

device other than ordinary rakes and tongs with wooden shafts, to be used entirely by hand, and without any ropes or hoisting gear whatever. Any person or persons violating any one of the provisions of this section shall be liable to the penalties prescribed in the preceding section for taking oysters with rakes and tongs without license; and the waters 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 shall be held and considered to be within the limits of Anne Arundel county for the purpose of this section and article; provided that the provisions of this section shall not apply to Swan Point bar, Rock Hall creek and Swan creek and all waters north of Swan Point bar. Nothing in this section to affect offenses committed in whole or in part before March 20, 1900, nor pending prosecutions for past offenses.

1910, ch. 733 (p. 210).

7. It shall be unlawful for any person or persons who have obtained a license to take or catch oysters in the waters of the Patuxent river above or north of a line drawn from the north side of Kourkles creek in St. Mary's county to the southeast side of the mouth of Hungerford creek in Calvert county, with any implement or device other than ordinary rakes and tongs with wooden shafts, to be used entirely by hand, and without any ropes or hoisting gear whatever. Any person or persons violating any one of the provisions of this section shall be liable to the penalties prescribed in section 5 for taking oysters with rakes and tongs without license; nothing in this section affect offenses committed in whole or in part before March 20, 1910, nor pending prosecution for past offenses.

Culling.

1904, art. 72, sec. 7. 1894, ch. 380, sec. 7. 1906, ch. 439.

8. All oysters taken from any of the waters of this State, either with scoops, dredges or any similar instruments, or tongs or rakes, shall be culled upon their natural bed or bar whence taken, and all shells shall be returned to the bed or bar from which they were taken, and all oysters whose shells measures less than two and one-half inches in length, measuring from hinge to mouth, shall be included in said culling and replaced upon said bed or bar as taken; and the culling of oysters taken as aforesaid required by this section shall be actually made and completed before such oysters are thrown or deposited in the hole or bottom of any such canoe or boat or vessel aforesaid.

This section (as it stood prior to the act of 1906, ch. 439), applied to oysters taken from private beds, as well as from natural beds. *Windsor v. State*, 103 Md. 615.

This section referred to as indicating that section 9 applies only to oysters taken from the waters of this state. *Tyler v. State*, 93 Md. 310.

See sec. 17.