

ARTICLE LXXII.

OYSTERS.

Tonging.

1. Tonging license; limit of such license; provisos.
2. What such license shall state; disposition of license fees.
3. Applicants for license shall make oath; what oath shall set forth.
4. Comptroller to furnish blank licenses; clerk to account for licenses issued and return unused licenses. Fees to be placed to credit of oyster fund. When licenses shall expire.
5. Catching oysters without license; penalty.
6. Provisions for Queen Anne's, Kent, Anne Arundel, Dorchester and Talbot counties; saving as to past offenses.
7. Provision for the Patuxent north of a certain line.

Culling.

8. Provision in regard to culling oysters. Shells.
9. Unmerchantable oysters not to be taken out of state; penalty.
10. Possessing unculted oysters; penalty.
11. Unlawful to purchase cargo unless measurer or inspector be present; unmerchantable oysters to be returned to place whence taken and scattered.

12. Vessel to be kept at wharf until the cargo is inspected. Form of certificate to be given by inspector. Penalty for violating this provision.
13. Evading in any manner the provisions of this article; penalty.
14. Measures and inspectors to enforce this article.
15. Refusing to allow inspection; penalty.

Time for Taking Oysters.

16. Time within which it shall not be lawful to catch oysters; proviso.
17. Penalty for violating sections 8 and 16.
18. Catching oysters on Sunday or at night, unlawful; penalty.
19. Disposition of fines under the provisions of this article.

Dredging.

20. Using steamer or power boat in catching oysters. unlawful; penalty. License.
21. Dredging license; exempted waters; transfer of license in case of sale of land; proviso.
22. Dredging on unlicensed vessels, unlawful. Scoop or dredge on board such vessel shall be *prima facie* evidence.

The act of 1833, ch. 254, prohibiting the taking or catching of oysters in any of the waters of the state with a scoop or drag, etc., and providing as a penalty for the forfeiture to the state of the boat or vessel so employed, held not to be in conflict with the federal constitution, although applied to a vessel owned by a non-resident and licensed under the laws of the United States. *Smith v. Maryland*, 18 How. 71. And for a case upholding the act of 1880, ch. 198, see *The Ann*, 8 Fed. 924. *Cf. Booth v. Lloyd*, 33 Fed. 597, and *Ex Parte Insley*, 33 Fed. 682 (declaring the act of 1884, ch. 518, invalid).

As to regulations relative to hard shell crabs, see art. 39, sec. 91, *et seq.*