

of the reports or returns required by the preceding sections; and it shall be the further duty of the comptroller to furnish all other blanks required under this article. Nothing in this article shall be construed to apply to Worcester county as to the taking or catching of oysters in the waters of said county.

Past Offenses.

An. Code, sec. 84. 1904, sec. 82. 1900, ch. 380, sec. 2.

97. Nothing in this article as repealed and re-enacted by the preceding sections shall affect offenses committed in whole or in part before their enactment, but all such offenses and all indictments therefor shall be prosecuted under pre-existing law as fully as if the same had not been so repealed and re-enacted.

Oyster Culture.

An. Code, sec. 85. 1906, ch. 711, sec. 83. 1914, ch. 265, sec. 83.

98. Any resident of Maryland shall have the right to plant and cultivate oysters in the waters of this State; such right shall be exercised in the manner prescribed in the following Sections of this sub-title, and shall be subject to the regulations, provisions and limitations hereinafter set forth, but no corporation or joint stock company shall be permitted to lease or take up, or to acquire by assignment, or otherwise, any lands of the State for oyster planting or cultivation. All natural beds or bars shall be excluded from the operation of this sub-title, and no person shall be permitted to plant or cultivate oysters thereupon, or in any way to appropriate the same to his own use. The term "natural beds or bars" wherever used in this sub-title shall hereafter be construed to mean and include all oyster beds and bars under any of the waters of this State whereon the natural growth of oysters is of such abundance that the public have successfully resorted to such beds or bars for a livelihood, whether continuously or at intervals, during any oyster season within five years prior to the time of filing of the application for a lease of the area in question, or if no application has been made for a lease of the area in question, then within five years prior to the making of the resurvey under Section 110, or the filing of a petition under section 111 of this article, provided that the actual condition of the area in question at any time within said respective periods of five years or up to the date of hearing shall be taken into consideration in determining whether or not said area is a natural bed or bar, as above defined.

Intent and policy of act of 1906, ch. 711. The act of 1914, ch. 265, is not in conflict with art. 1, sec. 10, of Federal Constitution, or art. 3, sec. 40, of Md. Constitution. A leasehold interest acquired from the state is subject to condemnation for public use. Even if act of 1914 directed ascertainment of natural beds and bars by a different standard from that required by act of 1906, the former act did not violate contractual rights of a lessee under latter act. The taking of oysters by public under license from state, from lands and waters owned by it, is a public use, although such taking is limited to citizens of county within whose territory fishery is located. A plea of *res adjudicata* in a suit under act of 1914 not sustained. *Cox v. Revelle*, 125 Md. 579. And see *Shellfish Commissioners v. Mansfield*, 125 Md. 633.

See notes to art. 72, sec. 111.