

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 boat.

(b) *Possession and Transportation of Oysters.* It shall be unlawful for any person to have oysters in his possession which contain more than five percent (5%) of shells, or any oyster 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 unmerchutable 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 Sec. 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 to transport, or attempt to transport, outside of this State, for any purpose whatsoever, unmerchutable oysters as declared herein, whether the unmerchutable oysters be taken from or caught on the natural beds or bars of this State, or from private beds and lots in this State.

(c) *Extent of Cull Law.* All the provisions of this Article relating to the inspection and culling of oysters and the imposition of penalties for the violation of the cull law shall apply to oysters in the shell found anywhere within the State, whether afloat or ashore, and whether said oysters have been caught within the waters of this State or shipped or brought into Maryland from other states.

5. TONGING.

(a) *Tonging License for Men.* Any male person between the age of fourteen and sixty-five who shall engage in the taking or catching of oysters by tongs or patent tongs from any natural oyster bar of this State or who shall be employed on any tong boat shall first obtain a license as prescribed herein, provided, however, that no such person shall be deemed to be in default under the provisions of this sub-section until the lapse