

that he desires and intends to use said license in the county in which he resides or the waters used in common, as provided in this article and that he will comply with and obey all laws of this State regulating the taking or catching of oysters.

1904, art. 72, sec. 4. 1894, ch. 380, sec. 4.

4. The comptroller of the treasury shall cause to be printed and delivered to the clerks of the circuit courts for the several counties the requisite number of such blank licenses and take receipts for the same as for other licenses furnished; and said clerks shall, on the first Monday of March and December of each year, return to the comptroller a list and account of such licenses issued by them, and at the end of each tonging season shall return all unused licenses to him and shall pay over to the comptroller one-third of the amount received by them for such licenses, which amount the said comptroller shall place to the credit of the oyster fund; and no license to take or catch oysters with rakes or tongs shall be used on any boat or vessel which is licensed to take or catch oysters with scoop, dredge or any similar instrument during the season for which such boat or vessel is licensed; and all licenses shall expire at the end of the season.

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

As to the oyster fund, see section 31.

*Ibid.* sec. 5. 1894, ch. 380, sec. 5.

5. If any person shall take oysters with rakes or tongs, for sale, without first having obtained a license as required by the preceding sections of this article, he shall upon conviction thereof before a justice of the peace for the county wherein the offense has been committed be fined not less than twenty nor more than one hundred dollars and stand committed to the county jail till all costs and fines are paid; and in any such case the boat or vessel used by him shall be forfeited, and may be condemned, in the discretion of the judge or justice of the peace, in the manner provided in section 25. All persons taking or catching oysters under the provisions of this article shall exhibit their authority for so doing when required by any officer of the oyster police force, or other officers of the State.

The act of 1884, ch. 518 (prohibiting the carrying of oysters over the waters of the state without first obtaining a license), applied exclusively to oysters caught in the waters of this state. *State v. Insley*, 64 Md. 29.

For a case involving the act of 1833, ch. 254, the act of 1837, ch. 310, and the act of 1849, ch. 217, see *State v. Mister*, 5 Md. 11.

*Ibid.* sec. 6. 1894, ch. 380, sec. 6. 1893, ch. 117. 1900, ch. 99.

6. It shall be unlawful for any person or persons who have obtained a license to take or catch oysters with rakes or tongs to take or catch oysters in the waters of Queen Anne's, Kent, Talbot, Anne Arundel and Dorchester counties, or within one and a half miles of Sandy Point, Hackett's Point, Tolley's Point, Thomas' Point, Holland's Island bar and Three Sisters and Holland's Point bar with any implement or