

are strictly true; that he has been a *bona fide* resident of the county for twelve months next preceding his application for said license; that he desires and intends to use said license in the county in which he resides or the waters used in common, as provided in this article and that he will comply with and obey all laws of this State regulating the taking or catching of oysters.

An. Code, 1924, sec. 4. 1912, sec. 4. 1904, sec. 4. 1894, ch. 380, sec. 4.

4. The comptroller of the treasury shall cause to be printed and delivered to the clerks of the circuit courts for the several counties the requisite number of such blank licenses and take receipts for the same as for other licenses furnished; and said clerks shall, on the first Monday of March and December of each year, return to the comptroller a list and account of such licenses issued by them, and at the end of each tonging season shall return all unused licenses to him and shall pay over to the comptroller one-third of the amount received by them for such licenses, which amount the said comptroller shall place to the credit of the oyster fund; and no license to take or catch oysters with rakes or tongs shall be used on any boat or vessel which is licensed to take or catch oysters with scoop, drag, dredge or any similar instrument during the season for which such boat or vessel is licensed; and all licenses shall expire at the end of the season.

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

As to the oyster fund, see sec. 34.

An. Code, 1924, sec. 5. 1912, sec. 5. 1904, sec. 5. 1894, ch. 380, sec. 5. 1924, ch. 564. 1927, ch. 127, sec. 5. 1936 (Sp. Sess.), ch. 100, sec. 5.

5. If any person shall take oysters with rakes or tongs, for sale, without first having obtained a license as required by the preceding sections of this Article, he shall upon conviction thereof before a Justice of the Peace for the county wherein the offense has been committed be fined not less than Twenty nor more than One Hundred dollars and stand committed to the county jail till all costs and fines are paid. Provided, however, that no person shall be deemed to be in default under the provisions of this Section until the lapse of thirty days from the date on which he shall be required to obtain such license. It shall be unlawful for any person taking oysters with rakes or tongs, for sale or otherwise, to use or have in his possession on any motor boat, any scrape, dredge or other device, and the possession of any such scrape, dredge or other device on any motor boat which may be used in the taking and catching of oysters, shall, and is hereby declared to be a misdemeanor, and the party upon conviction thereof before a Justice of the Peace for the county wherein the offense or violation occurred, or has been committed, shall be fined not less than the sum of Two Hundred dollars nor more than Five Hundred dollars, or shall be sentenced to confinement in the House of Correction for a term of not less than six months; and in any such case the boat or vessel used by him shall be forfeited, and may be condemned, in the discretion of the judge or justice of the peace, in the manner provided in Section 32. All persons taking or catching oysters under the provisions of this Article shall exhibit their authority for so doing when required by any oyster police force, or other officers of the State.