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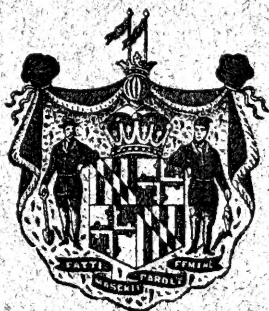
FISH AND OYSTER LAW

OF THE

STATE OF MARYLAND

INCLUDING

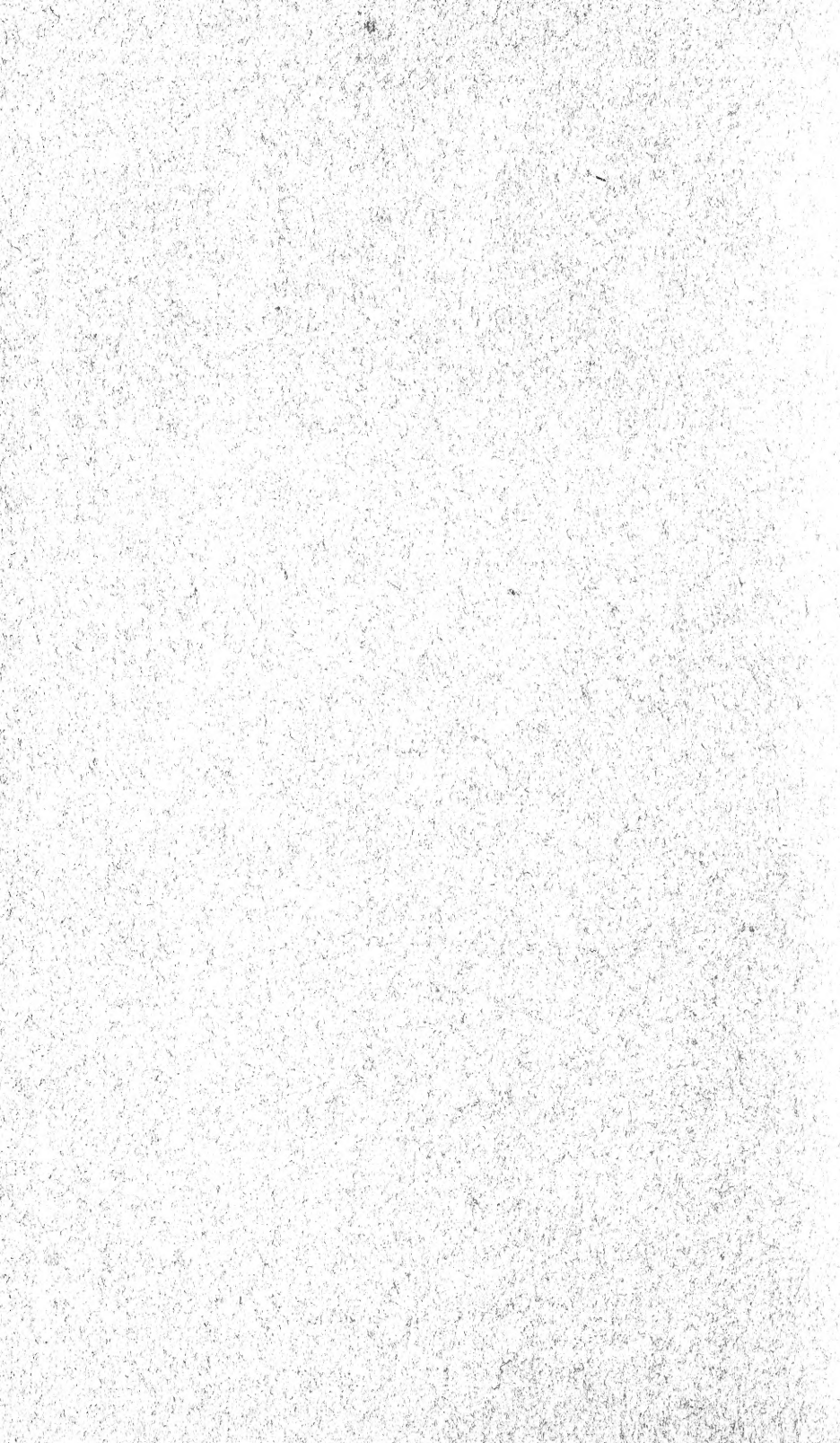
OYSTER PLANTING LAW AND
SHELL FISH COMMISSION



COMPILED FROM BAGBY'S CODE, 1910, WITH THE ACTS
OF ASSEMBLY, 1912, ARTICLES 39 AND 72,
CODE OF PUBLIC GENERAL LAWS

By V. CALVIN TRICE, Esq.
STATE'S ATTORNEY FOR DORCHESTER COUNTY

FEBRUARY 1913



FISH AND OYSTER LAW

OF THE

STATE OF MARYLAND

" Laws, Statutes, etc. "



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COMPILED FROM BAGBY'S CODE, 1910, WITH THE ACTS
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ARTICLE 72===CODE

PUBLIC GENERAL LAWS

OYSTERS

TONGING.

Tonging License ; Limit of Such License ; Provisions.

1904, Art. 72, Sec. 1. 1894, Ch. 380, Sec. 1.
1900, Ch. 380. 1910, Ch. 413.

1. Any resident of this State desiring to catch oysters with rakes or tongs for sale in any of the waters of this State shall first obtain by application to the clerk of the circuit court for the county wherein he may reside a separate license for every person to be employed on such boat, and such license shall have effect from the first day of September, in the year which it may have been obtained, to the twenty-fifth day of April, inclusive, next succeeding; provided, that such license shall not authorize the taking or catching of oysters in any creek, cove, river, inlet, bay or sound within the limit of any county other than that wherein the license shall have been granted; and that the boundaries of the counties or navigable waters shall be strictly construed so as not to permit the residents of either county to take or catch oysters beyond the middle of the dividing channel; provided, that nothing in this section shall be so construed as to prevent the citizens of Queen Anne's and Kent counties from using the waters of Chester river in common, or the citizens of Dorchester and Wicomico counties from using the waters of

Nanticoke river in common, or the citizens of Queen Anne's and Talbot counties from using the waters of the Wye river and the mouth thereof in common, or the citizens of Dorchester and Talbot counties from using the waters of the Choptank river in common; provided, however, that the county commissioners shall be authorized to give special permission to any woman who has no visible means of support to take and catch oysters without license.

What Such License Shall State; Disposition of License Fees

1904, Art. 72, Sec. 2. 1894, Ch. 380, Sec. 2. 1890, Ch. 380.

1910, Ch. 413, Sec. 2.

2. Each and every license issued in conformity to the provisions of section 1 of this article shall state the name, color, age and residence of the person to whom the license is to be granted, the number thereof and the county in which the same is to be used; and every applicant for such license shall pay to the clerk of the circuit court when such license may be granted, and before the issuing and delivery of the same, three and one-half dollars, the clerk to receive twenty-five cents for each and every such license as a fee for issuing the same, including administering the oath when required. Two-thirds of the amount received for such license shall be paid by the clerk to the school commissioners for the use of the public schools in the respective counties where such licenses are issued, and of this amount the portion received from white tongers to go to the white schools, and the portion received from the colored tongers to go to the colored schools, and the remaining one-third to be paid over by the clerk to the Comptroller of the State Treasury, to be credited to the oyster fund. And one-third of the amount received from any tonging license in any county in this State shall be paid by the clerk of the circuit court of the county when received, to the Comptroller of the Treasury, to be credited to the oyster fund, any provision of any public local law or public general law to the contrary notwithstanding.

Applicants for License Shall Make Oath; What Oath Shall Set Forth.

Ibid., Sec. 3. 1894, Ch 380, Sec. 3.

3. Every applicant for license as aforesaid shall be required to make oath or affirmation before the clerk authorized to issue the same, or some justice of the peace, on whose certificate of the taking of such oath or affirmation the clerk shall issue said license; that the facts set forth therein 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.

Comptroller to Furnish Blank Licenses; Clerk to Account For Licenses Issued and Return Unused Licenses; Fees to be Placed to Credit of Oyster Fund; When Licenses Shall Expire.

1904, Art. 72, 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.

Catching Oysters Without License ; Penalty.

Ibid., Sec. 5. 1894, Ch. 380, 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 ; 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 25. All persons taking or catching oysters under the provisions of this article shall exhibit their authority for so doing when required by any officer of the oyster police force, or other officers of the State.

Provisions for Queen Anne's, Kent, Anne Arundel, Dorchester and Talbot Counties ; Saving as to Past Offenses.

Ibid., Sec. 6. 1894, Ch. 380, Sec. 6. 1898, Ch. 117. 1900, Ch. 99.

6. It shall be unlawful for any person or persons who have obtained a license to take or catch oysters with rakes or tongs to take or catch oysters in the waters of Queen Anne's, Kent, Talbot, Anne Arundel and Dorchester counties, or within one and a half miles of Sandy Point, Hackett's Point, Tolley's Point, Thomas' Point, Holland's Island bar and Three Sisters and Holland's Point bar with any implement or device other than ordinary rakes and tongs with wooden shafts, to be used entirely by hand, and without any ropes or hoisting gear whatever. Any person or persons violating any one of the provisions of this section shall be liable to the penalties prescribed in the preceding section for

taking oysters with rakes or tongs without license; and the waters within one and a half miles of Sandy Point, Hackett's Point, Tolley's Point, Thomas' Point, Holland's Island bar and Three Sisters and Holland's Point bar shall be held and considered to be within the limits of Anne Arundel county for the purpose of this section and article; provided, that the provisions of this section shall not apply to Swan Point bar, Rock Hall creek and Swan creek and all waters north of Swan Point bar. Nothing in this section to affect offenses committed in whole or in part before March 20, 1900, nor pending prosecutions for past offenses.

Provision for the Patuxent North of a Certain Line.

1910, Ch. 733. Page 210.

7. It shall be unlawful for any person or persons who have obtained a license to take or catch oysters in the waters of the Patuxent river above or north of a line drawn from the north side of Kourkles creek in St. Mary's county to the southeast side of the mouth of Hungerford creek in Calvert county, with any implement or device other than ordinary rakes and tongs with wooden shafts, to be used entirely by hand, and without any ropes or hoisting gear whatever. Any person or persons violating any one of the provisions of this section shall be liable to the penalties prescribed in section 5 for taking oysters with rakes and tongs without license; nothing in this section affect offenses committed in whole or in part before March 20, 1910, nor pending prosecution for past offenses.

CULLING.

Provision in Regard to Culling Oysters. Shells.

1904, Art. 72, Sec. 7. 1894, Ch. 380, Sec. 7. 1906, Ch. 439.

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 two and one-half inches in length, measuring from hinge to mouth, shall be included in said culling and replaced upon said bed or bar as 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.

Unmerchantable Oysters Not to be Taken Out of State; Penalty.

1904, Art. 72, Sec. 8. 1894, Ch. 380, Sec. 8. 1900, Ch. 380.

9. Any person who shall have oysters in his possession which contain more than five per cent. of shells, and oysters less than two and one-half inches from hinge to mouth, 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 provided in section 11 of this article, in precisely the same manner as if he were a captain of a boat.

Possessing Unculled Oysters; Penalty.

1906, Ch. 439, Sec. 8A.

10. It shall be unlawful for any person to transport, or attempt to transport, outside of this State, for any purpose whatsoever, unmerchantable oysters, as declared in the preceding section of this article, whether the unmerchantable oysters be taken from or caught on the natural bars or beds of this State, or from private beds and lots in this

State; and any violation of the provisions of this section shall be deemed a misdemeanor, and the captain or person in charge of any boat or vessel used in violation of the same shall, upon conviction of violating the provisions of this section before any justice of the peace or court of competent jurisdiction, be sentenced to the House of Correction for a period of not less than three months nor more than six months, and the boat and vessel so used shall be forfeited, but shall be released upon the payment of a fine not less than \$100 and not more than \$300, and the cargo of such vessel shall be confiscated to the State and shall be distributed under the supervision of the commander or some deputy commander, or general oyster inspector of the State Fishery Force, upon the natural rocks and bars.

Unlawful to Purchase Cargo Unless Measurer or Inspector be Present; Unmerchantable Oysters to be Returned to Place Whence Taken and Scattered.

Ibid., sec. 10. 1894, ch. 380, sec. 9. 1900, ch 380.

11. It shall be unlawful for any packer, commission man or other person to purchase or receive any cargo, or any part of a cargo, of oysters unless a general inspector, measurer or special inspector shall be present, and said inspector or measurer shall cause to be culled any portion or all of the cargo necessary to determine the percentage of culls in said cargo, and if the said percentage shall be more than five per cent. of unmerchantable oysters of the portion of cargo so measured, then the said cargo shall be deemed to be unculted, and the captain, master or person in charge of such oysters shall be required to cull the whole cargo, and, in case said cargo contains more than five per cent. of unmerchantable oysters, be fined the sum of twenty-five dollars, and in addition to that the sum of six cents per bushel for the entire cargo, including all shells and oysters, large and small, in his or their possession or charge, and also a further fine of one additional cent per bushel

on the entire cargo for each additional one per cent. of unmerchantable oysters which said cargo may be found to contain; and the inspector or measurer, after ascertaining the quantity of unmerchantable oysters so culled out, shall give the captain or other person in charge of said vessel a certificate showing the number of bushels of such unmerchantable oysters, and said captain or other person in charge shall return the said unmerchantable oysters so culled out and scatter them on the ground or rocks whence taken, under the direction of the deputy commander of the oyster police boat on the beat; and upon such delivery and scattering, the deputy commander or other person in charge of the oyster police boat shall endorse the said certificate as to the number of unmerchantable oysters so scattered, which certificate shall entitle the captain, his assignee, or any other person entitled thereto to receive the sum of ten cents per bushel for each bushel of unmerchantable oysters so disposed of and scattered; and the Comptroller of the Treasury shall, upon presentation of such certificate so endorsed, draw his warrant on the oyster fund in favor of the party entitled to the same for the amount therein specified. The fine of twenty-five dollars and the per bushel rate fine herein mentioned to be recovered on conviction before a justice of the peace or a court of competent jurisdiction, and in the event that the party who has thus violated the provisions of this article be supposed to be financially irresponsible, the officer preferring the charge shall demand of the purchaser of the cargo to withhold and pay over to the proper authority such amount, and if said purchaser shall refuse or fail to do so, the amount shall be recovered from him by writ of fieri facias on the judgment obtained against the party who has so violated the law. The certificate herein provided for shall be in form following, and the blank spaces shall be filled out in ink, and numbers shall be written in full:

Baltimore, _____, 19__

This is to certify that captain _____, of schooner _____, has on board _____ bushels of un-merchutable oysters, to be scattered on the grounds whence taken, under the supervision of _____, deputy commander, serving in the waters of _____, and upon the endorsement by said deputy commander or officer in charge of his boat, the said _____, or order, is entitled to receive the sum of _____ dollars.

(Signed) _____
Inspector and Measurer.

For _____

Endorsed : _____

Bushels dumped and scattered _____

(Signed) _____
Deputy Commander State Fishery Force.

**Vessels to be Kept at Wharf Until the Cargo is Inspected;
Form of Certificate to be Given by Inspector;
Penalty for Violating this Provision.**

1904, Art. 72, Sec. 11. 1894, Ch. 380, Sec. 10.

12. It shall be the duty of the captain or other person in charge of any vessel from which oysters are being taken, as provided in section 11 of this article, to keep said vessel at the wharf or other place of delivery until the inspector of oysters shall have inspected the oysters dumped on deck, as provided for in the preceding section, and give a certificate in form following :

Baltimore, _____, 19__

This is to certify that I have this day inspected the oysters contained in the vessel _____, captain _____, delivered to _____, and found said cargo to contain _____ per cent. of marketable oysters.

(Signed) _____
Inspector of Oysters.

And any violation of this section by any captain or other person in charge of any vessel shall be a misdemeanor, and he shall be fined the sum of one hundred dollars for every such offense.

Evading in any Manner the Provisions of this Article; Penalty.

Ibid., Sec. 12. 1894, Ch. 380, Sec. 11. 1900, Ch. 380.

13. Any packer, commission man, boatman or other person who shall conspire or agree with any other person to evade any of the provisions of this article, or shall connive at or participate in such violation, shall be guilty of a misdemeanor. It shall be unlawful for any captain or other person in charge of a vessel to discharge his oysters, or for any packing house or any other person to receive oysters between the hours of 8 o'clock P. M. and 6 o'clock A. M. Any violation of this section shall be a misdemeanor punishable by a fine of not less than one hundred dollars and not more than five hundred dollars for each offense on conviction before a court of competent jurisdiction; one-half of said fine to go to the informer and the other one-half to the Comptroller to be placed to the credit of the oyster fund, unless the informer be an officer of the State Fishery Force. And the general inspectors and measurers or special inspectors shall be on duty continuously during the working or delivery hours, viz : from 6 A. M. to 8 P. M.

Measurers and Inspectors to Enforce this Article.

1904, Art. 72, Sec. 13. 1894, Ch. 380, Sec. 12.

14. It shall be the duty of general measurers and inspectors of oysters and other officers of the police force to supervise the operation of this article and diligently to aid in the enforcement of its provisions, and they and any of them are authorized and empowered to enter into any house or boat, or any other place where oysters may be dumped or stored, to inspect the same at any time; and any packer, commission man or boatman who shall refuse to open his house or boat where oysters

may be dumped or stored for the inspection thereof by the officer whose duty it shall be to inspect the same, and any person who shall conspire or agree with any other person to evade any of the provisions of this article, or who shall connive at or participate in such violation, shall be deemed guilty of a misdemeanor and subject to the penalties prescribed in section 13 of this article.

Refusing to Allow Inspection; Penalty.

Ibid., Sec. 14. 1894, Ch. 380, Sec. 13.

15. Any general measurer or inspector of oysters in this State who shall knowingly permit any evasion or violation of this article to take place without causing the arrest of the offender shall be guilty of a misdemeanor and, upon conviction of the same, shall be dismissed from the service and be fined not less than fifty dollars nor more than three hundred dollars, in the discretion of the court or justice of the peace.

TIME FOR TAKING OYSTERS.

Time Within Which it Shall be Lawful to Catch Oysters; Penalty.

Ibid., Sec. 15. 1894, Ch. 380, Sec. 14. 1900, Ch. 380.

16. It shall be unlawful for any person or persons to take or catch oysters, or have oysters in his or their possession, between the twenty-fifth day of April and the first day of September in each and every year; provided, that oysters caught before the twenty-fifth day of April may be disposed of at any time before the thirtieth day of April; nor shall it be construed to prevent any person from taking oysters at any time from his private beds within the State for private use or transplanting or cultivating but not for sale. Persons violating the provisions of this section shall be deemed guilty of a misdemeanor.

Penalty for Violating Sections 8 and 16.

Ibid., Sec. 16. 1894, Ch. 380, Sec. 15.

17. Any person who shall violate any provision of sections 8 and 16 of this article shall be deemed guilty of a misdemeanor, and upon conviction thereof before any court of competent jurisdiction shall be fined not less than fifty dollars nor more than three hundred dollars, in the discretion of the court or justice of the peace by which such person shall be tried, or be imprisoned in the county or city jail or in the House of Correction for not less than one month nor more than twelve months, in the discretion of such judge or justice of the peace; provided, however, that any owner, master or person in charge of a canoe or boat used in taking or catching oysters with rakes or tongs who shall be convicted of having in his possession on said canoe or boat oysters containing more than five per cent. of unmerchantable oysters, as provided in section 9, shall be required to cull his cargo and dispose of the culls as required in section 11 of this article, and shall be fined a sum not less than ten dollars nor more than fifty dollars, in the discretion of the judge or justice of the peace before whom such person shall be tried; one-half of every fine imposed for any violation of this section shall be paid to the informer, unless he be an officer of the State Fishery Force.

Catching Oysters on Sunday or at Night, Unlawful; Penalty.

1904, Art. 72, Sec. 17. 1894 Ch. 380, Sec. 16.

18. It shall be unlawful for any person to take or catch oysters on Sunday or at night; and any person violating this section shall, on conviction thereof, be fined a sum of not less than fifty dollars nor more than three hundred dollars, or sentenced to the House of Correction for a period of not less than three months nor more than one year, or forfeit the boat, vessel or canoe used in violation of this section, in the discretion of the judge or justice of the peace trying the case.

Disposition of Fines Under the Provisions of This Article.

