

CHAPTER 125.

AN ACT to repeal and re-enact with amendments Sections 8 and 9 of Article 72 of the Code of Public General Laws of Maryland, title "Oysters," changing the minimum size of marketable oysters.

SECTION 1. *Be it enacted by the General Assembly of Maryland,* That Section 8 and 9 of Article 72 of the Code of Public General Laws of Maryland, title "Oysters," be and are hereby repealed and re-enacted with amendments, to read as follows:

8. All oysters taken from any of the waters of this State, either with scoops, dredges or any similar instruments, or tongs or rakes, shall be culled upon their natural bed or bar whence taken, and all shells shall be returned to the bed or bar from which they were taken, and all oysters whose shells measure less than three inches in length, measuring from hinge to mouth, whether attached to a marketable oyster or not, shall be included in said culling and replaced upon said bed or bar as taken; and when oysters measuring less than three inches are adhering so closely to the shell of a marketable oyster as to render removal impossible without destroying the small oysters, then such oysters, including the marketable oyster or oysters shall be returned to the bed or bar from which they were taken; and the culling of oysters taken as aforesaid required by this section shall be actually made and completed before such oysters are thrown or deposited in the hold or bottom of any such canoe or boat or vessel aforesaid.

9. Any person who shall have oysters in his possession which contain more than five per cent. 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, shall be guilty of a misdemeanor, and in ascertaining such percentage the officers of the oyster police force and the measurers and inspectors are hereby authorized and directed to select such amount of oysters from any pile, hold, bin, house or other place as he may think proper and to require the same to be culled and disposed of, as provided in Section 11 of this article; and any person violating any of the provisions of this section shall be subject to the penalties and fines as provided in section 11 of this article, in precisely the same manner as if he were a captain of a boat.