

Nothing in this Section shall be construed to permit or allow the catching or removing of oysters measuring less than three inches from hinge to mouth.¹

86. Repealed by ch. 124 of the Acts of 1927.

Packing Oysters.

An. Code, 1924, sec. 91. 1912, sec. 79. 1904, sec. 77. 1894, ch. 380, sec. 66.
1900, ch. 380. 1906, ch. 188, sec. 77. 1922, ch. 519, sec. 79.
1927, ch. 119, sec. 91.

91. It shall be unlawful for any person, firm or corporation having a fixed place of business, buying oysters and employing labor to prepare them for market to engage in the business of buying, selling, marketing, packing or canning oysters without first taking out a license to engage in such business by application to the Conservation Department of Maryland. 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; such license to be in the nature and form of a contract between the State of Maryland and the applicant and shall provide for the payment of a license fee of twenty-five dollars, and shall further provide that the licensee must turn over to the State of Maryland at least ten per cent. of the shells from the oysters shucked in his establishment for the current season, said shells to be removed on or before the twentieth day of August of said season; or at the discretion of the Conservation Department its equivalent in money, the value thereof being determined at the market value of shells as of the first day of May following the close of the season. The Conservation Department shall notify each packer or canner on or before the first day of May whether it is its intention to take the ten per centum of the shells from oysters shucked as aforesaid, or its equivalent in money. Said license shall have effect from the first day of September in the year in which it may have been obtained until the twenty-fifth day of April, inclusive, next succeeding.

Act 1927, ch. 119, is constitutional. Interest to state and of individual in oysters and fish. License fees. Discretion in conservation department. Leonard v. Earle, 155 Md. 254 (affirmed by U. S. Supreme Court in decision filed May 13, 1929).

1927, ch. 119, sec. 91A.

91A. All moneys derived from said license fee of twenty-five dollars shall be paid over to the Comptroller to be credited to the Conservation Fund, and one-half of the shells received by the Conservation Department shall be transplanted upon such natural beds or bars as may be reserved by the Conservation Commissioner as provided for elsewhere in this Article, and the other one-half of said shells shall be planted on such seed areas as

¹ Sec. 2 of ch. 122 of the acts of 1927 repealed all laws inconsistent therewith to extent of inconsistency.