Ibid., Sec. 18. 1894, Ch. 380, Sec. 17. 1910, Ch 413, Sec. 18.

19. The fines accruing under any of the provisions of this article shall be paid by the sheriff, constable or officers of the State Fishery Force collecting the same within ten days to the Comptroller of the State Treasury, or to the clerk of the circuit court for the particular county where such fine may accrue, or to the clerk of the criminal court of Baltimore, if such fine shall accrue in said city; and it shall be the duty of the State's attorney for the several counties and for the city of Baltimore to keep an account of said fine imposed and to make a monthly report thereof to the clerk of the circuit court for their respective counties, or to said clerk of the criminal court, as the case may be, and to see that said fines are duly collected and paid over, as aforesaid, and the surplus, after paying all costs for prosecution in such cases, shall be paid to the State Comptroller for the use of the oyster fund, with a statement of the fines imposed and costs of the same. The justice of the peace or clerk of the court which imposes said fine in any and every case shall, in writing, inform the Comptroller of the Treasury of the fine, upon whom laid, and the amount of said fine, with date of same. Any one who shall violate any provisions of this section shall be deemed guilty of a misdemeanor, and, upon conviction thereof before any judge or justice of the peace in this State, shall be fined not less than twenty-five dollars, nor more than three hundred dollars, in the discretion of the court or justice of the peace before whom such person shall be tried, or be imprisoned in the county jail for not less than one month, nor more than six months. And no part of a fine or cost so collected shall be paid or allowed by the court to any State's attorney as a fee where said State's attorney receives a fixed salary for his services.

DREDGING.

Using Steamer or Power Boat in Catching Oysters
Unlawful; Penalty; License.

1904, Art. 72, Sec. 19. 1894, Ch. 380, Sec. 18. 1910, Ch. 413, Sec. 19.

20. No steamer or power boat of any kind shall be used or employed in catching or taking oysters in the waters of the State with scoop, dredge or similar instrument; and the captain of any boat licensed to take or catch oysters with scoop, dredge or similar instrument, who shall have on his boat, so licensed, any engine or motor of any kind, whether attached to said boat or not, which is adapted to or can be used in the propulsion of said boat, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than fifty dollars nor more than three hundred dollars; and no other boat shall be used in catching oysters with scoop, dredge or similar instrument without first having been licensed, as hereinafter provided.

Dredging License; Exempted Waters; Transfer or License
in Case of Sale of Boat; Proviso.

Ibid., Sec. 20. 1894, Ch. 380, Sec. 19. 1900, Ch. 380.

21. The Comptroller of the Treasury shall, upon application of any person who has been a resident of this State for twelve consecutive months next preceding his application, issue a license to such resident, and to no other person, to employ such boat in taking or catching oysters with scoop, dredge or similar instrument within the waters of the Chesapeake bay, Potomac river and in Eastern bay, outside of a line drawn from the southwest corner of First Kent point to north end of Poplar Island; provided, that nothing herein contained shall authorize the taking or catching of oysters with scoop, dredge or similar instrument on any oyster bar within one and one-half miles of Tolley's point, Sandy point, Hackett's point, Thomas' point, Holland's Island bar and

Three Sisters; nor within one and one-half miles of Holland's point bar, nor of Swan's point bar; nor between Poplar Island and the mainland of Talbot county, south of a line drawn from the north point of Poplar Island to Low's point on the mainland; nor north of a line drawn from the end of the south bar of Poplar Island to Pawpaw cove, on Tilghman's Island; nor within one-quarter of a mile west of Poplar Island; nor within one-half of a mile of Plum point; nor within the boundary lines of any county, unless herein otherwise specified; which license shall hold good for one season only and shall only authorize the catching of oysters between the first day of November and the fifteenth day of March, on which day the dredging season shall end; provided, however, that in the waters of the Potomac river the beginning of the dredging season shall be on the fifteenth day of October; but it shall be lawful for the owner of any such licensed boat whenever said owner shall sell and convey by bill of sale for a bona fide consideration such boat to any person who has been a resident of the State of Maryland for at least one year to transfer said license to said purchaser with said boat, which license, when transferred, shall entitle said purchaser to the same privileges of catching and taking oysters with said boat in the waters of this State that the original owner had before such assignment; provided, said seller and buyer appear before the Comptroller of the Treasury and make oath before him to all facts, matters and things required of said original owner of such boat before taking out such license, upon which said license said Comptroller shall certify in writing that the said purchaser has taken said oath, for which said certificate the said purchaser shall pay to the Comptroller the sum of five dollars for the use of the oyster fund. The provisions of this section in relation to the time of taking oysters, the time of expiration of license, and the transfer of ownership, shall apply to all vessels licensed by any county in this State to take and catch oysters with dredge, scrape or scoop.

Dredging on Unlicensed Vessels Unlawful; Scoop or Dredge on Board Such Vessel Shall be Prima Facie Evidence.

1904, Art. 72, Sec. 21. 1894, Ch. 380, Sec. 20.

22. It shall not be lawful for the owner or master or any person on board of a vessel in this State to affix any crank, spool, winder or other machinery or equipment for operating or handling scoops or dredges, or to have on board any vessel a scoop, scrape or dredge, with intent to affix the same to said vessel for use in taking or catching oysters, without having first obtained a license to take or catch oysters with a scoop or dredge as aforesaid; and the fact of having such scoop, dredge or scrape on board of any vessel shall be prima facie evidence of an intent to use the same contrary to this section.

Oath of Owner of Boat; Penalty for Violating This Provision.

Ibid., Sec. 22. 1894, Ch. 380, Sec. 21. 1896, Ch. 418.

23. The owner of such boat shall make oath before the Comptroller or his clerk, or if the owner be a resident of Baltimore city he may make oath before the clerk of the Court of Common Pleas, or if a resident of county he may make oath before the clerk of the circuit court for said county, at the same time exhibiting his custom-house license to said officer before whom he makes the oath that he is the bona fide owner of such boat described in the license; that he has been a resident of the State for the time hereinbefore prescribed; that there is no lien on said boat held by a non-resident, directly or indirectly, and that the said boat is not held and shall not be knowingly used with an intention to violate or evade provisions of this article. And such applicant shall produce before the Comptroller at the time of making such application the certificate of the taking of such oath and the gross custom-house tonnage, which gross tonnage the owner shall swear to,

and shall further make oath that before the measurement of said vessel by the custom-house officers the said vessel was not dunnaged, so as to evade the just and proper measurement of tonnage of said vessel, with a view of evading a proper and just sum for the licensing of said vessel. The master of such boat shall also 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 before the clerk of the circuit court for the county wherein he may reside, that he has been a resident of the State for the twelve months next preceding the time of taking such oath. Anyone violating this section shall be deemed guilty of a misdemeanor, and upon conviction before a judge of the criminal court of Baltimore city, or a judge of the circuit court for the county, or a justice of the peace having jurisdiction, as the case may be, shall be fined a sum not less than fifty dollars nor more than three hundred dollars, or be imprisoned in the House of Correction for a period of not less than three months nor more than six months, or both, in the discretion of the judge or justice of the peace.

Cost of Boat License ; Commander of State Fishery Force to Inspect Vessel ; Proviso ; Fees.

1904, Art. 72, Sec. 23. 1894, Ch. 380, Sec. 22. 1900, Ch. 380. 1908, Ch. 104. 1910, Ch. 413, Sec. 23. 1912, Ch. 804.

24. After granting such license, the Comptroller shall receive two dollars and eighty-five cents for every gross ton the boat shall measure, and where any license issued by authority of any county, the clerk of the circuit court for the county shall receive for such license from the applicant one dollar and ninety cents per ton for every gross ton the boat may measure, except boats of less than five tons gross measurement, when the license shall be eight dollars for each of said boats, said measurements to be gross tonnage of custom-house measurement; but no allowance or deduction shall be made or allowed

by reason of dunnaging, and the captain or masters shall always have such license on board of their boats, and shall exhibit the same whenever it shall be demanded by any duly authorized officer. It shall be the duty of the Commander of the State Fishery Force, and any officer under his command, at any time that he or they shall deem it proper, to inspect and verify the measurements of any boats and their gross tonnage, and the measurement ascertained by such officer shall be conclusive and final; and any license granted shall be corrected and amended in accordance with such measurements and the appropriate license fee hereinbefore named paid in accordance with such corrected measurement, and the right granted by any license already issued shall be suspended until the full payment of such license fee is made. And one-third of any license fee received by the clerk of the circuit court for any county in this State shall be paid to the Comptroller of the State Treasury by the said clerk within ninety days after receiving the same, to be by the said Comptroller credited to the oyster fund; and all acts and all public general or public local laws inconsistent with the provisions of this section be and the same are hereby repealed.

Penalty for Violating Provisions of Sections 20 to 22 Inclusive.

1904, Art. 72, Sec. 24. 1894, Ch. 380, Sec. 23.

25. Any master or person in charge of any vessel who shall violate any of the provisions of the preceding sections, from 20 to 22 inclusive, by taking oysters unlawfully shall be deemed guilty of a misdemeanor, and, upon indictment and conviction in any circuit court in this State, or in the criminal court of Baltimore, before which such case is tried, shall be sentenced to the House of Correction for a term not less than three months nor more than one year; 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 said violation shall be forfeited, but

shall be released upon the payment of not less than one hundred dollars nor more than five hundred dollars and costs and expenses for each and every violation of the preceding sections, in the discretion of the court.

Arrest of Offenders.

Ibid., Sec. 25. 1894, Ch. 380, Sec. 24.

26. Upon information given under oath to any judge of the circuit court or justice of the peace of any violation of any of the provisions of this article, he shall issue his warrant to the sheriff or any constable requiring any of them to whom it may be directed to summon a posse comitatus, if necessary, and proceed forthwith to arrest the party or parties alleged to have been engaged in the violation of this article, and to seize and take possession of any boat, canoe or vessel, together with all her tackle and apparel on board of the same, and deliver the same to the judge of the circuit court or a justice of the peace of this State, to be dealt with according to the provisions of this article; provided, that any justice of the peace before whom any person is brought charged with a violation of any of said sections of this article, the punishment for which is imprisonment in the House of Correction, shall grant the parties charged a speedy hearing, and, if in his judgment the facts appear to warrant a conviction, he shall hold the parties charged for their appearance before the grand jury of the county for which he is appointed at the succeeding term of the circuit court.

What Firearms May be Allowed on Vessels; Penalty for Violation.

Ibid., Sec. 26. 1894, Ch. 380, Sec. 25.

27. It shall not be lawful for the owner or master, or any person on board of or having control over any boat or vessel licensed to catch or take oysters in the waters of this State with scoop, dredge or similar instrument, to have or permit to be kept on such boat or vessel any

cannon, howitzer or any piece of ordnance, or any swivel, musket, rifle or other piece or species of firearms larger than a pistol, except two-shot-guns not larger than a number ten gauge, and not to use larger than number one shot; any person who shall offend against any of the provisions of this section, or who shall resist any officer authorized under this article to make arrests while such officer is in discharge of his duties hereunder, shall be deemed guilty of a felony, and upon indictment and conviction thereof in any court having jurisdiction shall be punished by a fine of not less than fifty dollars nor more than two hundred and fifty dollars, and imprisoned in the House of Correction for a term of not more than six months, in the discretion of the court. Any person who shall discharge any species of firearms at or toward any officer authorized under this article to make arrests, whilst such officer is in discharge of his duties hereunder, or at or towards any vessel upon which such officer shall be whilst in the discharge of his duties hereunder, shall be deemed guilty of a felony, and, upon indictment and conviction thereof in any court having jurisdiction, shall be punished by a fine of not less than one hundred dollars nor more than one thousand dollars, and shall be confined in the penitentiary for not less than one year nor more than two years, in the discretion of the court.

Sheriffs and Constables to Arrest any Person Violating These Provisions and Seize Boat.

1904, Art. 72, Sec. 27. 1894, Ch. 380, Sec. 26.

28. It shall be the duty of the sheriff, constable or officers of the State Fishery Force to arrest any person, and to seize any canoe, boat or vessel found violating any of the provisions of this article and bring the offender or offenders before a judge of a court having criminal jurisdiction, or a justice of the peace most convenient or accessible, to be dealt with as herein provided.

**When Vessel Shall be Forfeited ; Sale of Vessel ; Appli-
cation of Proceeds of Sale ; Proviso ; Right
of Appeal ; Persons Having Lien
may File Petition.**

Ibid., Sec. 28. 1894, Ch. 380, Sec. 27.

29. The judge or justice of the peace before whom any person or any vessel may be brought, charged with violating any of the preceding sections of this article, shall either give the case or cases an immediate hearing, or, at the instance of the party charged, shall appoint some early day within the next ten days to hear the case, the party charged giving such good and sufficient bail as said judge or justice shall require for his appearance at the trial ; and the said vessel shall be held and safely kept at the cost of the party charged or of the said vessel, as the case may be ; and in case the master, owner or other person in charge of said vessel shall or shall not be arrested, then the vessel used in violation of the provisions of this article shall be seized, and the charge against the same shall be heard by the said judge or justice of the peace and she shall be dealt with as hereinafter provided ; and if the said master, owner or other person in charge of said vessel shall not appear, after giving bail, as hereinbefore provided, then in either case the judge or justice of the peace may proceed to hear the case and determine whether or not the said vessel has been employed in violation of any of said sections ; and any vessel so employed is hereby declared to be forfeited. And in case the said judge or justice shall find the vessel has been so unlawfully employed, then he shall declare the same to be forfeited, and shall so enter upon his docket, together with all her tackle, apparel, appurtenances, boats, sails and rigging ; and he shall authorize and direct any sheriff or deputy sheriff to sell said vessel, together with all the apparel, tackle, boats and other things belonging thereto, at public auction, to the highest bidder for cash, after giving at least twenty

days' notice of the time and place of said sale printed in some newspaper published in the county in which the case may be tried ; and the said officer shall be allowed the actual expenses of seizure, sale and keeping of said vessel and poundage fees, and the proceeds of said sale shall be first applied to the payment of all the costs, charges and expenses of the seizure, trial and sale of said vessel, and the balance of said proceeds, if any, shall be paid to the clerk of the court as herein provided, and by him to the Comptroller to the credit of the oyster fund, unless a part thereof be remitted, as provided by section 25 ; provided, that the owner or any other person having any mortgage or any other lien on the said vessel shall in all such cases have the right of appeal to the circuit court at any time within sixty days after judgment rendered, and upon the trial of said appeal the court shall have the right to amend the warrant or any of the proceedings before the justice of the peace so as to bring the case to trial upon its merits ; provided, that no new offense shall be charged. And in case such an amendment shall work a surprise to defendant he shall have further time to prepare for trial, and the rules governing amendments in cases originating in the said court shall govern such amendments so far as they are applicable, and upon bond in an amount equal to the value of said vessel being given by the person praying the appeal satisfactory to said justice the said vessel may be released pending the said appeal. Any person or persons offering to stand bail for any person or persons charged under the provisions of this article shall be sworn by the judge or justice of the peace trying the same as to his actual worth in unincumbered real estate, and if he swears falsely, upon proof of the same before any court of competent jurisdiction, shall be deemed guilty of perjury and subject to all the pains and penalties of the same ; the judge or justice, before the party is sworn, shall acquaint him or her with the pains and penalties of false swearing. Any person having a lien upon any vessel seized hereunder may file a petition, and the court, if the interests of justice will per-

mit, may allow him a portion of said proceeds, but in all such cases the court shall retain a sufficient sum to pay costs, charges, expenses and a reasonable and proper equivalent to a fine, and amendment to the forms and procedure shall be allowed, as hereinbefore provided, in all cases of appeal from the judgment of the justices of the peace.

Sale of Boats of Non-Residents; Proviso.

1904, Art. 72, Sec. 29. 1894, Ch. 380, Sec. 28.

30. Any boat, owned wholly or in part by any non-resident, used in catching oysters in this State with scoop, dredge or similar instrument, is hereby declared forfeited, and shall be condemned by order of any judge of a circuit court most accessible to the place of her capture, or if captured in Baltimore city, by order of the city court, and shall be sold by the sheriff of the county where condemned, or, if condemned in Baltimore city, by the sheriff of said city, to the highest bidder for cash after twenty days' notice of the time and place of sale; such notice to be published at least three times in a newspaper having the largest circulation printed in Baltimore city or in the county where condemned; one-fourth of the proceeds of such sale shall be paid to the party making the capture, not including the officers and crews of the State Fishery Force, who shall receive no part of said fine, and the balance shall be paid into the treasury of the State to be credited to oyster fund; provided, however, that any person claiming an interest in such vessel shall have the right to make an appeal upon giving to the State a good and sufficient bond, as required in such cases; provided, however, that when the bona fides of the owner of any vessel shall be called in question, the burden of proving such bona fides shall be upon those claiming to be such owners; and provided also, that upon taking such appeal and filing such bond the said vessel shall be released from custody.

OYSTER FUND.

What Moneys are to be Placed to the Credit of Such Fund

Ibid., Sec. 30. 1894, Ch. 380, Sec. 29.

31. All moneys received or obtained from dredging licenses issued under the provisions of the preceding sections of this article, and one-third of the moneys received from the county scraping licenses, and all fines, penalties or forfeitures imposed in pursuance thereof, shall, upon the warrant of the Comptroller, be paid into the treasury and placed to the credit of a fund which shall be called the oyster fund, and the same shall be kept separate and distinct from other funds in the treasury, and shall only be drawn upon for the purpose of maintaining sufficient and proper police regulations for the protection of fish and oysters in Maryland waters, and in the payment of the officers and men, and keeping in repair and supplying the necessary means of sailing the boats and vessels of the State Fishery Force. And the Comptroller is hereby required to state in his annual report particularly the receipts and expenditures on account of said funds and the balance standing to the credit of the State at the time of making such report.

 PAINTED NUMBERS FOR DREDGING VESSELS.

License Numbers; Application of This Section; Fees.

1904, Art. 72, Sec. 31. 1894, Ch. 380, Sec. 30. 1910, Ch. 413, Sec. 31.

32. The Comptroller shall have painted in black figures, on white canvas, one number corresponding to the license to catch oysters with scoop, scrape, dredge or other similar instruments; each figure shall be twenty-two inches in length and of proportionate width, and the figures at least six inches apart. And he shall give to each person taking out such license one number thereof, which shall be securely sewed upon the starboard side and in the middle of that part of the mainsail which

is above the close reef; this number shall be placed in an upright position and worn at all times during the dredging season, and returned at the end of the season, and shall not be concealed or defaced, and no other number shall be exposed to view or used than that which is furnished by the Comptroller. Any person who shall violate the provisions of this section shall be deemed guilty of a misdemeanor, as provided in section 17 of this article; and in any such case the boat or vessel shall be forfeited and condemned, in the discretion of the judge, in the manner as provided in section 29. The provisions of this section shall apply to all boats licensed to take oysters with scrape or scoop by any county in this State, except that the numbers for such boats shall be painted red instead of black; and the numbers shall be delivered by the Comptroller to the clerks of the courts as they may be ordered; and at the end of the season all licenses not used shall be returned by said clerks to the Comptroller; and the said clerks shall also pay to the Comptroller one-half of all moneys received by him for such licenses, which sum shall be placed to the credit of the oyster fund.

DREDGING IN EXEMPTED WATERS.

Sailing in Exempted Waters Unlawful; Officers to Arrest Offenders.

Ibid., Sec. 32. 1894, Ch. 380, Sec. 31.

33. If any boat or vessel shall be seen sailing on any of the waters of this State which are exempted from dredging by law in the same manner in which they sail to take or catch oysters with scoop, scrape, drag or dredge or similar instruments, the said boat or vessel shall be pursued by any officer authorized by this article to make arrests, and if said boat or vessel apprehended by said officer shall be found to have on board any wet oysters, or the dredges, or dredge line, or deck wet, indicating the taking of oysters at said time, and properly equipped for

taking or catching oysters with scoop, scrape, drag or dredge or similar instrument, such fact shall be prima facie evidence that the said boat or vessel has been used in violation of the provisions of this article; and it shall be the duty of the officer to arrest the person in command of said boat or vessel, together with all her equipments, and bring the same before a judge or justice of the peace of the county having jurisdiction, or, if in the Chesapeake bay, in the county most accessible or convenient, to be dealt with according to law; provided, that nothing in this article shall be construed to prohibit vessels from seeking harbor in any waters of this State. The provisions of this section shall extend to all boats licensed to take oysters with scoop or scrape by any county of this State.

