

such business by application to the clerk of the Circuit Court of the county in which the place of business of such applicant may be situated, or to the clerk of the Court of Common Pleas, if the place of business of such applicant shall be in Baltimore City; and such applicant, at the time such license is issued to him by the said clerk shall pay to said clerk the sum of twenty-five dollars for such license, and said license shall have effect from the first day of September, in the year in which it may have been obtained, to the twenty-fifth day of April, inclusive, next succeeding; and all said moneys received for said license shall be paid over and accounted for by the several clerks of courts to the Comptroller of the State, to be placed to the credit of the Conservation fund, as provided by Section 33 of this Article. Where any such person, firm or corporation operates more than one house for the buying, selling, marketing, packing or canning of oysters, a separate license shall be obtained for each house in which oysters are shucked or otherwise prepared for market.

The tax imposed by this section applies to oysters shipped from another state to packer in this state, as well as to oysters taken in this state. This section is constitutional. *Applegarth v. State*, 89 Md. 141; *State v. Applegarth*, 81 Md. 296. (Both cases decided prior to acts of 1900, ch. 380, and 1906, ch. 188.)

This section is constitutional. It imposes a tax on occupation, and not on property. *State v. Applegarth*, 81 Md. 296; *Applegarth v. State*, 89 Md. 141. (Both cases decided prior to the act of 1900, ch. 380, and the act of 1906, ch. 188.)

This section referred to in construing secs. 33 and 34. *Smith v. School Commissioners*, 81 Md. 517.

Cited but not construed in *Foote v. Claggett*, 116 Md. 233.

1922, ch. 519, sec. 2.

**92.** All Acts or parts of Acts inconsistent with sections 6, 11, 12, 19, 22, 27 and 91 are hereby repealed. In case any of said sections or provision of said sections shall be held unconstitutional or invalid, the same shall not be held to affect any other section or provision of said sections.

An. Code, sec. 80. 1904, sec. 78. 1894, ch. 380, sec. 67. 1900, ch. 380. 1906, ch. 188, sec. 78.

**93.** If any person, firm or corporation shall engage or attempt to engage in the business of packing or canning oysters without first obtaining a license, as provided in section 91 he shall be deemed guilty of a misdemeanor, and shall be fined not less than two hundred and fifty dollars, nor more than one thousand dollars for each offense.

See notes to sec. 91.

An. Code, sec. 81. 1904, sec. 79. 1894, ch. 380, sec. 67A.

**94.** Every person or member of a firm, or member of a corporation engaged in the business of selling oysters on commission shall, on or before the first day of September, in each year, take out a license to engage in such business, by application to the clerk of the circuit court for the county in which the place of business of such applicant may be situated, or to the clerk of the court of common pleas, if the place of business of such applicant shall be in Baltimore city; and such applicant, at the time of issuing such license, shall pay the sum of twenty-five dollars; and all said money received for said license shall be paid over and accounted for by the said several clerks of courts to the comptroller of the State, to