

dent of the state for the time before mentioned; that there is no lien on said boat held by a non-resident; that the said boat is not held with an intention to violate the provisions of this law; such applicant shall produce before the comptroller at the time of such application the certificate of the taking of such oath, the custom-house enrollment, or license of such boat; and if such boat is under custom-house tonnage the owner shall swear as to her tonnage; the master of such boat shall make oath before the comptroller or his clerk, or if a resident of Baltimore city before the clerk of the court of common pleas or the clerk of the circuit court for the county wherein he may reside, that he has been a resident of the State of Maryland for twelve months next preceding the time of taking such oath.

No lien.

Master make oath.

SEC. 6. *And be it enacted*, That before granting such license the comptroller shall receive for it from the applicant at the rate of three dollars per ton for every ton the boat may measure; the license shall be exhibited whenever called for by any officer of the State of Maryland; provided, however, that it is intended by this act to be, and it is hereby enacted, that if any person shall employ such boat in carrying, bringing and selling oysters as aforesaid, without being engaged in the catching or taking thereof, such person shall pay the license required by this section, and be subject generally to the provisions and qualifications of this and preceding sections; and it is further understood and provided that if any person shall be engaged with such boat in both catching and taking, and in carrying, buying and selling, such person shall be required to pay only one license.

Cost of license.

Proviso.

Proviso.

SEC. 7. *And be it enacted*, That any master or person in charge of any vessel who shall violate any of the provisions of the preceding sections by taking oysters unlawfully, shall be deemed guilty of a felony, and upon indictment and conviction in any circuit court in this state before whom such case is tried, shall be sentenced to the penitentiary for a term not less than one year nor more than three years, and the boat or vessel used in such violation, together with the papers, furniture and tackle on board of said boat or vessel at the time of the said violation, shall be forfeited, but shall be released upon the payment of not less than one hundred dollars nor more than five hun-

Guilty of felony

Penalty