STATE FISHERY FORCE.

Ammunition for Guard Boats to Carry out This Provision.

1904, Art. 72, Sec. 33. 1894, Ch. 380, Sec. 32.

34. The Board of Public Works are empowered and directed to purchase for each of the guard boats such arms and ammunition as may be necessary to make them efficient, and the officers of such boats shall be authorized to use such arms, in their discretion, for the enforcement of the provisions of this article.

Waters to be Divided Into Seven Districts; Counties Included in Each District; Guards for Each District.

Ibid., Sec. 34. 1894, Ch. 380, Sec. 33.

35. For the more efficient working of the State Fishery Force, the waters of this State shall be divided into seven districts, of which the waters of Kent and Queen Anne's shall be the first; the waters of Queen Anne's and Talbot shall be the second; the waters of Talbot and Dorchester, the third; the waters of Wicomico, the fourth; the waters

of Somerset, the fifth; the waters of Anne Arundel, the sixth; the waters of St. Mary's, Charles and Calvert, the seventh. Each of said districts shall be guarded by one sailing vessel, except the second, which shall be guarded by two; and the third, which shall be guarded by four; and the sixth and seventh, which shall be guarded by two each. And it shall be the duty of the deputy commander of the first district to guard the waters of Chester river belonging to Queen Anne's county, and the waters of Kent county, including Swan Point bar; and the duty of the first commander of the second district to guard the waters of Eastern bay and its tributaries; and the duty of the second commander of the second district to guard the tonging reservation of Poplar Island narrows and the waters of Talbot county as far down as Black Walnut Point; and it shall be the duty of one of the deputy commanders of the third district to guard the waters of Choptank river and its tributaries as far as Cambridge; and the duty of the second to guard the waters of Little Choptank river, in Dorchester county; and the third to guard the waters of Fishing bay, Honga river, Tar bay, Hooper's straits, Holland's straits and waters of Dorchester county up to the line dividing Dorchester county from the counties of Wicomico and Somerset; and the fourth to guard the waters of the Great Choptank river from Cambridge up as far as oysters grow, and the remaining commanders to guard their respective districts; provided, that the Board of Public Works or the Commander of the Fishery Force are hereby authorized and empowered to order the deputy commander to do duty in any of the waters in the State when, in the judgment of either, the same may be necessary.

**Board of Public Works to Appoint Commander and
Deputies of Fishery Force; Term of Office;
Penalty for Failure to Discharge Duty;
Who May not be Eligible for
Said Office.**

1904, Art. 72, Sec. 35. 1894, Ch. 380, Sec. 34. 1900, Ch. 380.

36. The Board of Public Works shall have power to appoint a

suitable person to command said force, who shall be known as the Commander of the State Fishery Force, and shall command the one steamer that is regularly in commission as a part of the State Fishery Force, and to appoint a deputy commander for each sailing vessel for their respective districts from among persons of the counties whose waters comprise the different districts, who shall be commissioned by the governor; and the said deputy commanders shall have power to appoint their subordinates and select their crews; and the terms of office of said commanders shall be for two years, unless sooner removed for incompetency or neglect of duty; and if any of the said officers shall fail in the discharge of his duty by reason of collusion with parties interested in violating any of the provisions of this article, he shall be deemed guilty of a misdemeanor, and, upon indictment and conviction in a court of competent jurisdiction, shall be fined or imprisoned, at the discretion of the court. No person shall be eligible to the office of commander of the State Fishery Force or deputy commander who is the owner of or who has any interest in any scrape or dredge boat; and it is hereby made unlawful for the Board of Public Works to appoint any such person as commander or deputy commander of any boat or vessel in the State Fishery Force. The steamers and boats belonging to the State Fishery Force are to be used only on business pertaining to its official duties or on State business.

Removals for Neglect of Duty.

1904, Art. 72, Sec. 36. 1894, Ch. 380, Sec. 35.

37. The Board of Public Works shall have power to remove any officer of said force for neglect of duty or incompetency; and the commander of the force shall have power to suspend any officer of the force for a period not exceeding thirty days for any neglect of duty; and any officer commanding in said force shall have power to remove any subordinate under his command and to appoint a person to fill the vacancy

whenever the interest of said service may, in his judgment, require him so to do.

Powers of the Board of Public Works in the Matter of Reducing the Expenses of the State Fishery Force.

Ibid., Sec. 37. 1894, Ch. 380, Sec. 36. 1896, Ch. 418.
1900, Ch. 380.

38. The Board of Public Works shall have power, and it shall be their duty, to keep the steamers of said vessels in good repair; and for the purpose of reducing the expense of the State Fishery Force, the said board is authorized and hereby required to lay up and put out of commission one steamer, and under no circumstances shall said steamer be put in commission except during the dredging season, and only then in such emergency as the Board of Public Works may judge is necessary that both steamers are required to enforce the provisions of this article. And the Board of Public Works shall appoint a deputy commander, at a salary of eighty-three dollars thirty-three and one-third cents per month, who shall in such cases take command of said steamer and ship a crew, and as soon as the emergency is passed the said deputy commander shall discharge said crew and place said steamer out of commission again, only one man to be retained to act as watchman, who shall receive not more than thirty dollars per month while so employed. And for the purpose of still further reducing expenses, the said Board of Public Works is authorized, in its discretion, to sell one of the steamers and to turn the funds arising from such sale over to the Comptroller, to be placed to the credit of the oyster fund. The Board of Public Works is further authorized and required to reduce the number of employes on the said boats from the fifteenth day of March until the first day of November of each year to three, viz.: Captain, mate and cook, excepting the schooners Nellie Jackson, Folly and Baughman, which shall consist of the three above-named crew and a seaman, being four men to each of the above-named boats. And the Board of Public Works is

hereby authorized to contract for sloops or vessels to guard the line from the fifteenth day of November to the fifteenth day of March, between the tongers and dredgers from the long wharf at Cambridge to Bowdle's house in Talbot county, and to rent or hire suitable boats to guard the waters of Herring bay, Manokin river, Holland straits, Honga river, Hooper's straits and Pocomoke river and sound, the price to be paid for the use of such boats not to exceed thirty dollars per month during the period of employment; and the crews of the boats so employed, not exceeding three for each boat, shall be paid for their services not exceeding fifty dollars per month for the captain or master, and thirty dollars each per month for their several assistants; provided, further, that the Board of Public Works is hereby authorized to contract for a guard-boat to protect St. Mary's and St. George's rivers and Smith's creek during the whole year at a cost not exceeding seven hundred and twenty dollars for the boat, captain and two men, and three hundred dollars for the boat, captain and one man during the closed season.

Vessels to be Constantly on Duty.

1904, Art. 72. Sec. 38. 1894, Ch. 380, Sec. 37.

39. The deputy commanders of the steamers are hereby required to keep their vessels constantly on duty when circumstances will permit; and every locality where a violation of the law is likely to occur shall be visited, not only in the season, but during the closed season, both day and night, as often as the duties of the force and condition of the vessels will allow; or whenever there is any information that a violation of this article is likely to occur, then it shall be the duty of the deputy commanders at once to proceed to the places suspected and vigilantly to guard the said places to see that no one will violate the provisions of this article; and every three months a report shall be made to the Board of Public Works of all official action taken under this article.

Duty of Deputy Commanders.

Ibid., Sec. 39. 1894, Ch. 380, Sec. 38.

40. It shall be the duty of the deputy commanders of the said vessels to confine themselves ordinarily to their several districts, night and day, in and out of season; but it shall be their duty also to enforce any of the provisions of this article in any water adjacent to their district when a violation of the same shall come to their knowledge.

Oath and Bond of Officers of the State Fishery Force.

Ibid., Sec. 40. 1894, Ch. 380, Sec. 39.

41. The commanding officer and the deputy commanders of said force shall, upon entering upon the discharge of their duties, take before one of the judges of the circuit courts the oath prescribed by the constitution; and the commanding officer of said force shall enter into bond to the State of Maryland in the sum of ten thousand dollars, and each deputy commander in the sum of three thousand dollars, to be approved by one of the said judges, for the faithful performance of their duties as prescribed in this article, the said bond or bonds to be filed with the Comptroller.

Salaries of the Various Officers of the State Fishery Force.

Ibid., Sec. 41. 1894, Ch. 380. 1896, Ch. 418. 1900, Ch. 380, Sec. 40.

42. The salary of the Commander of the State Fishery Force shall be fifteen hundred dollars per annum, and he shall have power to appoint one officer, at a salary of six hundred dollars per annum; one engineer, at a salary of eight hundred dollars per annum, and one assistant engineer, at a salary of six hundred dollars per annum; one pilot, at a salary of thirty-five dollars per month during the oyster season, and thirty dollars per month during the closed season; two seamen, two firemen, and one cook, at a salary of thirty dollars per month each; and each deputy commander of the said vessels shall have the power to appoint one offi-

cer, at a salary of five hundred dollars per annum, and three seamen, at a salary of thirty-five dollars each per month during the oyster season, and thirty dollars per month during the closed season, except the deputy commander of the second guard boat of the second district, who shall receive fifty dollars per month for the year, and he shall appoint a mate, at a salary of forty dollars per month, and two seamen, at a salary of thirty dollars each per month, each to be selected from the district in which they are respectively to serve.

One Ration Per Day for Officers and Crew; Appropriation; Proviso.

1904, Art. 72, Sec. 42. 1894, Ch. 380, Sec. 41.
1904, Ch. 202, Sec. 1. 1908, Ch. 609.

43. The members of said force shall at all times keep themselves neatly clothed in proper uniform when on duty at their own expense. The officers and crews of the steamers and sailing vessels of the State Fishery Force shall receive one ration per day of the quality such as is allowed by law to the officers and crews of the revenue marines of the United States, and the sum of thirty cents per day for each man is hereby appropriated to carry into effect the provisions of this section; which sums are payable out of the oyster funds of the State of Maryland to and upon the approval of the Commander of the State Fishery Force; provided, however, that the provisions of this section shall only apply to the officers and crews of the State Fishery Force employed on steamers and vessels owned by the State of Maryland, and nothing herein shall apply to the officers and crews upon any boat or boats leased or hired by the State.

Duties of Officers of the Oyster Police Force.

Ibid., Sec. 43. 1894, Ch. 380, Sec. 43.

44. It shall be the duty of all officers of the oyster police force to diligently watch and guard and to arrest all violators of any of the

provisions of this article, and the commanders of both the vessels and steamers shall keep their boats on duty at all times, both day and night, so far as possible, Sundays included, and shall cruise near to the line dividing the grounds which they are assigned to guard from the dredging grounds; and shall harbor as near said line as it is possible for them to do; and shall remain on board their boats at all times, unless disabled by sickness or excused by the commander of the force; and shall keep a log of their movements; and shall once in each month forward a copy of such log to the office of the commander. Any violation of duty in these respects shall be deemed a sufficient cause for the removal of any officer, and he shall be so removed.

State Fishery Force to Enforce all Laws Relating to Fish.

Ibid., Sec. 44. 1894, Ch. 380, Sec. 44.

45. The State Fishery Force shall have authority to enforce all laws of this State relating to fish, whether general or local, and the several deputy commanders of sloops and vessels shall be required to visit the tributaries and streams of their respective districts at least once in two weeks between the first day of May and the first day of October, and at any other time when notified by citizens or others of violation; and they shall arrest and bring to trial all persons found violating any section of this article and cause them to be tried and punished, as provided by law.

Commander to Have Control of Force, to Keep Accounts and Make Report to Board of Public Works; Clerk to Said Commander; His Salary.

1904, Art. 72, Sec. 45. 1894, Ch. 380, Sec. 45. 1900, Ch. 380.
1904, Ch. 259.

46. The commander of said force shall have control and direction of said force, under the supervision of the Board of Public Works, with power to direct its movements, and shall have an office, to which place

all complaints and applications for assistance shall be addressed. And it shall be his duty to have kept an itemized account of all expenses and disbursements of said force, and same report monthly to the Board of Public Works, accompanied by proper receipts and vouchers. The said commander shall be permitted to have a clerk, at a salary of one thousand dollars per annum; said clerk shall remain at the office in Annapolis and issue, by power, all orders necessary for the proper maintenance and supply of said force. He shall, as often as practicable, hold consultation with said commander and take orders from him for the duties which he is to perform; and in the absence of said commander he shall, as required by the said commander, report fully to the Board of Public Works.

LOCATING OYSTER LOTS.

Private Oyster Planting; Notice to Owner; Marking Off
Beds. These Provisions Not to Apply
to Non-residents.

Ibid.. Sec. 46. 1894, Ch. 380, Sec. 46. 1898, Ch. 18-274. 1904, Ch. 598.
1906, Ch. 367. 1908, Ch. 259.

47. The owner of any land bordering on any of the navigable waters of this State, the lines of which extend into and are covered by said waters, shall have the exclusive privilege of using the same for protecting, sowing, bedding or depositing oysters or other shell fish within the lines of his own land; and any owner of land lying and bordering upon any of the waters of this State shall have power to locate and appropriate in any of the waters adjoining his lands one lot of five acres, for the purpose of protecting, preserving, depositing, bedding or sowing oysters or other shell fish; and any male or female citizen of full age, of the county wherein he or she resides, shall have power to locate and appropriate and hold one lot of five acres, and no more, in any waters in this State not located or appropriated; provided, thirty days' notice in

writing shall be given the owner or occupant of land bordering on said waters proposed to be located that the owner or occupant may have priority of claim. And if such owner or occupant shall fail to locate or appropriate the water mentioned in said notice within thirty days after receiving the same, then it shall be open and free to any one under the provisions of this section; provided, also, that the said location or appropriation shall be described by stakes, bushes, and with the name of the owner on a board fastened to a pole or stake on or within the appropriated oyster land, or by the proper and visible metes and bounds, which description shall be reduced to writing under the oath of some competent surveyor, and recorded at the expense of the party locating or appropriating the same, in the office of the clerk of the circuit court for the county wherein such land may be located; and provided, also, that such location and appropriation shall not injure, obstruct or impede the free navigation of said waters; and provided, that no natural bar or bed of oysters shall be so located or appropriated that twelve months' peaceable possession of all locations of oyster grounds, under the laws of this State, shall constitute a good and sufficient title thereto; but should any one within twelve months be charged with locating or appropriating any natural bed or bar hereinbefore prohibited, the question may be at once submitted by any person interested to the judge of the circuit court for the county where such question shall arise, who, after having given notice to the parties interested, shall proceed to hear the testimony and decide the case; and if his decision be in favor of the party locating said five acres, said decision shall be recorded with the original record of said five acres, and shall in all cases be conclusive evidence of title thereto; provided, also, that if any stakes or bushes used as bounds shall be removed by accident or design, it shall not excuse any person from wrongfully taking such oysters if he knew the grounds to have been located and appropriated; but any title, or pretended title, to more than five acres, or otherwise contrary, to this section, held or

claimed by any person is hereby declared to be fraudulent and void; provided, that no non-resident of this State shall be entitled to avail himself of the provisions of this section, whether he be sole or part owner of any land in this State; and in case of the death of any citizen who may have located and appropriated any lot under the provisions of this section, his executors or administrators shall have the exclusive use, possession and control of such lot as fully as the person so dying had, for the purpose of protecting, cultivating and removing the oysters planted on said lot for the period of three years from the date of the death of the person appropriating such lot; and any person or persons taking or attempting to take oysters thus planted or bedded shall be deemed guilty of a misdemeanor, and upon conviction before a justice of the peace trying the case, shall be fined a sum not less than fifty dollars nor more than one hundred dollars, and be imprisoned in the House of Correction for a period of three to six months, one-half of said fine to be paid to the informer and the other half to be paid to the county commissioners for the use of the public schools. This section not to apply to Somerset, St. Mary's and Calvert counties, for which special laws are enacted.

Unlawful to Locate or appropriate Any Natural Bed or Bar; Penalty.

1904, Art. 72, Sec. 47. 1900, Ch. 380, Sec. 46 A.

48. It shall be unlawful for any person, or persons or corporation, to locate or appropriate any natural bar or bed of oysters by certificate, as provided in section 47 of this article; and such unlawful location is hereby declared a misdemeanor; and upon conviction before a court of competent jurisdiction or justice of the peace there shall be a fine of not less than fifty dollars or imprisonment for not more than three months, or both fine and imprisonment, in the discretion of the court.

Exclusive Right to Creeks 100 Yards or Less in Width.

Ibid., Sec. 48. 1894, Ch. 380, Sec. 47.

49. If any creek, cove or inlet not exceeding one hundred yards at low water in breadth at its mouth make into the land, or if any creek, cove or inlet of greater width than one hundred yards at low-water mark make into the land, the owner or other lawful occupant shall have the exclusive right to use such creek, cove or inlet when the mouth of said creek, cove or inlet is one hundred yards or less in width; and when the said creek, cove or inlet is more than one hundred yards in width at its mouth at low water, the said owner or other lawful occupant shall have exclusive right to use such creek, cove or inlet so soon as said creek, cove or inlet in making into said land or lands shall become one hundred yards in width at low water, for preserving, depositing, bedding or sowing oysters or other shell fish, although such cove, creek or inlet may not be included in the lines of any patent; and in all such cases such rights of the riparian proprietor shall extend to the middle of such creek, cove or inlet.

Taking Bedded Oysters Unlawful; Penalty for Violating Sections 49 and 50.

1904, Art. 72, Sec. 49. 1894, Ch. 380, Sec. 48. 1896, Ch. 418.

50. It shall be unlawful, without authority from the owner, for any person or persons to take or catch planted or bedded oysters, knowing them to be so planted or bedded, or to remove, break off, destroy, or otherwise injure or alter any stakes, bounds, marks, buoys or other designation of any of said beds. Any person or persons violating the provisions of this section, or section 49 of this article, shall be guilty of a misdemeanor, and upon conviction thereof before the circuit court or a justice of the peace for the county where the oysters were bedded, shall be liable to the fines and penalties in section 47 of this article.

Right of Appeal.

Ibid., Sec. 50. 1894, Ch. 380, Sec. 49.

51. Any person convicted before a justice of the peace under any of the preceding provisions of this article shall in all cases have the right of an appeal to the circuit court for the county.

CRAIGHILL CHANNEL.

Dredging Near Craighill Channel Unlawful ; Penalty.

Ibid., Sec. 51. 1894, Ch. 380, Sec. 50.

52. Any person dragging, raking or dredging for oysters within five hundred yards of either edge of the new channel at the mouth of the Patapasco river, known as the Craighill Channel, extending from the seven-foot knoll to the mouth of the Magothy river, or within five hundred yards of either edge of the cut-off connecting the Brewerton and Craighill Channels, shall forfeit his boat or vessel. And it shall be lawful for any justice of the peace of the county or city in which such person shall be arrested to try such person, and on conviction to condemn said boat or vessel and sell the same on five days' notice, and fine the said offender a sum not less than five dollars nor more than twenty-five dollars for each and every offense; and the said justice of the peace shall pay over one-half of said fines and forfeitures to the informer and the other half to the school board of said county or city.

PATUXENT.

Time When Oysters May Not Be Taken In.

Ibid., Sec. 52. 1904, Ch. 467, Sec. 1.

53. It shall be unlawful to take or catch oysters, with rakes or tongs, in the waters of the Patuxent river between the first day of April

and the thirteenth day of September, inclusive; provided, that nothing in this section shall prohibit any person from taking or catching oysters from his private bed or bar.

Penalty For Violation.

1904, Art. 72, Sec. 53. 1904, Ch. 467, Sec. 2.

54. Any person violating the provisions of the preceding section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished as provided in this article.

PATUXENT, POTOMAC, CHOPTANK.

Time When Oysters May Not be Taken in Tributaries of Patuxent, Potomac and Choptank Rivers, Bordering on Certain Counties; Proviso.

Ibid., Sec. 54. 1904, Ch. 522, Sec. 1. 1910, Art. 72, Sec. 55.
1912, Ch. 603.

55. That it shall be unlawful after the passage of this act for any person or persons to take or catch oysters in any manner whatever in any of the waters of the Patuxent river and its tributaries of Calvert, Charles and St. Mary's counties between the first day of April and the fifteenth day of September in each year; provided, however, that nothing in this act shall be so construed as to prevent any person or persons from removing or transplanting oysters on private beds or taking oysters from private beds for private use during the closed season, but not for sale.

Penalties.

1912, Ch. 603, Sec. 2.

