

ARTICLE 72.

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.
7. Provision for 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 uncultured oysters; penalty.
11. Unlawful to purchase cargo unless measurer or inspector be present; unmerchantable oysters to be returned to place whence taken and scattered.
- 12-13. Laws as to culling and size apply to oysters brought into state.
14. Vessel to be kept at wharf until the cargo inspected. Form of certificate

to be given by inspector. Penalty for violating this provision.

15. Evading in any manner provisions of this article; penalty.
16. Measurers and inspectors to enforce this article.
17. Refusing inspection; penalty.

Time for Taking Oysters.

18. Time within which it shall not be lawful to catch oysters; proviso.
19. Penalty for violating sec. 18.
20. Catching oysters on Sunday or at night, unlawful; penalty.
21. Disposition of fines under provisions of this article.

Dredging.

22. Using steamer or power boat in catching oysters, unlawful; penalty. License.
23. Dredging license; exempted waters; transfer of license in case of sale of land; proviso.
24. Dredging on unlicensed vessels, unlawful. Scoop or dredge on board such vessel shall be *prima facie* evidence.
25. Oath of owner of boat; penalty for violating this provision.
26. Cost of boat license; license to be kept on boat; inspection and correction thereof; duty of state fishery force.
27. Penalty for violating provisions of secs. 22 to 24 inclusive.

Act of 1833, ch. 254, prohibiting taking or catching oysters in any of waters of the state with a scoop or drag, etc., and providing as a penalty for forfeiture to state of boat or vessel so employed, held not to be in conflict with federal Constitution, although applied to a vessel owned by a non-resident and licensed under laws of United States. *Smith v. Maryland*, 18 How. 71. And for a case upholding 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. 102, *et seq.*