Og or Ug, or whoever live under the protection of that pact for months or years, when old Snaggletooth threatened again—as Moses said—sit there while their brethren went to war! It is an inescapable duty of every single man who has enjoyed the collective protection of any nation.

The objections won't stand up.

"We have not done it before." We have rarely needed to do it before. But every time we have needed to do it, we have done it—three times.

"Yes, but not in peace—only in war."

The obligation arises with the danger and in proportion to it. This danger is great enough. This duty has nothing to do with the legal formality of a declaration of war. Few recent wars have been "declared." If we had to wait idly for that we would be lost.

In modern war you can't fight if you're not trained. If there is an obligation to fight there is an obligation to train.

* * *

### A STUPID BLUNDER

The change in the proposed draft bill ages 21-31 from ages 18-46 for registration, was forced by an absurd scarehead ballyhoo that fooled a lot of people into believing that the "draft would affect 42,000,000 men at terrific expense and no necessity."

The draft will affect only the number of men drafted. That has nothing whatever to do with the number registered—except that if too few are registered the whole scheme becomes grotesquely inefficient and unfair. The change—at least as it relieves men between 18 and 21, and those over 31 from registration—is a stupid blunder.

It is true that we started the World war draft at ages 21 to 30 but, as we later learned, it was a mistake. It had to be corrected by widening the range to 18-45.

If you are going to get the full benefit to the government of scientific selection, you want the widest possible field of selection. On the other hand, one purpose of the draft is to get the necessary men with the least possible interference with family, educational and economic life. The smaller your range of selection the less generous can your deferments be.

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with three buttons and turned back in narrow, deep revers, or buttoned almost to the throat, with shallow revers.

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### Faultless Word

A word that is not spoken never does any mischief.—C. A. Dana.

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