55a. That any person or persons violating any of the provisions of this act shall be subject to the same penalties and dealt with in the same manner as provided for in the General Oyster Law of the State for taking or catching oysters during the closed season or without license:

What Privileges Granted in License to Citizens of St. Mary's, Charles and Calvert Counties.

Ibid., Sec. 55. 1904, Ch. 522, Sec. 2.

56. After April 8, 1904, any bona fide citizen of St. Mary's, Charles and Calvert counties, who shall have procured a license from the clerk of the circuit court of the county in which he is a bona fide resident, as prescribed in the General Oyster Law of the State of Maryland, shall be permitted to use such license to take or catch oysters in the Chesapeake bay or in the Potomac river at any time that oysters are allowed to be taken in said waters in conformity with the General Oyster Law of the State, and they shall be subject to all the provisions and penalties prescribed by the General Oyster Law of the State of Maryland.

Ibid., Sec. 56. 1904, Ch. 522, Sec. 3.

57. The clerks of the circuit courts of St. Mary's, Charles and Calvert counties are authorized to issue a license to any bona fide resident of their respective counties to take or catch oysters, and shall charge the same fees for the issuing of such license as is provided for in the General Oyster Law of the State for tongers to pay for the privilege of taking oysters during a full oyster season in any one year; and said license shall permit such licensee to take or catch oysters in the Chesapeake bay and Potomac river under the provisions of the General Oyster Law of the State; and the holder of such license shall be permitted to use the same in the Patuxent river and its tributaries in St. Mary's, Calvert and Charles counties, and in the tributaries of the Potomac river of Charles and St. Mary's counties, from the first day of October until the first day of April in each year.

1904, Art. 72, Sec. 57. 1904, Ch. 522, Sec. 4.

58. Any person holding a license on April 8, 1904, to take or catch oysters in the Patuxent river and its tributaries, or the tributaries of the Potomac river in St. Mary's, Charles or Calvert counties, shall be

permitted to use such license for the full term for which they were granted.

Penalties for Violating Sections 55 to 58.

Ibid., Sec. 58. 1904, Ch. 522, Sec. 5.

59. Any person or persons violating any of the provisions of sections 55 to 58 shall be subject to the same penalties and dealt with in the same manner as provided for in the General Oyster Law of the State for taking or catching oysters during the closed season or without license. (*See Act 1910, Ch. 658, and Ch. 522, as to Talbot, Dorchester and Wicomico Counties.*)

POTOMAC.

Only Citizens of Maryland or Virginia Shall Take Oysters or Fish in the Waters of the Potomac; Penalty.

Ibid., Sec., 59. 1894, Ch. 380, Sec. 51.

60. It shall not be lawful for any person to take or catch oysters in any manner whatever, in the waters of the Potomac river unless he be a citizen of Maryland or Virginia, and shall have been a resident of the State of which he is a citizen for twelve months immediately preceding. Any one violating this section shall be subject to a fine of five hundred dollars; any vessel in which oysters are taken contrary to this section shall be forfeited and sold, one-half of the proceeds to go to the State where convicted and the other half to the informer.

Culling; Unlawful to Buy, Sell, Etc., Small Oysters; Examination of Cargo; Penalty; Burden of Proof; Proviso.

1906, Ch. 468.

61. All oysters taken from any natural rocks, beds or shoals in the waters of the Potomac river shall be culled on their natural rocks, beds or shoals as taken, and oysters whose shells measure less than two and

one-half inches in length, measuring from hinge to mouth, and all shells shall be included in said culling and replaced upon said rocks, beds or shoals, provided that oysters once passed from the culler less than the prohibited size, and all shells, shall be considered as not having been culled, according to the provisions of this section; provided that when small oysters are adhering so closely to the shell of a marketable oyster as to render removal impossible without destroying the young oyster, then it shall not be necessary to remove it. And it shall be unlawful for any person to take, buy or sell the small oysters and shells from the natural rocks, beds and shoals as aforesaid, or to take, buy, sell or have in possession oysters less than two and one-half inches in length from hinge to mouth. Whenever any inspector or other officer shall have reason to believe that this section has been violated with reference to the culling of oysters, said inspector or other officer is hereby authorized to examine the cargo of any boat or vessel, and if upon examination of said cargo the said inspector or other officer shall find that five per centum or more of said cargo shall consist of shells and oysters whose shells measure less than two and one-half inches in length, measuring from hinge to mouth, the captain of the boat or other person in charge of said boat shall be deemed to have violated this section, and upon conviction, if of a dredge-boat or a vendor of oysters, shall be fined not less than one hundred dollars nor more than two hundred and fifty dollars, and confined in jail not less than thirty days or more than six months, and said cargo confiscated and returned to the natural beds under the supervision of the oyster inspector or other officer making the arrest, and the boat or vessel on which said oysters are found shall be held as security for the payment of said fine. If a boat in which only oyster tongs are used, the said captain or other person in charge shall be fined not less than fifty dollars nor more than one hundred and twenty-five dollars, and confined in jail not less than fifteen days nor more than

three months, and said cargo confiscated and returned to the natural beds under the supervision of the oyster inspector or other officer making the arrest, and the boat or vessel on which said oysters are found shall be held as security for the payment of said fine; provided, however, that when any person shall be found with oysters in violation of this section he shall be presumed to be a dredger or vendor of oysters, and if he claims to be a tonger the burden shall be upon said person to show that he is a tonger. Because of the necessity that legislation regulating the taking of oysters in the Potomac river shall be concurrent as to the States of Maryland and Virginia, it is further provided that this section shall take effect from the date of its passage; provided, concurrent legislation has heretofore been passed by the General Assembly of Virginia, or if not passed, then immediately upon the passage thereof.

When Unlawful for Citizens of Maryland and Virginia to Take Oysters in Potomac; Penalty.

1904, Art. 72, Sec. 60. 1894, Ch. 380, Sec. 52 1904, Ch. 341.

62. It shall not be lawful for any citizen of Maryland or Virginia to take or catch oysters with a scoop, scrape or dredge, or any such instrument, in the waters of the Potomac river between the fifteenth day of March and the fifteenth day October of each year; it shall not be lawful for any citizen of either State to take oysters with tongs from the waters of the Potomac river between April 25th and October 1st of each year; and it shall not be lawful for any person to have in possession any oysters in the waters of the Potomac river between the 25th day of April and the 1st day of October of each year. Every person found guilty of violating the provisions of this section shall be fined not less than two hundred and fifty dollars nor more than five hundred dollars for each offense; and the vessel by which oysters are illegally taken or which receives oysters so illegally taken, or which has oysters aboard within the limits of said river within the time specified, shall be held as

security for the payment of the fine hereinbefore mentioned, and be also subject to a fine of not less than fifty dollars nor more than one hundred and fifty dollars; and in the event of such fines not being paid within a period of twenty days, then such vessel shall be forfeited and sold, the surplus after payment of fines and costs to be paid to the owner of the boat; one-half of fines to go to the informer and one-half to the State.

When Lawful for Said Citizens to Take Oysters in Said Waters ; Prosecution for Violation.

1904, Art. 72, Sec. 61. 1894, Ch. 380, Sec. 53.

63. It shall be lawful for citizens of the State of Maryland and Virginia to take oysters in the Potomac river after complying with the requirements of the law of the State of which they are citizens for the taking of oysters from the waters of such State; and any citizen of either State who takes oysters in the Potomac river without having complied with the requirements of the law of his State as to the taking of oysters in its own waters shall be considered guilty of violating the laws of the State of which he is a citizen, and shall be prosecuted according to such laws.

Penalties for Violating Sections 60, 62 and 63.

Ibid., Sec. 62. 1894, Ch. 380, Sec. 54. 1904, Ch. 341.

64. All offenses committed against the provisions of sections 60, 62 and 63 by persons not citizens and residents as aforesaid of either State may be punished by any of the justices of the peace or courts of either State having criminal jurisdiction. All offenses committed by citizens of either State shall be punished by such justice of the peace or court having criminal jurisdiction where the trial of such offenses shall be most convenient. The authorities of either State have the right to examine into the right of any person taking oysters in the Potomac river who shall exhibit their authority for so doing whenever required

by the police or other legal authority of either State. The legal authorities of either State shall have the right to arrest any offender against said sections in the Potomac river and to pursue such offender beyond the boundary line of either State upon navigable waters and arrest him whenever found upon such waters; and in all cases of arrest the offender may be tried before such justice of the peace or court having criminal jurisdiction which shall be convenient.

Recovery of Penalties.

1904, Art. 72, Sec. 63. 1894, Ch. 380, Sec. 55.

65. The penalties imposed by sections 60, 62 and 63 shall be recovered before any justice of the peace of either State in any county of either State, with the right to the State or the defendant to appeal to the circuit court for the county in which such cause has been tried, or to the criminal court of Baltimore, if tried in Baltimore city, or in the Hustings court of the city, if tried in a city of Virginia. The parties and vessels charged may be arrested without warrant and carried before any justice of the peace; the justice shall cause a guard to be put upon the vessel and the parties charged to be confined in jail or bailed; upon conviction the offender shall be committed to jail until the fine is paid, and the vessel shall be sold at public auction by the sheriff of the county or city for cash after ten days' notice. In case of appeal the appellant shall remain in custody and the vessel shall be sold as above provided, unless recognizance be entered into for double the amount of the fine and double the value of the vessel conditioned for the performance of the final judgment of the court. Upon such recognizance being given, the party convicted and the vessel shall be discharged.

Penalty for Violating Provisions Relating to Culling Oysters.

Ibid., Sec. 55. 1904, Ch. 341, Sec. 55 B.

66. Any person found guilty of violating any of the provisions of

this article relating to culling, or of violating the preceding section, and who shall have committed such offense upon the waters of the Potomac river, shall not be subject to the penalties prescribed by section 11 of the article, but in lieu thereof shall be fined not less than twenty-five dollars nor more than five hundred dollars, and shall, in addition, be adjudged to have the cargo of oysters found not to be within the requirements of this article relating to culling confiscated and placed back upon the bottoms from which they were taken. It shall be the duty of the inspector or other officer to have such oysters placed upon the said bottoms.

When Sections 62, 64 and 66 Become Effective; Governor to Issue Proclamation.

Ibid., Sec. 66. 1904, Ch. 341, Secs. 3 and 4.

67. The provision of sections 62, 64 and 66 of this article shall take effect from the date of taking effect in the State of Virginia of an act embodying the provisions of said sections as enacted by said sections, and of an act applicable to the waters of the Potomac river embodying the provisions of sections 8, 9, 11, 12 and 13 of this article, as heretofore enacted by the General Assembly of Maryland; provided, that a different arrangement or form in which these provisions shall be enacted by the State of Virginia, or a difference in the penalties prescribed, except in the case of section 66, or a difference in the designation of any official charged with duty under any provision of said sections, shall not be considered a failure to embody the provisions herein set forth; and upon the taking effect in the State of Virginia of the provisions herein prescribed the governor of Maryland shall issue his proclamation declaring said provisions to be effective.

Compact of 1785 Not to be Impaired by These Provisions.

1904, Art. 72, Sec. 67. 1894, Ch. 380, Sec. 56.

68. Nothing in the seven preceding sections shall be construed in

any way to impair, alter or abridge any rights which either State or the citizens thereof may be entitled to, either by, through, under or against the compact entered into between the States of Maryland and Virginia on March 28, 1785, or an existing law of either of said two States. (*“Concurrent Law, Maryland-Virginia Law, 1912.”*)

GENERAL MEASURERS AND INSPECTORS.

Appointment ; Bond ; Powers.

Ibid., Sec. 68. 1894, Ch. 380, Sec. 51. 1900, Ch. 380.
1906, Ch. 188, Sec. 66.

69. The governor, at each session of the General Assembly, shall appoint four persons for the city of Baltimore, one for Cambridge, one for Annapolis, one for Oxford, one for Crisfield and one for Nanticoke, to be known as general measurers and inspectors of oysters for the city, town or port and adjacent waters for which they shall be respectively appointed. Each general measurer and inspector of oysters for the city of Baltimore shall give bond to the State of Maryland in the sum of three thousand dollars, and all other general measurers and inspectors and all the special inspectors shall give bond to said State in the sum of one thousand dollars for the faithful performance of their duties; and the general measurers and inspectors of oysters shall have the same power and authority over oysters sold in the waters adjacent to the port for which they shall be appointed as hereinafter given to the general measurers and inspectors over such city, town or port for which they shall be respectfully named.

Special Inspectors From Oyster Counties to be Appointed ; Their Duties ; Charges ; Returns ; Certificates of Measurement.

Ibid., Sec. 69. 1894, Ch. 380, Sec. 58. 1900, Ch. 380. 1906, Ch. 188, Sec. 69.
1908, Ch. 488. 1910, Ch. 413, Sec. 69.

70. It shall be the duty of the Commander of the State Fishery

Force, at the commencement of, or during the oyster season in each year, to appoint from the counties producing oysters for packing purposes in the State, not exceeding twenty special inspectors, to be appointed as follows. Two each from Anne Arundel, St. Mary's, Talbot and Wicomico counties; three each from Dorchester, Somerset and Queen Anne's counties; and one each from Kent, Calvert and Charles counties, at a salary of forty-five dollars per month, during the oyster season; and they shall be stationed at such places as in the judgment of the Commander of the State Fishery Force their services may be needed. Before assuming the duties of their offices the said special inspectors shall take an oath, to be administered by the commander, to diligently and faithfully discharge the duties of their said offices. The said special inspectors shall inspect all oysters in the district to which he is assigned. Upon the inspection of any such oysters, each special inspector shall make a certificate of the number of bushels in triplicate, one of which shall be given to the purchaser, one to the seller, and the other daily to the general measurer and inspector of the district where such inspection occurred. A charge of one cent per bushel is hereby levied to help defray the expenses of such inspection and the other expenses of the State Fishery Force upon all oysters unloaded from vessels at the place where said oysters are to be no further shipped in bulk in vessels, to be charged equally to the buyer and seller, but to be paid weekly to the Comptroller of the State Treasury, or his agent, by the buyers. The certificate given the general measurer and inspector shall be by him mailed weekly to the Comptroller or his agent; and in case the amounts of money shown to be due be not paid in one week thereafter to the Comptroller or his agent, which is hereby required to be done, the properties of the parties so indebted may be levied on and sold by the said Comptroller or his agent, as in the cases of taxes in default, without other

process of law. The tax of one cent per bushel hereby levied is also made a charge on oysters sold by commission merchants and others selling by less than the cargo, and also a tax of three cents per bushel containing not more than three bushels; on oysters in bags a tax of two cents per bag containing not more than two bushels; and all transportation companies carrying oysters in the shell, consigned to Baltimore, shall furnish to the oyster inspector or collector of oyster tax a copy of his manifest, showing the number of bushels on board on arrival of steamer and to whom consigned; and the special inspectors are charged with the duty of seeing that proper returns are made for the purpose of this section by such commission merchants or retailers; and in the performance of the duty the said special inspectors are authorized and directed to visit the places where oysters less than cargoes are sold and get from such sellers a statement, under oath, as to the number of bushels sold from time to time, and return to the general measurers and inspectors a certificate thereof, to be forwarded to the Comptroller, as required in the case of the certificates for cargoes, and the payment of the amounts so found to be due shall be similarly enforced. All such special inspectors may be removed at any time by the commander for neglect or malfeasance in office, and said commander shall report to the governor any neglect of a general measurer or inspector. The Commander of the State Fishery Force shall furnish to each of said special inspectors certificates, in book form, supplied with carbon paper, so that each of said triplicate certificates shall be exactly the same. The form of the certificates shall be as follows:

-----, 19-----
 I hereby certify that I have this day inspected for Captain-----
 -----, schooner-----, a cargo of oysters, sold
 to-----, and found the same to contain----- bushels of
 merchantable oysters, and----- bushels of unmerchantable oysters.

(Signed) -----

Natural Oyster Bed Re-Shelling Fund.

71. (Unconstitutional)

Commander Shall Divide Inspection Points in Baltimore City Into Four Inspection Districts, and Organize Board of Inspections ; Reports of Inspection to Commander ; Penalty; Transfers.

1904, Art. 72, Sec. 70. 1894, Ch. 380, Sec. 59. 1900, Ch. 380.
1906, Ch. 188, Sec. 70.

72. At the beginning of each oyster season the Commander of the State Fishery Force shall divide the inspection points in Baltimore city into four inspection districts and organize the board of inspectors provided for the city of Baltimore in section 69 of this article ; and the general measurers and inspectors provided in said section 69 shall be assigned to and remain during the whole season at the specific points mentioned in said section, subject, however, to the discretion of the commander; and the Commander of the State Fishery Force shall have general control and supervision over all general measurers and inspectors and special inspectors, whether appointed by the governor or himself ; and the said general measurers and inspectors and special inspectors, are hereby required to report to him whenever he shall require the same, and if they shall refuse or neglect to make such report they shall be fined for each said failure or refusal the sum of ten dollars, to be deducted from their salaries; and the said commander shall have the power to transfer any general measurer or inspector, or any special inspector, from any house or district whenever he may deem it best for the good of the service to enforce the proper inspection, the cull law and the collection of the tax for the oyster fund.

Duties and Powers of General Measurers and Inspectors.

Ibid., Sec. 71. 1894, Ch. 380, Sec. 60. 1900, Ch. 380.

1906, Ch. 188, Sec. 71.

73. It shall be the duty of said general measurers and inspectors of oysters to see that the law in reference to the inspection of oysters be strictly complied with by all subordinates, and the general measurers and inspectors of oysters shall have authority at all times to enter all places and all vessels where oysters are being measured and inspected in the shell, and to inspect all the measures or instruments used in measuring oysters, and to see that the inspection laws are properly enforced, and if the measures are incorrect, the said general measurer and inspector of oysters shall take possession of the incorrect measures; and the inspectors of oysters are authorized, directed and required to arrest any person or persons violating any of the provisions of this article. It shall be the further duty of the general measurers and inspectors of oysters to return under oath to the Comptroller of the State annually a complete statement of the amount of oysters inspected or measured in the city, town or port for which they shall be respectively appointed.

Licensed Measurers ; Suspension ; Fees.

1904, Art. 72, Sec. 72. 1894, Ch. 380, Sec. 61. 1906, Ch. 188, Sec. 72.

1908, Ch. 353.

74. No person, after April 8, 1908, shall act as a measurer of oysters in Baltimore city, except the general measurer and inspector of oysters, and such persons who shall be duly licensed measurers for said city. Any person, after April 8, 1908, who shall desire to engage in the business of oyster measurer in Baltimore city shall, on or before the first day of September in each year, before he undertakes to act as such, first apply to the clerk of the superior court of Baltimore city for a license so to do, which license shall be issued upon application, and the payment to said clerk of a license fee of five dollars and fifty cents,

which license shall expire on the first day of May of the following year. Five dollars of said fee shall be by said clerk accounted for and paid over to the State, to be placed to the credit of the oyster fund, and the remaining fifty cents shall be applied by said clerk to his own use and fee for issuing said license; said oyster measurers shall also take the usual oath of office, and give bond to the State of Maryland in the penalty of one hundred dollars each for the faithful performance of their duties. The general measurers and inspectors of oysters in Baltimore city, or a majority of them, are empowered and authorized to suspend the right or privilege of any person licensed to measure or inspect oysters in said city, to measure or inspect oysters under said license; provided, however, that no such right to suspend shall exist unless a charge is pending against such licensed measurer or inspector for a violation of the provisions of this article, in reference to the measurement and inspection of oysters, and if such charge shall be dismissed by a court of competent jurisdiction, such suspension shall end; and upon notice from the buyer or seller of oysters, the general measurer and inspector of oysters shall designate the special inspectors and the licensed measurers and inspectors to inspect the oysters out of said vessel.

Salary of General Measurers and Inspectors; Penalty for Violating Sections 69 to 75; When Appointments Shall be Made; Reports.

Ibid., Sec. 73. 1894, Ch. 380, Sec. 62. 1898, Ch. 449. 1900, Ch. 380.
1906, Ch. 188, Sec. 73.

