

rocks or reefs, being delineated on charts in the office of the Department of Tidewater Fisheries.

A natural oyster bar shall also 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 resorted to such beds or bars for a livelihood, whether continuously or at intervals, during any oyster season within five years prior to the filing of any application for a lease of the area in question, or within five years prior to the making of a resurvey under Section 12, provided that the actual condition of the area in question at any time within said respective five-year periods shall be taken into consideration in determining whether or not said area is a natural oyster bar.

3. (b) Licenses. No person shall take or catch oysters or clams for market in the waters of this State who has not been duly licensed as provided in this Article.

(d) Time for Taking or Landing Oysters. It shall be unlawful for any person to take oysters on Sunday or between sunset and sunrise on any other day, or to land oysters earlier than one hour before sunrise or later than one hour after sunset.

(f) Oysters and Clams in Polluted Areas. It shall be unlawful for any person to take or catch oysters or clams on any area closed by the State Board of Health because of pollution, except that oysters may be transplanted from such polluted areas during the closed season in accordance with the provisions of Sub-sections 11 (g) and 12 (w) of this Article.

4. (b) Possession and Transportation of Unculled Oysters. It shall be unlawful for any person to have oysters in his possession which contain more than five percent. (5%) of shells and oysters less than three inches from hinge to mouth (whether adhering to marketable oysters or not), which for the purpose of this Article are declared to be unmerchantable oysters. In ascertaining such percentage the officers or employees of the Department of Tidewater Fisheries are hereby authorized and directed to select such amount of oysters from any pile, hold, bin, house or place as they think proper and to require the same to be culled and disposed of, as provided in Sub-section (a) of this section; and any person violating any of the provisions of this section shall be subject to the penalties and fines as provided in Section 16 of this Article, in precisely the same manner as if he were a captain or master of a boat; and it shall be unlawful for any person