

scoop, drag, 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 secs. 33 and 34. *Smith v. School Commissioners*, 81 Md. 517.

As to the oyster fund, see sec. 33.

An. Code, sec. 5. 1904, 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 27. 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.

Act of 1884, ch. 518 (prohibiting carrying oysters over waters of the state without first obtaining a license), applied exclusively to oysters caught in 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.

An. Code, sec. 6. 1904, sec. 6. 1894, ch. 380, sec. 6. 1898, ch. 117. 1900, ch. 99. 1914, ch. 284. 1922, ch. 519, sec. 6.

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, Talbot, Anne Arundel and Dorchester Counties, or in the waters of Kent County, exclusive of Swan Point Bar, 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 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 or 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.

An. Code, sec. 7. 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