75. The general measurers and inspectors for Baltimore city shall receive a salary of one hundred dollars per month each, and all general measurers and inspectors provided for by section 69 shall receive the salary of fifty dollars per month each, the said salaries to be paid only for those months in which said measurers and inspectors are actually engaged in the performance of their duties of their respective offices, by

the treasurer, on a warrant of the Comptroller. Any person who shall violate any of the provisions of sections 69, 70 and 72 to 75, inclusive, of this article, or who shall interfere with the general measurers or inspectors of oysters or the special inspectors in the discharge of their duties, shall be deemed guilty of a misdemeanor, and upon conviction before any justice of the peace or court of competent jurisdiction shall pay a fine of fifty dollars and costs, one-half of said fine to the informer, unless he be an officer under this article, and the other half to the Comptroller, to the credit of the oyster fund. In default of payment of fine and costs, the party convicted shall be confined in jail for not more than twenty days. The appointment of the general measurers and inspectors and the special inspectors, as provided in sections 69 and 70, shall be made on or before September 1st of each year, and each and every inspector shall report monthly to the Commander of the State Fishery Force, or oftener, if required by him, concerning all the oysters which may be disposed of within his inspection district, and such reports shall be a full and complete account of all sales of oysters that have been made within such districts.

How Oysters Shall be Measured; Dimensions of Tub; Penalty.

190,4 Art. 72, Sec. 74. 1894, Ch. 380, Sec. 73. 1896, Ch. 418.
1900, Ch. 380.

76. All oysters sold in this State shall be measured either in a one-half bushel tub, a bushel tub, a bushel and one-half tub, or a three-bushel tub, and no instruments shall be used for measuring oysters in the shell but an iron circular tub with straight sides and straight solid bottom, with holes in bottom for draining, such holes to be no larger, however, than one inch in diameter. A half bushel tub shall have the following dimensions, all measurements to be from inside to inside: Fifteen inches across the top, thirteen inches across the bottom, and

seventeen inches diagonally from the inside chime to the top; a bushel tub shall measure sixteen and one-half inches across at the bottom from inside to inside, twenty-one inches diagonally from the inside chime to the top, and eighteen inches across from inside to inside from the top; a bushel and one-half tub shall measure nineteen inches across the top from inside to inside, eighteen inches across the bottom from inside to inside, and twenty-four inches diagonally from the inside chime to the top; a three-bushel tub shall measure twenty-four inches across the top from inside to inside, twenty-two inches from inside to inside at the bottom, and twenty-nine twenty-six-hundredths inches diagonally from the inside chime to the top; and all oysters measured in the shell, as required by law, shall be even measure to the top of the tub only; and any person or persons engaged in the business of buying or selling oysters in this State, who shall own or have in his possession any instrument or measurement for oysters in the shell which differs in size or description from the measure hereinbefore mentioned, or shall demand a greater measure than hereinbefore mentioned, shall be guilty of a misdemeanor and punished upon conviction before a court of competent jurisdiction, to be fined a sum of not less than fifty dollars nor more than one hundred dollars, or committed to the House of Correction for a period of not less than three months nor more than six months, or both, in the discretion of the judge or justice of the peace trying the same; and in case a fine is imposed under the provisions of this section, said fine to be paid over by the officer making the arrest to the Comptroller of the State, to be credited to the oyster fund; one-half, however, to be paid to the informer, unless he be an officer of the State Fishery Force. Said measures shall also be the standard measure for shells, and the use of any other measure for that purpose shall be punished, as is prescribed by this section for the use of any other measures for measuring oysters, and the measurers or special inspectors are hereby forbidden to handle

or interfere with the oysters in or upon the tub or measure for the purpose of pressing or pushing down same under penalty of removal from office and a fine of ten dollars for each offense.

Penalty for Charging More Than One-half Cent Per Bushel.

1904, Art. 72, Sec. 75. 1894, Ch. 380, Sec. 64.

77. In addition to the charges herein mentioned for compensation to the general measurers and inspectors of oysters, it shall be unlawful for the buyer of any cargo, or part of a cargo, of oysters sold in the shell to exact of or retain from the proceeds of said cargo, or part of a cargo, due the seller, a larger or greater sum or amount than one-half cent per bushel, in which shall be included the amount now allowed by law to be paid by the seller to the licensed measurer and inspector; and any person or persons charging or exacting a larger sum shall be subject to a fine of fifty dollars, upon conviction before any justice of the peace, one-half of said fine to be paid to the informer and the other half to the Comptroller, to be placed to the credit of the oyster fund.

EXEMPTED WATERS.

Waters in Which Catching Oysters Shall be Unlawful; Not Applicable to Dorchester County.

Ibid., Sec. 76. 1894, Ch. 380, Sec. 65. 1904, Ch. 562. 1904, Ch. 572.

78. It shall not be lawful for any person or persons to use any vessel licensed to take or catch oysters in the waters of this State in taking or catching oysters with scoop, scrape, dredge, tongs or rake, or any similar instrument, east of a straight line from Richmond Point to Pone Point, on the lower end of Bloodworth Island, in the State of Maryland; provided, that this section shall not apply to bona fide resident citizens of Dorchester county licensed to take or catch oysters in

the waters of said county. Special local laws exist for Dorchester, Talbot and Wicomico counties.

PACKING OYSTERS.

Packer's License ; Cost ; Fees.

Ibid., Sec. 77. 1894, Ch. 380, Sec. 66. 1900, Ch. 380.
1906, Ch. 188, Sec. 77.

79. It shall be unlawful for any person, firm or corporation to engage in the business of packing or canning oysters without first taking out a license to engage in such business by application to the clerk of the circuit court of the county in which the place of business of such applicant may be situated, or to the clerk of the Court of Common Pleas, if the place of business of such applicant shall be in Baltimore city ; and such applicant, at the time such license is issued to him by the said clerk, shall pay the said clerk the sum of twenty-five dollars for such license, and said license shall have effect from the first day of September, in the year in which it may have been obtained, to the twenty-fifth day of April, inclusive, next succeeding ; and all said moneys received for said license shall be paid over and accounted for by the several clerks of courts to the Comptroller of the State, to be placed to the credit of the oyster fund, as provided by section 31 of this article.

Penalty for Packing or Canning Without License.

1904, Art. 72, Sec. 78. 1894, Ch. 380, Sec. 67.
1900, Ch. 380. 1906, Ch. 188, Sec. 78.

80. If any person, firm or corporation shall engage, or attempt to engage, in the business of packing or canning oysters without first obtaining a license, as provided in the foregoing section, he shall be deemed guilty of a misdemeanor, and shall be fined not less than two hundred and fifty dollars nor more than one thousand dollars for each offense.

Commission Merchants License ; Cost ; Penalty for Selling Without License.

Ibid., Sec. 79. 1894, Ch. 380, Sec. 67 A.

81. Every person or member of a firm, or member of a corporation, engaged in the business of selling oysters on commission shall, on or before the first day of September in each year, take out a license to engage in such business by application to the clerk of the circuit court for the county in which the place of business of such applicant may be situated, or to the clerk of the Court of Common Pleas, if the place of business of such applicant shall be in Baltimore city ; and such applicant, at the time of issuing such license, shall pay the sum of twenty-five dollars ; and all said money received for said license shall be paid over and accounted for by the said several clerks of courts to the Comptroller of the State, to be placed to the credit of the oyster fund, as provided by section 31 ; and if any person, member of a firm or member of a corporation, shall engage or attempt to engage in the business of selling oysters on commission without first obtaining a license, as provided in this section, he shall be deemed guilty of a misdemeanor, and shall be fined not less than one hundred dollars nor more than one thousand dollars for each offense.

SHUCKING OYSTERS.

Provisions Regarding Oysters Shucked by the Gallon.

1904, Art. 72, Sec. 80. 1898, Ch. 260, Sec. 67 B.

82. All shucked oysters opened at any oyster house in this State, or any other place where oysters are opened or sold as a business, or delivered to proprietors of any such oyster house or other place, shall be shucked by the gallon and not by the can or vessel of any other name and designation ; and it shall not be lawful for the proprietor of any such place to contract with any person to shuck or open oysters at any

such house or for the proprietor thereof for the purpose of shipping the same to the customers of said proprietor otherwise than by the gallon. The said oyster house, or the proprietors thereof, may in consideration of the quantity of water contained in shucked oysters, use a cup, which is hereby declared and determined to be an oyster gallon cup, which shall contain nine pints and no more, and no other than this standard measure or said oyster gallon cup shall be used in said houses or by the proprietors thereof in measuring any oysters received by them from the shuckers. Said oyster gallon cup shall be inspected and stamped by the same officer in the city of Baltimore or in any of the counties of the State, as is now required by law to inspect and stamp measures, and the person neglecting so to have the same stamped and inspected shall be subject to the same fines and penalties as are now or may hereafter be prescribed by law for neglecting to have inspected and stamped the said gallon measure, and any person using any other measure than the one above prescribed in any such oyster house or similar place in this State, or any proprietor of any such house using any other than the above prescribed measures to measure any oysters received by him from shuckers, shall be guilty of a misdemeanor, and on conviction thereof before any justice of the peace in said city or county shall be fined not less than ten nor more than one hundred dollars, in the discretion of the justice of the peace trying the same, and shall stand committed until such fine and costs are paid, which fine shall be paid to the State of Maryland, but the person so convicted shall have the right of appeal, as now provided by law in other criminal cases.

COMPTROLLER'S DUTIES.

Comptroller to Furnish All Forms of Application, License,
Reports, Returns and Other Blanks ; Worcester
County Exempt From Provisions
of This Article.

Ibid., Sec. 81. 1894, Ch. 380, Sec. 68.

83. It shall be the duty of the Comptroller to furnish the clerks

of the several courts of the State with forms of applications and license and of the reports or returns required by the preceding sections; and it shall be the further duty of the Comptroller to furnish all other blanks required under this article. Nothing in this article shall be construed to apply to Worcester county as to the taking or catching of oysters in the waters of said county.

PAST OFFENSES.

Sections Not to Affect Past Offenses.

1904, Art. 72, Sec. 82. 1900, Ch. 380, Sec. 2.

84. Nothing in this article, as repealed and re-enacted by the preceding sections, shall affect offenses committed in whole or in part before their enactment, but all such offenses and all indictments therefor shall be prosecuted under pre-existing law as fully as if the same had not been so repealed and re-enacted.

OYSTER CULTURE.

Who May Plant and Cultivate Oysters; Exceptions.

1906, Ch. 711, Sec. 83.

85. Any resident of Maryland shall have the right to plant and cultivate oysters in the waters of this State. Such right shall be exercised in the manner prescribed in the following sections of this sub-title, and shall be subject to the regulations, provisions and limitations hereinafter set forth, but no corporation, or joint stock company, shall be permitted to lease or take up, or to acquire by assignment, or otherwise, any lands of the State for oyster planting or cultivation. All natural beds or bars shall be excluded from the operation of this sub-title, and no person shall be permitted to plant or cultivate oysters thereupon, or in any way appropriate the same to his own use.

The Shepherd Act passed by General Assembly 1914 creates numerous and important changes in Oyster Culture,

Board of Shell Fish Commissioners; Salaries; Clerks;
Surveyor; Engineer; Disbursements; Qualification.

1906, Ch. 711, Sec. 84.

86. The Board of Shell Fish Commissioners of Maryland is hereby created. The said board shall consist of three members, one of whom shall be a resident of one of the tidewater counties of the Eastern Shore of Maryland, another a resident of one of the tidewater counties of the Western Shore, and the third a resident of the city of Baltimore, and one of whom shall be a member of the minority party at the time of their appointment. The term of each of the members of said board shall be two years from the first Monday in May after his appointment. They shall be appointed by the Board of Public Works of the State of Maryland. No member of said Board of Shell Fish Commissioners shall be in any manner interested in any land leased or taken up for bedding, planting or cultivating oysters. The acts and duties to be done and performed by said board under this sub-title may be done and performed by two of said commissioners, and in all cases the decision of a majority of the commissioners shall be binding. One of said commissioners shall be designated by the Board of Public Works of the State of Maryland as president, and his salary shall be two thousand dollars a year. The salary of each of the other commissioners shall be eighteen hundred dollars a year. The said commissioners shall be allowed to employ a chief clerk upon a salary of twelve hundred dollars a year, and such assistants, not exceeding three in number, and not more than may be absolutely needed for the performance of the work of the board, at graded salaries, to be paid by the commissioners, not to exceed one thousand dollars a year for any such assistants, as it may deem necessary to aid it in the proper performance of its duties, as prescribed in this sub-title. The said commissioners shall employ a competent surveyor, who shall also be a hydrographic engineer, upon a salary to be named by said commission-

ers, not exceeding twenty-five hundred dollars a year. If the commissioners deem it expedient to employ a hydrographic engineer, who is also a biologist, capable of investigating oyster propagation, an engineer of such qualification may, in their discretion, be employed. The sum of five hundred dollars per annum shall be appropriated, to be expended under the direction of said engineer, if he be a biologist, who shall, in that event, establish one or more stations for said investigation of oyster propagation. All salaries, outlays and disbursements authorized by this sub-title shall be paid out of the general treasury of the State of Maryland upon requisitions made by the Board of Shell Fish Commissioners, endorsed by the Comptroller of the State, but the same shall be repaid out of the first revenues arising from the leasing of land for oyster culture contemplated by this sub-title. The commissioners composing said board shall, immediately after their appointment, file in the office of the clerk of the Court of Appeals separate bonds, with a surety or sureties to be approved by the state treasurer, in the sum of ten thousand dollars, conditioned for the faithful performance of the duties imposed by this sub-title. The said commissioners shall take and subscribe, before the governor of the State, an official oath prescribed by the constitution. The said commissioners shall have an office in the city of Annapolis.

Record Books; Transfers.

1906, Ch. 711, Sec. 85. 1910, Ch. 401, Sec. 85.

87. The commission shall keep at its office, in the city of Baltimore, books of record, in which shall be recorded all leases, assignments and other conveyances of land to be used for the planting or cultivation of oysters in accordance with this sub-title. A set of clear and simple forms for all subsequent conveyances of any kind shall be prepared by the board, with the advice of the Attorney-General, and no title shall be vested in any lessee or transferee of any interest or estate acquired

under this sub-title until the conveyance or conveyances evidencing such leases or transfers shall have been recorded in the office of the Board of Shell Fish Commissioners.

Survey of Natural Beds, Bars and Rocks.

. 1906, Ch. 711, Sec. 86. 1910, Ch. 401, Sec. 86.

88. The Board of Shell Fish Commissioners shall, as soon as practicable after April 2, 1906, cause to be made a true and accurate survey of the natural oyster beds, bars and rocks of this State; said survey to be made with reference to fixed and permanent objects on the shore, giving courses and distances, to be fully described and set out in a written report of said survey, as hereinafter required. A true and accurate delineation of the same shall be made on copies of published maps and charts of the United States Coast and Geodetic Survey, which said copies shall be filed in the office of the said commissioners in the city of Baltimore; and the said commissioners shall further cause to be delineated upon the copies of the published maps and charts of the United States Coast and Geodetic Survey, of the largest scale, one copy for each of the counties in this State, in the waters of which there are natural oyster beds, bars and rocks, all the natural beds, bars and rocks lying within the waters of such county, which maps shall be filed in the offices of the clerks of the circuit court for the respective counties wherein the grounds so designated may lie. The said survey shall be made by the hydrographic engineer employed by said board, as provided in section 86 of this article, acting under the direction and control of said commissioners. The said natural beds or bars shall be marked by buoys, which shall be known as State buoys.

Assistance of U. S. Surveys, Etc.

1906, Ch. 711, Sec. 87.

89. The governor of this State is hereby requested to ask the assistance of the United States Coast and Geodetic Survey, and of the

United States Fish Commissioners, to aid in the carrying out of the provisions of the preceding section.

Appointee of County Commissioners to Aid Board.

1906, Ch. 711, Sec. 88.

90. The county commissioners of each and every county in this State in which there are natural oyster beds, bars or rocks, shall be authorized to appoint some resident of their said county, who is well acquainted with the situation and location of oyster beds, bars or rocks in the waters of such county, who shall aid the said board by furnishing any information he may possess concerning the situation and location of recognized oyster beds, bars and rocks in the waters of such county, and who shall accompany the said commissioners and the hydrographic engineer appointed by said board, but only within the limits of his county, in the making of the survey of the natural oyster beds, bars and rocks, as provided by this sub-title; the said appointee to receive a compensation of five dollars per day when actually so engaged.

Natural Beds and Bars to be Designated on Charts and Maps; Reports and Survey to be Filed With Clerks and Made Conclusive Evidence; Proviso.

1906, Ch. 711, Sec. 89.

91. As soon as practicable after the first day of April, 1906, the said commissioners shall organize, and shall at once proceed, with the assistance of such person or persons as may be detailed by the United States Coast and Geodetic Survey, and the United States Fish Commissioner, to aid them in their work, and of such persons as may be appointed under the preceding section, to have laid out, surveyed and designated on the said charts, the natural beds and bars, and shall cause to be marked and defined as accurately as practicable the limits and boundaries of the natural beds, bars and rocks, as established by said survey, and they shall take true and accurate notes of said survey in

writing, and make an accurate report of said survey, setting forth such a description of land marks as may be necessary to enable the said board, or their successors, to find and ascertain the boundary lines of the said natural oyster beds, bars and rocks, as shown by a delineation on the maps and charts provided in this sub-title; said report shall be completed and filed in the office of the board in the city of Annapolis, within ninety days after the completion of the survey of any county. Said commissioners shall cause the same to be published in pamphlet form, and transmit copies of the same to the clerks of the circuit court for the respective counties where the charts have been filed or directed to be filed as hereinafter provided, the said report to be filed by the clerks of the several counties in a book kept for that purpose. And the said survey and report, when filed, subject to the right of appeal hereafter provided for in this sub-title, shall be taken in all the courts of this State as conclusive evidence of the boundaries and limits of all natural oyster beds, bars and rocks lying within the waters of the county wherein such survey and report are filed, and shall be construed to mean in all of the said courts that there are no natural oyster beds, bars or rocks lying within the waters of the counties wherein such report and survey are filed other than those embraced in the survey authorized by this sub-title, and that all areas of the Chesapeake bay and its tributaries within the State of Maryland not shown in the survey to be natural oyster beds, bars or rocks, shall be construed in all the courts of the State to be barren bottoms, and open for disposal by the State for the purpose of private planting or propagation of oysters thereon, under the provisions of this sub-title; provided, that the said survey and report shall not be so construed as to affect in any manner the holdings by citizens of this State in any lot which may have been appropriated or taken up under the laws of this State prior to April 2, 1906.

How Natural Beds and Bars to be Defined and Bounded.

1906, Ch. 711, Sec. 90.

92. The said board, in defining the natural beds and bars, shall exercise its judgment liberally in favor of the natural beds and bars, and allow a reasonable margin of the barren bottoms, rather than encroach on a natural bed or bar. The natural beds or bars shall be bounded by straight lines, even though some portions of barren bottoms may thus be necessarily included within such lines.

Petition Alleging Omission of Natural Bed, Etc.

1906, Ch. 711, Sec. 91.

93. If residents of any county, exceeding twenty-four in number, shall, within four months after the filing of said survey and report in such county, file in the circuit court for said county a petition, in writing, attested by the oath of some one or more of the petitioners, alleging that five or more adjacent acres of oyster beds, bars or rocks in such county have been omitted from such survey, or that five or more acres of barren bottoms have been included in such survey, and designating the location of same by a plat, or as near as may be with reasonable certainty by such land marks as will locate and designate the beds alleged to have been omitted or included, a judge of the circuit court for the said county, after due notice given to the Board of Shell Fish Commissioners, shall proceed to hear testimony and decide the case, as provided in the succeeding section, but this section shall not apply where the ground claimed by the petitioners has been legally taken up prior to April 2, 1906.

Hearing by Circuit Court ; Decision Final.

1906, Ch. 711, Sec. 92.

94. Upon hearing a case presented by petition under the preceding section, the judge shall determine the question whether the ground

referred to in said petition is a natural bed or barren bottom, and his finding on said question shall be final, and shall be entered upon the records of the Board of Shell Fish Commissioners in their office in the city of Annapolis, and properly marked on the copies of the plats as hereinbefore required.

Amended Survey.

1906, Ch. 711, Sec. 93.

95. Such amended survey shall be filed in the office of the clerks of the circuit court for the counties in which the original surveys hereinbefore provided are required to be filed, and when so filed shall be conclusive evidence in all the courts of this State as to whether the area embraced therein is or is not a natural oyster bed, bar or rock.

Deposit by Petitioners.

1906, Ch. 14, Sec. 94.

