

ing house, a certificate showing the number of bushels of such unmerchantable oysters and the said captain or other person shall return said unmerchantable oysters so culled out to the natural beds or bars under the supervision of the officer. The cost of reculling and expenses incident to same shall be borne by the violator.

This section referred to as indicating that sec. 9 applies only to oysters taken from the waters of this state. *Tyler v. State*, 93 Md. 310.

See sec. 19 and notes to secs. 8 and 9.

[11. Any person, firm or corporation engaged in catching oysters with rakes or tongs, or selling oysters so caught, in violation of any provision of Sections 8 and 9 of this Article shall be deemed guilty of a misdemeanor, and upon conviction before any justice of the peace or court of competent jurisdiction shall be fined the sum of not less than ten dollars (\$10) nor more than fifty dollars (\$50) and any person, firm or corporation engaged in catching oysters by means of dredges, or selling oysters so caught, or buying or packing oysters in violation of any provision of Sections 8 and 9 of this Article, shall be deemed guilty of a misdemeanor and, upon conviction before any justice of the peace or court of competent jurisdiction, shall be fined the sum of not less than Fifty Dollars (\$50.00) nor more than One Hundred Dollars or confined in jail not less than 30 days nor more than six months, either or both, and in addition to such fine or imprisonment said cargo shall be confiscated and returned to natural beds or bar under the supervision of the oyster inspector or other officer making the arrest, and at the expense of the violator, which expense shall be in addition to the fine imposed and collectible in the same manner, and the boat or vessel shall be held as security for the payment of said fine. If the violator has taken oysters only with tongs he shall be fined as above, and the boat in which said oysters are found shall be held as security for the payment of said fine. In addition to the above penalties the justice of the peace or judge may, in a case where the violator has been previously convicted of violating the provisions of this sub-title, suspend or revoke the license under which said violator may be operating for the purpose of catching, shucking, packing or canning oysters. In case there is an appeal or waiver of trial before justice of the peace, in order to provide for the disposition of any oysters that have been declared unmerchantable, the cargo of oysters shall remain in the possession or custody of the Inspector or other officer making the arrest until the captain of the boat or vessel or the packer shall have reculled the oysters in question; and the officer under whose supervision the reculling is done, after ascertaining the quantity of unmerchantable oysters and shells so culled out, shall give the captain or other person in charge of said vessel or packing house, a certificate showing the number of bushels of such unmerchantable oysters and the said captain or other person shall return said unmerchantable oysters so culled out of <sup>1</sup> the natural beds or bars under the supervision of the officer. The cost of reculling and expenses incident to same shall be borne by the violator.]<sup>2</sup>

An. Code, 1924, sec. 12. 1922, ch. 519, sec. 11A.

**12.** All the provisions of this Article relating to the inspection and culling of oysters and the imposition of penalties for the violation of the

<sup>1</sup> The word "to" evidently intended.

<sup>2</sup> This section, as proposed to be amended by Ch. 353, 1939, but as said Act is to be voted upon at the November election, 1940, this section will not become effective unless approved by a majority of the voters voting thereon. If said Act is approved, this section will become effective Dec. 5, 1940.