

An. Code, 1924, sec. 94. 1912, sec. 81. 1904, sec. 79. 1894, ch. 380, sec. 67A.

89. 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 be placed to the credit of the oyster fund, as provided by section 34, and if any person, member of a firm or member of a corporation shall engage or attempt to engage in the business of selling oysters on commission without first obtaining a license, as provided in this section, he shall be deemed guilty of a misdemeanor and shall be fined not less than one hundred dollars nor more than one thousand dollars for each offense.

A traverser held to have been selling oysters on commission, and hence his conviction under this section was upheld. Admissibility of evidence. *Bramble v. State*, 88 Md. 686.

This section referred to in construing secs. 34 and 35. *Smith v. School Commissioners*, 81 Md. 517.

Shucking Oysters.

An. Code, 1924, sec. 95. 1912, sec. 82. 1904, sec. 80. 1898, ch. 260, sec. 67B.

90. All shucked oysters opened at any oyster house in this State or any other place where oysters are opened or sold as a business or delivered to proprietors of any such oyster house or other place shall be shucked by the gallon and not by the can or vessel of any other name and designation, and it shall not be lawful for the proprietor of any such place to contract with any person to shuck or open oysters at any such house or for the proprietors thereof for the purpose of shipping the same to the customers of said proprietors otherwise than by the gallon. The said oyster house or the proprietors thereof may, in consideration of the quantity of water contained in shucked oysters, use a cup, which is hereby declared and determined to be an oyster gallon cup, which shall contain nine pints and no more, and no other than this standard measure or said oyster gallon cup shall be used in said houses or by the proprietors thereof in measuring any oysters received by them from the shuckers. Said oyster gallon cup shall be inspected and stamped by the same officer in the city of Baltimore or in any of the counties of the State, as is now required by law to inspect and stamp measures, and the person neglecting so to have the same stamped and inspected shall be subject to the same fines and penalties as are now or may hereafter be prescribed by law for neglecting to have inspected and stamped the said gallon measure, and any person using any other measure than the one above prescribed in any such oyster house or similar place in this State or any proprietor of any such house using any other than the above prescribed measures to measure any oysters received by him from shuckers shall be guilty of a misdemeanor and on conviction thereof before any justice of the peace in said city or county shall be fined not less than ten nor more than one hundred dollars, in the discretion of the justice of the peace trying the same, and shall stand com-