96. Whenever a petition is filed in the circuit court for any county, as authorized in section 93 of this article, the parties so petitioning shall deposit twenty-five dollars, to be returned to the petitioners if the judge shall determine in favor of the petitioners; but if the judge shall determine adversely to the petitioners, the said sum to be applied, so far as necessary to the payment of costs incurred in the proceedings under said petition, and the balance to be returned to said petitioners.

Assistance of County Surveyor.

1906, Ch. 711, Sec. 95.

97. The said board shall be authorized to call to their assistance the county surveyor of any county whenever in their judgment his assistance is necessary, and shall pay him for his services such compensation as is authorized by law for his services in other proceedings.

Crabbing Sections to be Designated on Maps and Charts ; Exemption.

1906, Ch. 711, Sec. 96.

98. The Board of Shell Fish Commissioners shall cause an accurate survey of and delineation upon the maps and charts aforesaid of all bottoms of the tributaries of the Chesapeake bay where grass grows and it is profitable to scrape for soft shell or shedder crabs, and shall have such bottoms properly designated by permanent objects on the shore, as provided hereinbefore for natural oyster beds, bars and rocks, which said crabbing sections shall be exempt from leasing for oyster culture.

Assistance of Steamer of State Fishery Force and Deputy Commanders.

1906, Ch. 711, Sec. 97.

99. One of the steamers of the State Fishery Force shall be kept in commission under the command of the deputy commander, and subject to the control and direction of the commissioners from the first day of April in each year until the first day of October following, to assist the board in the performance of the duties imposed upon it by this subtitle ; and the deputy commander in each of the several districts of this State shall also be subject to the control and direction of said commissioners during the closed season for taking or catching oysters with rakes and tongs during the time the said commissioners shall be engaged in the respective districts in locating natural oyster beds, bars and rocks, and shall give the said commissioners every assistance in their power.

Leases; Limitations Thereof; Rent; Lease may be Vacated

1906, Ch. 711. 1912, Ch. 539, Sec. 98.

100. After the survey provided for herein shall have been completed, it shall be the duty of the Board of Shell Fish Commissioners to lease, in the name of the State of Maryland, tracts or parcels of land

beneath the waters of this State, whether within the limits of the counties or elsewhere, in the area to be opened for oyster culture according to the provisions of this act; provided, that no tract so leased, if situated within the territorial limits of any county in this State, shall contain less than one acre of land, and if situated in any other place, no tract so leased shall contain less than five acres. It shall be the duty of said board to require that the tracts so leased shall be as nearly rectangular as is convenient. It shall be the duty of the said board to demand from each lessee payment of the rent each year in advance. No person shall be permitted by lease, assignment or in any other manner, to acquire a greater amount of land than thirty acres situated within the territorial limits of any of the counties, or five hundred acres in any other place; provided, however, that an individual may acquire a tract not exceeding one hundred acres of land beneath the waters of Tangier Sound. Leases of such lands shall be made only to residents of Maryland. The term of such leases shall be twenty years, and the annual rent reserved to the State shall be one dollar per acre for each of the first two years of said term of twenty years; two dollars per acre for the third year; three dollars per acre for the fourth year; four dollars per acre for the fifth year; and five dollars per acre during the remainder of the term. On and after April 1st, 1913, the Board of Shell Fish Commissioners may lease, at a rent at price which in their judgment is a proper one and commensurate with the value of the land so leased, any land subject to the provisions of this act which has not been applied for or leased up to that time; provided, however, that no land shall be leased at a less price than twenty-five cents (25c) per acre, and the land so leased under this provision shall be subject to all other provisions of this act. If any part of the rent reserved under such lease shall remain unpaid for more than six months after the same becomes due, such lease or leases may, at the option of the Board of Shell Fish Commissioners, be declared void, and in that event the land shall revert

to the State, and may be leased again in accordance with the provisions of this act. The said board may, at the request of any lessee, if it shall appear equitable so to do, upon cause shown in writing, cancel his lease as to the whole or a part of the land leased. The Board of Shell Fish Commissioners is hereby directed to submit a plan to the next session of the General Assembly of Maryland providing for the assessment of rentals for leased bottoms in accordance with the value of these bottoms for the cultivation of oysters.

When and Where Leasing to Begin.

1906, Ch. 711, Sec. 99.

101. In case the survey provided for by this sub-title shall not have been completed within one year from April 2, 1906, then it shall be the duty of the Board of Shell Fish Commissioners to begin the leasing of barren bottoms in the manner and upon the terms provided in the preceding section; provided, that such leasing shall then commence only in those areas in which the survey provided for in this sub-title shall have been completed.

Exclusive Rights of Riparian Owners and Those Engaged in Dredging, Etc.; Provisos.

1906, Ch. 711, Sec. 100. 1912, Ch. 539, Sec. 100.

102. For a period of thirty days after the said survey shall have been completed, or after any area shall have been opened to leasing under the preceding sections, citizens of Maryland residing in any part of the State, who, at the time of the completion of said survey, or at the respective times of the opening for oyster culture of the several areas, as the case may be, may be owners of land having a water front upon any part of the said areas so opened to oyster culture, shall have the exclusive right to rent any land opened to oyster culture under the provisions of this act adjacent to their lands. And for an additional period of thirty days, after the expiration of the said period of thirty

days, all boatmen, residents of this State, who shall be engaged in the business of dredging, scraping or tonging for oysters at the time of the completion of the said survey, or at the respective times of the opening for oyster culture of the several areas, or if said survey shall be completed, or the said areas shall be opened to oyster culture during the closed season for dredging, scraping or tonging, as the case may be, then the person so engaged at the end of the last dredging, scraping or tonging season shall have the like exclusive right in the order of their respective applications, as the same may be received and opened by the Board of Shell Fish Commissioners, to rent any adjacent lands; provided, that in no event any such land owner, boatman or any other person be permitted to rent or acquire more than thirty acres, one hundred acres, or five hundred acres, as the case may be, dependent upon the situation of the land which is leased or acquired; and provided, further, that no such riparian landowner, as is mentioned in this section, shall be entitled to rent the amount of thirty acres, one hundred acres, or five hundred acres, as the case may be, unless the water front of the land so owned by him, if fronting on water within the territorial limits of a county, be at least two hundred yards, or if fronting on waters in any other place, be at least seven hundred yards. The owners of land having a less water front than is mentioned above shall be entitled to rent a proportionately less amount of land, dependent upon the length of the front upon water within county limits or elsewhere.

Form of Application.

1906, Ch. 711, Sec. 101.

103. Blank forms of application shall be furnished upon reasonable charges, to be prescribed by the Board of Shell Fish Commissioners, to any person desiring the same. All such forms shall be printed, and shall be substantially in the following language: Application for a lease to the Board of Shell Fish Commissioners of Maryland. The

application of _____ a resident of _____ county, in the State of Maryland, respectfully shows that he is a resident of said State; that he wishes and intends to use the ground hereinafter described for planting or cultivating oysters. He, therefore, requests that said board lease to him, in the name and on behalf of the State of Maryland, _____ acres of ground located under the waters of the State of Maryland, which ground is more particularly described as follows, to wit: (Describe here.) Dated at _____ Maryland, this _____ day of _____ A. D.

Applicant.

Leases of Remaining Land to Residents of Maryland.

1906, Ch. 711, Sec. 102. 1912, Ch. 539, Sec. 102.

104. When the period of sixty days shall have elapsed after said survey shall have been completed, and after the lands beneath the waters of any area shall have been opened to leasing under section 99 of this act, the Board of Shell Fish Commissioners shall endeavor to lease the remaining portions of land so open to oyster culture under the provisions of this act to applicants, who shall be residents of Maryland, in the order of their applications received and opened by said commissioners.

Application; Fee.

1906, Ch. 711, Sec. 103.

105. Any person who may desire to plant and cultivate oysters in the area hereinbefore designated shall file with the Board of Shell Fish Commissioners an application substantially in the form prescribed in section 103 of this article. The applicant shall indicate plainly the location of the land he desires to lease. The application shall be sworn to before a justice of the peace of this State. A fee of five dollars shall

be paid by the applicant to the Board of Shell Fish Commissioners at the time of filing the application, which fee shall be returned to the applicant if his application shall be for any reason declined.

Register of Titles to Oyster Lands; Additional Fee; Survey.

1906, Ch. 711, Sec. 104.

106. If such applicant be a resident of the State of Maryland, and if no objections to the issuing of the lease asked for in any such application be filed with the commissioners within the period of thirty days after such application is made, or as soon as any objections that may have been filed to the granting of such lease will have been finally over-ruled by said commissioners, the said commissioners, upon payment by the applicant of a further fee of two dollars and a half, in addition to the fee of five dollars, which is to accompany his application, shall cause to be entered in a book or books to be known as "The Register of Titles to Oyster Lands," the name of the applicant, with a concise but clear description of the land applied for. A survey of such land at the expense of the applicant shall be made by the board before the entry, if in its opinion, said survey is necessary to an accurate description thereof. The payment of the proper fees due for the application and record in the register required by this section to be kept shall constitute between the State and the applicant the relation of landlord and tenant for the term of twenty years, from the record of the lands so applied for as aforesaid, at the annual rentals provided in section 100 of this article.

Relation of Landlord and Tenant; How Far it Applies.

1906, Ch. 711, Sec. 105. 1912, Ch. 539, Sec. 105.

107. The relation of landowner and tenant stated in section 104 shall have all the incidents attaching to that relation as the same exists under the laws of Maryland, excepting only the following particulars:

First. Land leased under this act shall be used only for the purpose of planting and cultivating oysters.

Second. No right shall exist to redeem or purchase any land of the State so leased.

Third. Any other modification caused by the provisions of this act.

Ground Leased to be Marked.

1906, Ch. 711, Sec. 106.

108. The commissioners shall at once notify the lessee of the record in the register required by section 106, and the lessee shall, as soon thereafter as practicable, not exceeding thirty days from the receipt of said notice, cause the ground designated as leased to him to be plainly marked out by stakes, buoys or monuments, under the supervision of the commissioners. At least four of such stakes, buoys and monuments shall have the initials of the lessees plainly marked upon them, and such stakes, buoys or monuments shall be at all times during the existence of said lease continued by said lessee or his legal representative.

Limits of Application of Oyster Law.

1906, Ch. 711, Sec. 107.

109. This sub-title is not intended to apply to any lands owned by private persons, the bounds of which extend below low water into or beneath the waters of this State. This sub-title shall not be so construed as to apply to any creek, cove or inlet less than one hundred yards in width at its mouth at low tide.

Prior Lawful Appropriation for Planting, Etc.; Rights Conferred Thereby.

1906, Ch. 711, Sec. 108.

110. Any person who has, prior to April 2, 1906, lawfully appropriated or taken up any land in this State, for the purpose of planting, bedding or cultivating oysters thereon, may become a lessee of said land

for the term of twenty years from said date, with all the incidents, including the payment of the rents, of the leases contemplated by this sub-title, provided such person gives written notice to the Board of Shell Fish Commissioners of his intention to become such lessee within six months after the passage hereof. The holding of any person who may have appropriated any such land shall become void and of no effect in law upon the expiration of the said period of six months from April 2, 1906, if no such notice of intention will have been given within said period of six months.

Rights of Lessees.

1906, Ch. 711, Sec. 109.

111. The lessee of any land leased for the purpose of planting and cultivating oysters shall have exclusive ownership of and title to all oysters planted by him or existing on the land leased.

Invalid Assignments; Reverter.

1906, Ch. 711, Sec. 110. 1912, Ch. 539, Sec. 110.

112. No assignment or transfer of any interest acquired by this act shall be valid for any purpose if made to a non-resident of this State. If any such assignment is attempted to be made, all interest of the grantor, or assignor, shall revert to the State as if no lease had ever been made. If any assignment of any interest created by this act is attempted to be made to any corporation, or joint stock company, all the interest of the grantor or assignor shall revert to the State as if no lease had ever been made. If any assignment or any interest created by this act is attempted to be made to any person in such a way that the assignee shall become the holder of more than thirty acres, one hundred acres, or five hundred acres, as the case may be, according to the location of land leased under this act, all interest of the grantor or assignor, in case of such assignment, shall revert to the State as if no lease had been made.

Oysters May Be Taken From Natural Beds Between 15th of April and 15th of May.

1906, Ch. 711, Sec. 111.

113. It shall be lawful for any tonger, between the 15th day of April and the 15th day of May in any year, to take oysters from such natural beds or bars in the tonging districts of the Chesapeake bay and its tributaries, as the commission may mark out for that purpose, and under such regulations as said commission may from time to time prescribe; and provided, however, that said oysters may be sold only for the purposes now permitted under the existing laws of Maryland during the season of the year above mentioned; and in addition thereto, to persons engaged in the industry of planting and cultivating oysters within the area designated by this sub-title, the same to be delivered only upon lands which may have been leased under the provisions of this sub-title, for said purposes of planting or cultivation.

Lessees Required to Take Out License.

1906, Ch. 711, Sec. 112. 1912, Ch. 539, Sec. 112.

114. No person shall catch or take oysters with dredge or similar instrument on any land held by lease under the provisions of this act without first having obtained a license therefor in the same manner as is now required by law for dredging oysters on the natural bars in the waters of the Chesapeake Bay. No steamer or power boat of any kind shall be used or employed in catching or taking oysters in the waters of the State with scoop, scrape, dredge or similar instrument; and the captain of any boat engaged in taking oysters by any of the above mentioned methods, who shall have on his boat any engine or motor of any kind, whether attached to said boat or not, which is adapted to or can be used in propulsion of said boat, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than fifty dollars nor more than two hundred dollars. Oysters may be taken in the Chesapeake

Bay and its tributaries and all other waters of the State on leased bottoms by the holders of such leased bottoms by dredging, scraping or tonging with boats propelled by oars or sails only, at such time as may be desired by the holders of such land, between sunrise and sunset of any week day between the fifteenth day of September in any year and the fifteenth day of June in the following year. It is, however, specially provided that it shall be unlawful for any holder of land under this act to take up oysters from the land so held by him during the closed season for the dredging of oysters from the natural bars of this State, until after he has given a written notice of his intention so to do to the official in charge of the nearest police boat, in which notice he shall name the week day or week days, and the hours between sunrise and sunset of such week day or week days, in such closed season during which he may intend to take oysters from such land, and it shall be unlawful for the holder of any such land to take up oysters from the land held by him at any other times than those named in such notice. Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon indictment and conviction in any circuit court for any county of this State, or in the criminal court of Baltimore city, before which such case is tried, shall be subject to all the penalties provided in section 24 of this article for taking oysters unlawfully within the provisions of certain sections therein referred to.

114a. Any person who, being a lessee under the provisions of this act, shall dredge or otherwise take oysters from any of the natural beds or bars in the waters of this State, in violation of any of the laws of this State, shall be deemed guilty of a misdemeanor, and upon indictment and conviction in any circuit court for any county of this State, or in the criminal court of Baltimore city, before which such case is tried, shall be subject to all the penalties provided in section 24 of this article for tak-

ing oysters unlawfully within the provisions of certain sections therein referred to. And the Board of Public Works is hereby authorized to purchase and maintain motor or other boats that may be required by the State Fishery Force to enforce the provisions of this section, and to pay for the same out of the revenues received under this act.

Wilful Removal or Interference With Oysters or Stakes, Etc.; Penalty.

1906, Ch. 711, Sec. 113.

115. Any person who shall wilfully and without authority take or remove oysters from any land leased under the provisions of this sub-title, or shall wilfully injure or interfere with the oysters of such land in any manner, or injure the oysters thereupon situated, or remove, alter or interfere with the stakes, buoys or monuments marking the same, shall, upon conviction thereof, for the first offense, be sentenced to imprisonment in jail or in the penitentiary, in the discretion of the court, for not less than three months and not more than two years; and for the second, or any subsequent offense, be sentenced to imprisonment in the penitentiary for not less than two years and not more than five years.

Working Dredge, Etc., and Casting Haul, Etc.; Penalty.

1906, Ch. 711, Sec. 114.

116. Any person who shall work a dredge, scrape or pair of tongs, or any other implement, for the taking of oysters upon any land leased under the provisions of this sub-title without the consent of the lessee or owner, or who shall, while upon or sailing over any such ground or bed, cast, haul, or have overboard any such dredge, scrape or pair of tongs or other implement for the taking of oysters, under any pretense, or for any purpose whatever, without the consent of such lessee or owner, upon conviction thereof shall, for the first offense, be fined not less than fifty dollars nor more than two hundred and fifty dollars, or in the

discretion of the court, be imprisoned in jail or in the penitentiary for not less than three months nor more than one year, or shall be both so fined and imprisoned; and for the second or any subsequent offense shall be sentenced to imprisonment in the penitentiary for not less than two years nor more than five years.

Making Boat Fast to Buoy, Etc.; Penalty.

1906, Ch. 711, Sec. 115.

117. Any person who shall make his boat fast to a State buoy or remove the same, or in any manner interfere therewith, the same shall, in the discretion of the court, upon conviction thereof, be sentenced to the penitentiary for a term of not less than one year or more than two years.

Unlawful to appropriate Bottom Except as Herein Provided.

Act 1912.

117a. It shall be unlawful for any person other than a lessee under this act, or for any lessee under this act, while he shall be in default in payment of rent, to appropriate to himself for any purpose any of the barren bottoms under the waters of this State which are, by the provisions of this act, subject to lease, or to use any such barren bottoms in any way for the purpose of bedding, planting or cultivating oysters; and any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon indictment and conviction in any circuit court for any county in this State, or in the criminal court of Baltimore city, before which such case is tried, shall be fined the sum of fifty dollars for each violation thereof. Each day during which or in which any of the acts prohibited by this section may be performed shall constitute a separate violation of its provisions. It shall be the duty of the State's attorney of the county having jurisdiction, or of Baltimore city, at the request of the Board of Shell Fish Commis-

sioners, to prosecute anyone violating the provisions of this section. The net proceeds of fines collected under this section shall be applied as follows: One-half of the same shall be paid to the informer, if any, and the remainder shall be applied according to the provisions of section 118 of this article.

Additional Penalty for Violation of Law.

1906, Ch. 711, Sec. 116. 1912, Ch. 539, Sec. 116.

118. In addition to other penalties herein provided, any person convicted of a violation of this act under either of the six preceding sections (sections 112A to 115A, both inclusive,) shall be and is hereby denied the right to take out any license to dredge, scrape or tong for oysters in any waters of this State for the period of three years after said conviction.

Duty of State Fishery Force.

1906, Ch. 711, Sec. 117.

119. It shall be the duty of all officers and members of the State Fishery Force to arrest persons violating this sub-title, and to patrol such waters of the Chesapeake bay and its tributaries as they may be directed by the Board of Public Works to patrol, for the purpose of preventing violations of this sub-title.

Application of Revenue.

1906, Ch. 711, Sec. 118. 1912, Ch. 539, Sec. 118.

120. The revenues arising from the operation of this act shall be applied in the following manner :

First. To the payment of all expenses and disbursements authorized by this act.

Second. The balance to be paid at the end of each year into the treasury of the State, to be placed to the credit of, and divided equally between, two special funds, the first to be known as the "Special Road

Fund," and the second to be known as a "Fund for the Conservation of Natural Oyster Bars."

Annual Report of Commissioners; Powers and Duties; Restoring of Depleted Bottoms.

1906, Ch. 711, Sec. 119.

121. The Board of Shell Fish Commissioners shall annually prepare and publish, in pamphlet form, a full report of its transactions during the year prior thereto, as well as a statement of the operations of this sub-title, and an account of the receipts and disbursements hereunder. The said report shall also contain a detailed statement of the lands leased under this sub-title, with the names of the lessees. The said commission shall also in its reports make such recommendations as it may deem proper concerning further legislation or changes in the present oyster laws, and shall present the said report to the General Assembly of Maryland.

1912, Ch. 539, Sec. 119A.

121a. It shall be the duty of the Board of Shell Fish Commissioners to take such measures as in its judgment shall seem best calculated to increase the productivity of any part of the natural oyster bars defined as such by records and charts filed with the courts of this State; and the expense of so doing shall be paid out of the "Fund for the Conservation of Natural Oyster Bars," upon requisition made by the Board of Shell Fish Commissioners, endorsed by the Comptroller of the State.

1912, Ch. 539, Sec. 119B.

