

mon, or the citizens of Dorchester and Wicomico counties from using the waters of Nanticoke river in common, or the citizens of Queen Anne's and Talbot counties from using the waters of the Wye river and the mouth thereof in common, or the citizens of Dorchester and Talbot counties from using the waters of the Choptank river in common; provided, however, that the county commissioners shall be authorized to give special permission to any woman who has no visible means of support to take and catch oysters without license.

The oyster beds of the Chesapeake bay are the property of the state, and the legislature may make all reasonable regulations concerning the same. *State v. Applegarth*, 81 Md. 299; *Hess v. Muir*, 65 Md. 606 (separate opinion).

The act of 1894, ch. 380, is not unconstitutional as embracing a subject distinct from its title. *State v. Applegarth*, 81 Md. 303.

This section referred to in deciding that section 9 applies only to oysters taken from the waters of this state. *Tyler v. State*, 93 Md. 313.

1904, art. 72, sec. 2. 1894, ch. 380, sec. 2. 1890, ch. 380.  
1910, ch. 413, sec. 2 (p. 206).

2. Each and every license issued in conformity to the provisions of section 1 of this article shall state the name, color, age and residence of the person to whom the license is to be granted; the number thereof and the county in which the same is to be used, and every applicant for such license shall pay to the clerk of the circuit court when such license may be granted, and before the issuing and delivery of the same, three and one-half dollars, the clerk to receive twenty-five cents for each and every such license as a fee for issuing the same, including administering the oath when required. Two-thirds of the amount received for such license shall be paid by the clerk to the school commissioners for the use of the public schools in the respective counties where such licenses are issued, and of this amount the portion received from white tongers to go to the white schools, and the portion received from the colored tongers to go to the colored schools, and the remaining one-third to be paid over by the clerk to the comptroller of the state treasury, to be credited to the oyster fund. And one-third of the amount received from any tonging license in any county in this State shall be paid by the clerk of the circuit court of the county when received to the comptroller of the treasury, to be credited to the oyster fund, any provision of any public local law or public general law to the contrary notwithstanding.

This section referred to in construing sections 31 and 32. *Smith v. School Commissioners*, 81 Md. 517.

*Ibid.* sec. 3. 1894, ch. 380, sec. 3.

3. Every applicant for license as aforesaid shall be required to make oath or affirmation before the clerk authorized to issue the same, or some justice of the peace, on whose certificate of the taking of such oath or affirmation the clerk shall issue said license; that the facts set forth therein are strictly true; that he has been a *bona fide* resident of the county for twelve months next preceding his application for said license;