121b. Any natural oyster bar or bars, or parts of bar or bars, which the Board of Shell Fish Commissioners may designate for the purpose of being cultivated and restored, may be exempted by the Board of Shell Fish Commissioners from all rights of taking oysters in any manner, by any person whatsoever, for a period to be specified in a notice of such intention, to be published in local papers thirty days prior to

such action ; provided, that said published notice shall become void and of no effect at any time during the period of thirty days after the publication of said notice by the filing of a petition with the Board of Shell Fish Commissioners signed by twenty-five licensed oystermen entitled to take oysters from the bars or parts of bars designated by the said notice.

1912, Ch. 539, Sec. 119C.

121c. For the purpose of performing the duties imposed upon the Board of Shell Fish Commissioners by sections 119A and 119B, they may employ a superintendent of natural oyster bars, or designate one of the employees of the Board of Shell Fish Commissioners to act as such; and it shall be the duty of such superintendent, under direction of the Board of Shell Fish Commissioners, to give personal supervision to the work of cultivating and restoring the natural oyster bars designated for that purpose by the order of the Board of Shell Fish Commissioners.

1912, Ch. 539, Sec. 119D.

121d. The Board of Shell Fish Commissioners, in addition to taking such measures of conservation of natural oyster bars as in its judgment seems advisable, shall purchase, from the lowest responsible bidder, shells or oysters or other material at such places and in such quantities as may be needed for the purpose of restoring the natural oyster bars ; and in inviting proposals for such shells or oysters they may prescribe that the shells or oysters shall be delivered at a convenient place for shipment, or they may require that the said shells or oysters be delivered and distributed by the sellers thereof on such particular natural oyster bars, or parts of bars, as the Board of Shell Fish Commissioners may be engaged in cultivating and restoring ; and the Board of Shell Fish Commissioners shall have the power to cause such shells or oysters to be properly distributed on the designated natural oyster bars, or parts of bars, under the direction of the superintendent of natural oyster bars.

1912, Ch. 539, Sec. 119E.

121e. For the purpose of discharging the duties imposed upon it by the four preceding sections of this act, the Board of Shell Fish Commissioners shall have the same control and direction, and be to the same extent over the State Fishery Force, as is given to said Board of Shell Fish Commissioners by section 97 of this article.

1912, Ch. 539, Sec. 119F.

121f. The said Board of Shell Fish Commissioners shall in no case contract any obligation or incur any indebtedness for the restoring and re-shelling of natural oyster bars in excess of money, at the time of the incurring of said obligation or contracting of said debt, in the State treasury to the credit of the "Fund for Conservation of Natural Oyster Bars."

Description of Location of Leased Ground Indictment.

1910, Ch. 424, Sec. 120.

122. In any indictment for a violation of sections 115 and 116 of this article, or of any other section thereof whereby it may become necessary to describe the location of the particular oyster lot, it shall not be necessary to set forth all the procedure required by law to locate said lot. It shall be sufficient to use a formula substantially to the following effect :

"That A. B., on the _____ day of _____, nineteen hundred and _____, at the county and State aforesaid, being then and there a citizen of _____ county and State of Maryland, did lease, locate and appropriate a certain oyster lot in the waters of the _____, in the county and State aforesaid, for the purpose of planting and cultivating oysters thereon ; that said oyster lot was leased, located and appropriated in due form of law, as provided by chapter 711 of the acts of 1906, a plat and written description of which is duly recorded among the oyster lot records of the Board of Shell Fish Commissioners of the

State of Maryland, and the said lessee has complied with all the conditions and terms of the said lease, as well as the said chapter 711 of the acts of 1906, and the Board of Shell Fish Commissioners of Maryland authorizing the same, and has planted oysters and shells within the lines of said oyster lot located and appropriated as aforesaid. That afterward, to wit, on the _____ day of _____, in the year 19____, the county and State aforesaid, a certain C. D. from the said oyster lot, located, appropriated and leased as aforesaid by and to the said A. B., then and there, wilfully and without authority from the said A. B., owner and lessee as aforesaid, did take and remove oysters from the oyster lot aforesaid (or did interfere with or injure the oysters thereon, or interfere with the stakes, etc., marking the said lot, or have overboard any dredge, scrape, pair of tongs or other implement for taking of oysters, as the case may be,) knowing them to be planted and bedded oysters.

How Location May be Proved.

1910, Ch. 424, Sec. 121.

123. At any trial on such an indictment, or for any offense under or in violation of this sub-title, whereby it may become necessary to prove the Board of Shell Fish Commissioners present with their records, nor shall it be necessary to have the surveyor present, but the said location may be proven either by the original or a certified copy of the lease thereof; and any plat of the said location made or certified to by the said Board of Shell Fish Commissioners shall also be evidence of the said location of the said oyster lot.

Productiveness of Natural Beds to be Increased.

1910, Ch. 735, Sec. 120.

124. It shall be the duty of the Board of Shell Fish Commissioners to take such measures as in their judgment shall seem best calculated to increase the productivity of the natural oyster beds or bars of the State,

and the expense of so doing shall be paid out of the natural oyster bed re-shelling fund, upon requisition made by the Board of Shell Fish Commissioners, endorsed by the Comptroller of the State.

Superintendent of Natural Oyster Beds.

1910, Ch. 735, Sec. 122.

125. For the purpose of performing the duties imposed upon the Board of Shell Fish Commissioners by section 124, they shall employ a superintendent of natural oyster beds, at a salary of \$100 per month, beginning April 1st, and ending September 30th, payable monthly; and it shall be the duty of such superintendent, under the direction of the Board of Shell Fish Commissioners, to give personal supervision to the work of re-shelling the natural oyster beds done by the order of the Board of Shell Fish Commissioners.

Purchase and Distribution of Shells.

1910, Ch. 735, Sec. 122.

126. The Board of Shell Fish Commissioners shall purchase from the lowest responsible bidder shells at such places and in such quantities as they may need for the purpose of re-shelling the natural beds, and in inviting proposals for such shells they may prescribe that the shells shall be delivered to the superintendent of natural beds, or to his order, at some convenient place for the shipment of the said shells, or they may require that the said shells shall be delivered by the sellers thereof on such particular natural bed or beds as the commission may then be engaged in re-shelling, and may require the seller of such shells to distribute them under the direction and control of the superintendent of natural beds. If they shall buy such shells to be delivered otherwise than on the natural beds, the Board of Shell Fish Commissioners shall have the power to cause the said shells to be taken from the place at which they are delivered to the said superintendent of natural beds

to the said natural beds, and to cause the said shells to be there, under the superintendent, or the superintendent of natural oyster beds, properly distributed on the bed or beds, which the Board of Shell Fish Commissioners may then be engaged in re-shelling.

Control of State Fishery Force.

1910, Ch. 735, Sec. 123.

127. For the purpose of discharging the duties imposed upon them by sections 124 to 128, the Board of Shell Fish Commissioners shall have the same control and direction, and to the same extent, over the State Fishery Force as is given to the said Board of Shell Fish Commissioners by section 99 of this article for the purpose of performing the duties imposed upon the Board of Shell Fish Commissioners by chapter 711 of the acts of 1906.

Limit of Expenditures.

1910, Ch. 735, Sec. 124.

128. The said Board of Shell Fish Commissioners shall in no case contract any obligation or incur any indebtedness in excess of money at the time of the incurring of said obligation or contracting of said debt in the State Treasury to the credit of the natural oyster re-shelling fund.

Survey and Designation of Clam Rocks.

1908, Ch. 590, Sec. 1.

129. It shall be the duty of the Board of Shell Fish Commissioners, as soon after April 6, 1908, as practicable, to have laid out, surveyed and designated on charts provided for such purpose, gravel rock, ware rock and flat rock, being clam rocks located in the waters of Pocomoke sound, in Somerset county, and State of Maryland, and shall cause to be marked and defined as accurately as practicable the limits and boundaries of each of the above named rocks, and they shall take true and accurate notes of said survey and mark the report and perform all other

duties connected with said survey as said duties are prescribed by chapter 711 of the acts of the General Assembly of Maryland of 1906 pertaining to natural oyster beds and bars.

Rocks Not to be Leased; Treated as Natural Oyster Beds.

1908, Ch. 590, Sec. 2.

130. After said rocks shall have been surveyed, as provided in section 129 of this article, no part of them shall be leased to any person or persons for the purpose of planting, bedding or cultivating oysters therein, but they shall be reserved to the public in the State of Maryland for the sole purpose of taking clams therefrom, and shall be treated in every particular as are the natural oyster beds or bars which have been or shall be surveyed by the Board of Shell Fish Commissioners under chapter 711 of the acts of the General Assembly of Maryland of 1906.

Boat to be Rented, to Guard Bottoms of Wicomico River.

1908, Ch. 228.

131. The Board of Public Works shall be and is hereby authorized and required to rent or hire a suitable boat to assist in guarding the tonging bottoms of Somerset county located at or near the mouth of the Wicomico river, or adjacent thereto, and in enforcing the laws pertaining thereto, at a cost not to exceed thirty dollars per month for the hiring of said boat, and to appoint a suitable person to command said boat at a salary of fifty dollars per month, from the first day of September to the 30th day of April following of each and every successive oyster season; and the commander of said boat shall be authorized to select such number of seamen to serve on said boat as the Board of Public Works shall authorize, not to exceed two in number, at salaries of thirty dollars each per month during the period of his or their service on said boat; provided, however, that the owner of such boat so hired shall keep the same in good order and repair.

CONCURRENT LAW, MARYLAND AND VIRGINIA.
 Who May or May Not Take Fish, Oysters or Crabs
 in the Potomac River; Penalties.

1912, Ch. 4. (Page 31.)

Section 1. It shall be lawful for any citizen of the State of Maryland, or the State of Virginia, to take fish, oysters or crabs from the Potomac river after complying with the requirements of the laws of the State of which he is a citizen for the taking of fish, oysters or crabs from the waters of such State; and any citizen of either State who takes fish, oysters or crabs from the Potomac river without having complied with the requirements of the law of his State as to the taking of fish, oysters or crabs in its own waters, shall be considered guilty of violating the laws of the State of which he is a citizen, and shall be prosecuted according to such laws. It shall not be lawful for any person to take or catch fish, oysters or crabs in any manner whatever in the waters of the Potomac river unless he be a citizen of Maryland or of Virginia, and shall have been a resident of the State of which he is a citizen for twelve months immediately preceding. Any such non-resident, violating this section shall be subject to a fine of five hundred dollars; furthermore, any vessel, with its equipment and cargo, or any net or other appliances used in violating this section, shall be deemed forfeited to the State.

Restrictions as to the Time and Manner of Taking
 Oysters.

Section 2. It shall not be lawful for any citizen of Maryland, or of Virginia, to take or catch oysters with a scoop, scrape, dredge, or any other instrument in the waters of the Potomac river between the fifteenth day of March and the first day of November of each year; it shall not be lawful for any citizen of either State to take oysters with tongs from the waters of the Potomac river between the twenty-fifth day of April and the fifteenth day of September of each year, except as hereinafter pro-

vided in section 4 of this act; it shall not be lawful for any person to have in possession any oysters taken from the waters of the Potomac river between the first day of May and the fifteenth day of September of each year. Every person found guilty of violating any of the provisions of this section shall be fined not less than fifty dollars nor more than five hundred dollars for each offense, and the vessel, together with its equipment and cargo used in violating any such provisions, shall be forfeited to the State.

Providing a Cull Law and Imposing Penalties.

Section 3. All oysters taken from any natural rocks, beds or shoals within the Potomac river shall be culled on their natural rocks, beds or shoals as taken, and oysters whose shells measure less than two and one-half inches in length, measuring from hinge to mouth, and all shells shall be included in said culling and replaced on said rocks, beds or shoals; provided, that oysters once passed from the culler less than the prohibited size and all shells shall be considered as not having been culled according to the provisions of this section; provided, that when small oysters are adhering so closely to the shell of a marketable oyster as to render removal impossible without destroying the small oyster, then it shall be necessary to remove it. And it shall be unlawful for any person to take, buy or sell the small oysters and shells from the natural rocks, beds and shoals as aforesaid, or to take, buy, sell or have in possession oysters less than two and one-half inches in length from hinge to mouth. Whenever any inspector or other officer shall have reason to believe that this section has been violated with reference to the culling of oysters, such inspector or other officer is hereby authorized to examine the cargo of any boat or vessel, and if, upon examination of said cargo the said inspector or other officer shall find that five per centum or more of said cargo shall consist of shells and oysters whose shells measure less than two and one-half inches in length, measuring from hinge to mouth, the

captain of the boat or other person in charge of said boat shall be deemed to have violated this section, and upon conviction, if of a dredge boat or vendor of oysters, shall be fined not less than forty dollars nor more than two hundred dollars, or confined in jail not less than thirty days nor more than six months, either or both, and said cargo confiscated and returned to the natural beds under the supervision of the oyster inspector or other officer making the arrest, and the boat or vessel on which said oysters are found shall be held as security for the payment of said fine; if the boat in which only oyster tongs are used, the said captain or other person in charge shall be fined not less than twenty dollars nor more than one hundred dollars, or confined in jail not less than fifteen days nor more than three months, either or both, and said cargo confiscated and returned to the natural beds under the supervision of the oyster inspector or other officer making the arrest; and the boat or vessel on which said oysters are found shall be held as security for the payment of said fine; provided, however, that when any person shall be found with oysters in violation of this section he shall be presumed to be a dredger or vender of oysters, and if he claims to be a tonger, the burden shall be upon said person to show that he is a tonger only; provided, that this section shall not apply to that portion of the Potomac river above a straight line drawn from the north point at the mouth of Upper Machodoc creek, in the county of King George, Virginia, to Lower Cedar point, in Charles county, Maryland.

Regulating the Taking of Seed Oysters and Providing Penalties.

Section 4. It shall be lawful, between the first day of January and the first day of May of each year, to take oysters of any size with ordinary or patent oyster tongs from the natural rocks, beds and shoals in the Potomac river above a straight line drawn from the north point at the mouth of Upper Machodoc creek, in the county of King George,

Virginia, to Lower Cedar point, in Charles county, Maryland, to be used for planting in the waters of Maryland or Virginia only ; but it shall be unlawful at any time to take shells to which no oyster is attached, or to take oysters from said waters at any other time, or in any other manner, or for any other purpose, than as above provided. Any person convicted of taking shells as aforesaid, or of taking oysters from the Potomac river above the said line at any other time or in any other manner than with oyster tongs, or for any other purpose as aforesaid, shall be fined not less than one hundred dollars nor more than five hundred dollars, or confined in jail not less than thirty days nor more than six months, either or both. Any citizen of Maryland, or of Virginia, who has complied with all the requirements of the oyster laws of his State entitling him to the privilege for a certain period of taking and catching oysters with ordinary or patent tongs in such State, shall have the right without further license tax to take oysters with such tongs above the said line during the open season provided for in the waters above said line.

Permit Required for Buying or Carrying Seed Oysters and Prescribing Penalties.

Section 5. It shall be lawful for any citizen of Maryland, or of Virginia, after having obtained a permit as hereinafter provided, to buy and carry out of the Potomac river, to be planted in the waters of either Maryland or Virginia, oysters whose shells measure less than two and one-half inches from hinge to mouth taken from natural rocks, beds and shoals in said river above a straight line drawn from the north point at the mouth of Upper Machodoc creek, in the county of King George, Virginia, to Lower Cedar point, in Charles county, Maryland, during the period between the first day of January and the first day of May in any year. The said permit shall be obtained from any oyster inspector, or any officer in charge of a Virginia or Maryland oyster police boat, for

each boat or vessel to be used in carrying said oysters as aforesaid, and shall state the name and tonnage (if registered in the custom house) of the boat or vessel, the name of the owner and the master thereof, and to what waters in Maryland or Virginia such cargo of oysters is to be carried. Before such permit shall be granted the owner or master of such boat or vessel shall take and subscribe to an oath before said officer that the said boat or vessel will not be used for carrying said oysters to any State other than Maryland or Virginia, or for any other purpose than for planting the same in the waters of one or the other of said States, and that he will not sell said oysters to any other person for the purpose of carrying the same to any State other than Maryland or Virginia. The oath so taken and subscribed, together with a memorandum of the permit issued, shall be returned by said officer to the Commander of the State Fishery Force of Maryland, if said officer be a Maryland official, or to the secretary of the Commission of Fisheries of Virginia, if said officer be a Virginia official, to be filed by him in his office. Blank forms for such oath and permit shall be furnished to the respective oyster inspector, and the respective captains of the oyster police boats, by the Comptroller of Maryland and the Auditor of Public Accounts of Virginia. For administering said oath and issuing said permit, the inspector or officer issuing same shall be entitled to receive from the applicant a fee of twenty-five cents. The owner or master of any boat or vessel found carrying or buying such seed oysters without such permit shall be fined not less than twenty dollars nor more than one hundred dollars. And any owner or master of any boat or vessel violating the provisions of this section by buying or carrying or knowingly selling such seed oysters to be carried elsewhere, or for any other purpose than to be planted in the waters of Maryland or Virginia, shall be fined not less than one hundred dollars nor more than one thousand dollars, and in addition thereto the boat or vessel so used shall, with its cargo and

equipment, be forfeited to the State wherein such offender is convicted ; provided, no permit shall be granted to any person engaged in taking or catching, buying or carrying seed oysters or having in his possession oysters measuring less than two and one-half inches from hinge to mouth, who shall have any scoop, scrape, or dredge or any part thereof, on any boat or vessel to be used in taking, buying or carrying seed oysters; and it shall be the duty of the officer who issues said permit to first inspect said boat or vessel and satisfy himself that no such appliance is on said boat or vessel before he issues any permit ; and any person who shall have any scoop, scrape or dredge, or any part thereof, on any boat or vessel engaged in catching, buying or carrying seed oysters or oysters measuring less than two and one-half inches from hinge to mouth, and any owner or master of any boat or vessel violating the provisions of this section by having any scrape, scoop or dredge or any part thereof on any boat or vessel engaged in taking, catching, buying or carrying seed oysters, shall be fined not less than two hundred and fifty dollars nor more than five hundred dollars, and in addition thereto, the boat or vessel so used with its cargo and equipments be forfeited to the State wherein such offender is convicted.

Regulations for the Taking of Fish and Crabs in the Potomac River; How Licenses Procured; Penalties.

Section 6. Any citizen of Maryland or Virginia desiring to fish for market or profit with a pound net, fyke net, gill net, haul seine, sturgeon net, skirt net, weir or other device in the waters of the Potomac river, shall first apply to the regularly constituted officer, as determined by the laws or regulations of the State of which he is a resident, and in the district or locality in which said applicant resides, except that the applicant for license to fish with the fixed device shall apply to the officer of the district or locality in which such fixed device is proposed to be located for a license, and state on oath the true name or names of the person or

persons applying for said license; that they are and have been for twelve months next preceding residents of the State in which such application has been made; the place at which the net, seine, fyke, weir or other device is to be fished, and that during the period of the license he will not violate any of the laws of the State in which he resides in relation to the taking and catching of fish; provided, nothing in this section shall apply to any person using a net solely for the purpose of supplying his own table. Such oyster inspector or other authorized officer shall thereupon grant license to use such net or other device, and state in such license the name or names of the person or persons who shall use the same, the place at which it is to be located or used, the season for which said license is granted, which season shall begin on the first day of February in any year and end on the thirty-first day of January of the year following, and the amount of tax as prescribed by the laws of the State where issued.

Any citizen of either Maryland or Virginia desiring to take or catch crabs from the waters of the Potomac river by any method, or any person desiring to engage in the business of buying crabs for picking or canning or shipping the same, shall pay to the oyster inspector or other designated official in the district in which he resides such specific license tax as is prescribed by the State of which he is a resident.

If any person shall use or set, or cause to be used or set, any such net or seine as aforesaid, or shall take or catch crabs in the waters of the Potomac river within the jurisdiction of the State of Maryland or Virginia without having first paid the tax and obtained the license provided for under the laws of the State in which such net is set or crabs are taken, he shall be deemed guilty of a violation of the provisions of this section, and shall, for each such violation, be fined not less than ten dollars nor more than two hundred dollars, and shall forfeit to the State such net or other fishing devices used in said violations.

It shall be unlawful for any person to use a haul seine or pound net, head or pocket having a smaller mesh than two inches, stretched measure, for the purpose of catching food fish. Any net having a funnel mouth, round mouth, or square mouth, with head above water, shall be construed as a pound net. Any person or persons using a net in violation of this provision shall be fined not less than ten dollars nor more than one hundred dollars for each offense, and such net or nets shall be forfeited to the State.

Concurrent Jurisdiction for Punishment of Offenses in Potomac River.

Section 7. All offenses committed against the provisions of this act by persons not citizens and residents of either State may be punished by any of the magistrates or courts of either State having criminal jurisdiction; all offenses committed against the provisions of this act by citizens of either State shall be punished by any of the magistrates or courts of the State of which he is a citizen having criminal jurisdiction.

The authorities of either State shall have the right to examine into the right of any person taking fish, oysters or crabs in the Potomac river, or having same in his possession; and any person taking fish, oysters or crabs in the Potomac river, or having same in his possession, shall exhibit his authority for so doing whenever required by the police or other legal authority of either State. The legal authorities of either State shall have the right to arrest any such offender, and, if necessary in order to arrest, shall pursue such offenders beyond the boundary line of either State upon navigable waters, and arrest such offender whenever found upon such waters.

Penalties Where not Otherwise Provided ; Forfeiture of Vessel.

Section 8. Any person violating any section of this act, where not otherwise provided, shall, upon conviction thereof, be fined not less than twenty-five dollars nor more than three hundred dollars; and where for-

feiture of boat, vessel, net or other equipment is provided for in any section of this act the said boat, vessel, net or other equipment shall be sold at public auction by the sheriff of the county for cash after ten days' notice. In case of appeal, the appellant shall remain in custody, and the boat, vessel, net or other equipment shall be sold as above provided, unless recognizance be entered into for double the amount of the fine and double the value of said boat, vessel, net or other equipment, conditioned on the performance of the final judgment of the Court. Upon such recognizance being given, the party convicted and the aforesaid property shall be discharged.

Failure of Officer to Perform Duty; Penalty.

Section 9. If any oyster inspector, or other officer empowered with the duties of enforcing the provisions of this act, knowingly fail to report violations of the same, or to perform any of the duties herein required of him, he shall, for every such offense, be liable to a fine of one hundred dollars, to be applied to the oyster fund of his State.

Section 10. An emergency existing for the passage of this act because of the depletion of fish and shell fish in the Potomac river, the same shall take effect from the date of its passage, provided concurrent legislation has been passed by the General Assembly of Virginia; or, if not passed, then immediately upon the passage thereof.

Section 11. Nothing in the ten preceding sections shall be construed in any way to impair, alter or abridge any rights which either State, or the citizens thereof, may be entitled to, either by, through, under or against the compact entered into between the States of Maryland and Virginia on March 28th, 1785.

FISH AND FISHERIES

ARTICLE 39, CODE
PUBLIC GENERAL LAWS
OF THE
STATE OF MARYLAND

FISH AND FISHERIES

ARTICLE 38 CODE

PUBLIC GENERAL LAWS

OF THE

STATE OF MARYLAND

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FISH AND FISHERIES.

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Article 39, Code—Public General Laws.

FISH AND FISHERIES.

HEAD OF THE BAY.

Time for Catching Herring and Shad With Gill-nets; Forfeiture.

1904, Art. 39, Sec. 1.

1. No person except resident citizens of this State shall fix, set or stake out any sort of gill-nets, either stationary or floating, or any device whatever, for the taking of herring and shad in the Chesapeake bay at any time between the first of March and the first of June in each year; and any person so offending shall forfeit the vessel and tackle used in such fishing, and all the nets, apparatus and devices for taking fish, and also pay a fine of fifty dollars for each offense.

Hauling Seine or Drag-net ; When Prohibited.

Ibid., Sec. 2.

2. No person shall, from the tenth day of June to the first day of October in each year, fish with hauling seine or drag-net of any kind within the Chesapeake bay or any of its tributaries lying northward of the following line, viz: Beginning at Still Pond, in Kent county, and drawn westward to Lego's point, in Harford county.

No Fishing With Purse-nets North of Certain Line.

1908, Ch. 740.

3. No person shall at any time be allowed to fish with purse-nets at any point in the Chesapeake bay north of a line drawn east from Sandy Point, on the Western Shore, due east to Love Point, on the Eastern Shore of Maryland.

License to Fish With Purse-nets South of Said Line.

1908, Ch. 740.

4. No person shall fish with purse-nets within the State of Maryland south of the line drawn from the line aforesaid due east to the Eastern Shore without first obtaining a license so to do from the Comptroller of the Treasury, and the applicant shall pay the sum of twenty-five dollars for each and every purse-net owned and operated by him, whereupon the said Comptroller shall issue to such applicants a license or licenses to operate such purse-net or nets; and all monies arising from said licenses shall be paid into the State treasury for the maintenance of the State Oyster Navy; and any person failing to procure such license and violating the provisions of this section shall be deemed guilty of a misdemeanor, and on conviction thereof shall be subject to the fines and penalties imposed by section 5 of this article and to the penalties imposed by the statutes of Maryland for failure to procure licenses wherever required by law.

Penalty for Violating Section 2.

1904, Art. 39, Sec. 3. 1888, Art. 39, Sec. 3. 1880, Ch. 260.

5. Any person or persons violating any of the provisions of section 2, upon conviction thereof before any justice of the peace of the county in which said section has been violated, shall pay a fine of fifty dollars, one-half of which shall go to the informer; and any hauling seine or hauling seines, drag-net or drag-nets, and the boat or boats and material

used in fishing the same are hereby declared to be forfeited; and the justice before whom said conviction and condemnation shall be had is authorized and directed to have said fishing apparatus sold by the sheriff or constable making said arrest to the highest bidder, and the proceeds, together with half the fine, after deducting the cost, shall be paid to the county commissioners of the county in which said offense shall be committed for the use of the school fund of said county.

Imprisonment if Fine be not Paid; Appeal.

Ibid., Sec. 4. 1888, Art. 39, Sec. 4. 1880, Ch. 260.

6. Any person, on conviction, failing to pay the fine, as prescribed in the preceding section, shall be imprisoned in the county jail of the county in which said offense shall be committed; provided, however, that any one so offending shall, upon conviction before any justice of the peace of the county in which said offense shall be committed, have the right of appeal to the circuit court for the county in which said offense shall be committed, under the same restrictions that govern appeals from the decisions of justices of the peace.

Placing of Stakes or Poles Prohibited.

1904, Art. 39, Sec. 5. 1888, Art. 39, Sec. 5. 1860, Art. 41, Sec. 3.
1843, Ch. 275, Sec. 1.

7. No person shall place in the head waters of the Chesapeake bay or in the Sassafras, Elk, Bohemia, North, East or Susquehanna rivers, or in any of their tributaries, any stakes, piles or other thing for the purpose of attaching seines or nets thereto, with the view of taking shad or fish of any description; this not to apply to any portion of said bay below Pool's island.

Penalty.

Ibid., Sec. 6. 1888, Art. 39, Sec. 6. 1860, Art. 41, Sec. 5.
1843, Ch. 275, Secs. 3, 4.

8. Any person violating the preceding section shall forfeit the

seine or nets attached as aforesaid, and the boats and materials used for fishing the same, and shall also for each offense pay a fine of fifty dollars.

Vessels not to be Anchored in Any Fishery; When.

Ibid., Sec. 7. 1888, Art. 39, Sec. 7. 1860, Art. 41, Sec. 6.
1820, Ch. 199, Sec. 1. 1841, Ch. 326. 1900, Ch. 611.

9. No vessel, float of timber or plank, or of any other materials, or of any description or kind whatever, nor any boat of any description, unless compelled to do so by stress of weather or other unavoidable accident, shall be anchored or stayed in any fishery in the Susquehanna river, or at the head of the Chesapeake bay, at any time between the 1st day of April and the 20th day of May, in any year, and remain thus anchored for the period of half an hour, when the weather will admit of the departure of such vessel or boat, after being ordered to depart therefrom by the owner or occupier of such fishery; the usual haul of a seine from any floating battery anchored between Spesutia island and Lapidum, in the Susquehanna river, for the purpose of fishing, shall be to all intents and purposes considered as a fishery within the meaning of this section.

Penalty.

Ibid., Sec. 8. 1888, Art. 39, Sec. 8. 1860, Art. 41, Sec. 7. 1820, Ch. 199, Sec. 1. 1841, Ch. 326, Sec. 2.

10. Any person violating the preceding section shall pay a fine of twenty dollars for each offense; and every hour the vessel or other obstruction continues after the half hour mentioned in the preceding section shall be considered a new and separate offense.

Master, Owner and Vessel Liable.

Ibid., Sec. 9.

11. The skipper, the captain, owner or occupier of the vessel, float or boat referred to in the two preceding sections, shall be liable to pay

said fine; and the vessel, float or boat so anchored or stayed as above mentioned, shall also be liable to be seized and sold to pay any fines imposed under the preceding section.

Vessels Sailing Through Seines; Penalty.

Ibid., Sec. 10.

12. If any such vessel, float or boat shall be wittingly, wantonly and maliciously, or from gross negligence, sailed through any seine extended in any of the said fisheries, the skipper, captain or other person commanding such vessel, float or boat shall pay to the owner or occupier of such seine such damages as shall be ascertained by two respectable and disinterested men mutually chosen by the parties; or if the parties cannot agree upon persons as aforesaid to ascertain the damages, then any justice of the peace, on application of either of the parties, shall appoint three disinterested persons with power to any two of the three to ascertain such damages; and any justice of the peace of the county where such ascertainment of damages may be made may enter judgment thereon against the captain or person having charge of such vessel, float or boat, if the sum does not exceed one hundred dollars, and issue execution thereon as on other judgments; and if the damages exceed one hundred dollars, then the party injured may have an action on said ascertainment of damages in the same manner as if it were an award; and in all cases the damages so ascertained shall be a lien on such vessel, float or boat.

Floats not to be Located so as to Interfere With Shore Fishing; Penalty.

1904, Art. 39, Sec. 11.

13. No float or other device for fishing shall be anchored or located at any place so as to interfere with any shore fishery now used as such, or which may be hereafter established; nor shall any seine be

hauled from such floats, or other devices, over the ground usually hauled over by any shore fishery; nor shall any float haul over the grounds usually hauled over by another float, which has cleared its haul and been located in the same position two or more fishing seasons, unless the said float shall abandon for one spring the locality previously occupied; and any person violating this section shall, for each offense, pay a fine of not less than twenty-five dollars nor more than one hundred dollars; and for every hour that such float or other device shall remain anchored or located after notice shall be given by the owner or occupant of such shore, float or fishery requiring, him to remove, he shall pay an additional fine of not less than ten dollars nor more than twenty-five dollars.

Obstructions in Usual Haul of Floating Battery ; Penalty.

Ibid., Sec. 12.

14. If any person shall wilfully and maliciously put any stake, log, stone or other obstruction in the usual haul of any floating battery, he shall pay a fine of twenty dollars.

PATAPSCO.

Fish Ladders to be Kept in Repair by Owners of Dams.

Ibid., Sec. 15.

15. The owners of all dams on the Patapsco river are required to make and keep, or cause to be made and kept, in repair proper fish-ladders and have them placed on said dams, so as to afford to the fish in said river free course up and down said river.

Penalty.

Ibid., Sec. 16.

16. If the owners of said dams fail to comply with the provisions of the preceding section they shall be liable, upon conviction thereof by

summary process before any justice of the peace of this State in the county in which said dam or dams is or are situated, to a penalty of not less than fifty nor more than one hundred dollars ; five dollars to the informer, and the balance to the county commissioners of such county for school purposes.

Appeal.

1904, Art. 39, Sec. 17.

17. Any person who may feel himself aggrieved by any judgment rendered by a justice of the peace under the two preceding sections shall have the right to appeal to the circuit court for the county where the act was committed upon the conditions and regulations provided by law for appeals from judgments of the justices of the peace ; but execution shall not be stayed unless the party appealing shall give bond to the State in double the amount of the fine imposed, with security approved by the justice rendering the judgment, with condition to prosecute his appeal with effect, or to pay the fine imposed with all costs.

PATUXENT.

Restrictions Upon Fishing by Other Than Residents of Prince George's, Charles, St. Mary's and Calvert Counties.

Ibid., Sec. 18.

18. It shall not be lawful for any persons, other than bona fide resident citizens of Prince George's, Charles, St. Mary's and Calvert counties, to take or catch fish in the waters of the Patuxent river and tributaries, with any seine, weir trap or other device, excepting only the hook and line ; provided, that the provisions of this section shall not apply to such as shall obtain permission from the owners of the lands bordering on said waters to fish off and opposite their land or lands so

bordering on said waters; and provided, that none other than bona fide resident citizens of said counties shall use in any of the waters of said river that bind on Prince George's, Charles and Calvert counties above the village known as Benedict any seine, weir, or net more than seventy fathoms long and less than two inches square in the mesh.

Emptying Seines Upon the Beach.

Ibid., Sec. 19.

19. It shall not be lawful for any person to empty his seines upon the beach so as to leave the smaller fish to perish, but he shall empty the same in water of sufficient depth to enable such smaller fish to return to the waters for growth and maturity.

Penalty for Violations of Sections 18 and 19.

Ibid., Sec. 20.

20. Any person violating the provisions of the two preceding sections shall be fined not less than twenty-five nor more than one hundred dollars, in the discretion of the justice of the peace before whom the case is heard; which amount shall be appropriated to the public school fund of the county wherein such judgment is rendered; and for the payment of the amount of fine so adjudged, any boat, seine, weir or other fishing tackle used by any person in violation of the provisions of the two preceding sections, shall be seized and held as security upon complaint against such offending party.

Restrictions Upon Hauling Seine Between Sheriden's Point and Point Patience.

1904, Art. 39, Sec. 21.

21. It shall not be lawful for any persons, except bona fide residents of St. Mary's, Anne Arundel, Charles, Calvert and Prince George's counties, to haul in the waters of the Patuxent river, between Sheriden's Point and Point Patience, any seine of greater length than sixty

fathoms at any time between the first day of June and the first day of October following.

Penalty.

Ibid., Sec. 22.

22. Any person violating the provisions of the preceding section shall be deemed guilty of a misdemeanor, and upon conviction thereof before a justice of the peace for Calvert county, or before the circuit court for Calvert county, shall be fined a sum not less than twenty dollars nor more than fifty dollars; one-half thereof to be paid to the informer and the other half thereof to the county commissioners of said county.

Staking Down Seines; Beating the Waters; Size of Seines; Penalty.

Ibid., Sec. 23.

23. No person shall stake down any seine or net entirely across the Patuxent river for the purpose of taking shad or herring; nor shall any person whip, thresh or beat the waters of the Patuxent river with poles or any other instrument for the purpose of driving any fish within any seine or net; nor shall any person, except bona fide residents of Prince George's, Charles, St. Mary's, Anne Arundel and Calvert counties, in fishing in the said river, between the fifth day of March and the fifteenth day of May, use any seine or net with meshes of less than one and one-half of an inch square; or during the rest of the year with any seine or net with meshes of a less size than two inches square; and no person shall empty any seine except in water twelve inches deep; and any person violating this section shall be subject to the fine and forfeiture provided in section 20.

Vessels not to Anchor in Haul of any Fishing Shore.

Ibid., Sec. 24.

24. No vessel, float, raft or boat of any description, unless com-

pelled to do so by stress of weather or other unavoidable accident, shall be anchored or stayed in the birth or haul of any regularly-hauled fishing shore in the Patuxent river and remain thus anchored for the space of half an hour when the weather will permit the departure of such vessel, raft, float or boat after being warned to depart therefrom by the owner or occupant of said fishery.

Penalty.

Ibid., Sec. 25.

25. Any person violating the preceding section shall pay to owner of said fishery a fine of twenty dollars for each offense; and every hour the vessel, float or boat continues after the half hour mentioned in the preceding section shall be considered a new and separate offense.

Owner, Master and Vessel Liable.

1904, Art. 39, Sec. 26.

26. The captain or owner of the vessel, float or boat referred to in the two preceding sections shall be liable to pay said fine, and the vessel, float or boat so anchored and stayed as above mentioned shall also be liable to be seized and sold to pay any fines imposed under the preceding section.

Vessel Sailing Through Seine; Penalty.

Ibid., Sec. 27.

27. If any such vessel, float or boat shall be wilfully, wantonly and maliciously, or from gross negligence, sailed through any seine extended in any of said fisheries, the skipper, captain or other person commanding such vessel, float or boat shall pay to the owner or holder of such seine not less than twenty nor more than one hundred dollars, at the discretion of the justice of the peace trying the case.

Obstructions in Haul of Fishery.

Ibid., Sec. 28.

28. If any person shall wilfully and maliciously put any stake, log stone, ballast or other obstruction in the berth or haul of any fishery, he shall pay a fine not less than twenty nor more than one hundred dollars, at the discretion of the justice of the peace trying the case.

Fishing With Purse-seines, Except for Food, Prohibited; Proviso.

Ibid., Sec. 29.

29. It shall not be lawful for any person to catch or take fish in the Patuxent river, or its tributaries, with purse-seines, except for food purposes.

Application to Justice for Permit.

Ibid., Sec. 30.

30. Any person wishing to catch or take fish in the Patuxent river for food purposes, with purse-seines, shall make application to a justice of the peace in the county in which he resides for a permit, and shall make oath or affirmation that he is a resident of said county, and that he does not intend to catch fish for the purpose of manufacturing into fertilizer or to put upon the land in the raw state.

Permit for Fish Trap or Pound.

Ibid., Sec. 31.

31. Any person wishing to set a fish trap or pound in the Patuxent river, or its tributaries, shall make application to a justice of the peace for the county in which he resides for a permit to put down such trap, and shall make oath before such justice that he has been a bona fide resident of said county for twelve months immediately preceding the date of such application.

Driving Down Stakes.

1904, Art. 39, Sec. 32.

32. Any person who shall drive down any stakes in the Patuxent river, or its tributaries, for the purpose of setting a trap or pound, shall draw up all of the stakes within ten days after he removes the net from such stakes.

Fee to Justice for Permit.

Ibid., Sec. 34.

33. Any justice of the peace for any of the counties bordering on the Patuxent river shall, upon application of any bona fide resident of his respective county, administer such oath and issue such permit as prescribed in sections 30 and 31, and he shall charge twenty-five cents as his fee.

Penalty for Violations of Sections 29-34.

Ibid., Sec. 35.

34. Any person violating any of the provisions of any of the five preceding sections shall, upon conviction thereof, pay a fine of not less than fifty dollars nor more than one hundred dollars, to be collected as other fines; one-half to be paid to the informer, the other half to be paid to the county commissioners of the county in which such offense is committed, for the benefit of the public schools of said county.

No Pound Nets Less Than 500 Yards Apart; Penalty.

1908, Ch. 293.

35. It shall not be lawful for any person, persons, or corporation to set, place, construct or use any nets (known as pound nets) in the waters of the Patuxent river, between the head of the river and Holland point wharf, less than five hundred yards apart, as measured by the channel of the river; and any person, or persons, or corporation violating

the provisions of this section shall, upon conviction, be fined not more than one hundred dollars for each and every offense.

POTOMAC.

Beginning and End of Shad and Herring Season.

1904, Art. 39, Sec. 36.

36. The fishing season for shad and herring in the waters of the Potomac river shall begin the fifteenth day of March and end the first day of June in each year.

Penalty.

Ibid., Sec. 37.

37. If any person shall haul, drift, anchor or stake in the Potomac river, or any of its tributaries in the State, any gill-nets or seine of any description (except those commonly called market seines for summer and winter fish, and sturgeon nets with eight-inch measure), at any time not within the period fixed by the preceding section, he shall forfeit all the boats, seines and fixtures then in his possession and be fined for each offense not less than fifty nor more than one hundred dollars.

Hauling Seine Within Regularly Hauled Fishing Landing, or Opposite Shore of Owner ; Penalty.

1904, Art. 39, Sec. 38.

38. No person shall haul, drift or fish any seine or gill-nets within the water bounds or berths of any regularly hauled fishing landing, nor opposite to any part of the shore of the owner or occupier of any such landing, within hauling distance from such shore, between the fifteenth day of March and the first day of June in each year, without the permission of the owner or occupier of such fishing landing ; and any person so offending shall be subject to the forfeiture and fine prescribed by the preceding section.

Arrest of Offenders ; Forfeiture of Boats and Seines.

Ibid., Sec. 39.

39. The owners or occupiers of the regularly hauled fishing landings are authorized to render any sheriff or other officer assistance necessary to arrest any person violating any of the provisions of the two preceding sections; and the said officer shall seize all boats, seine and fixtures in possession of such person, and carry the person so arrested before some justice of the peace, to be dealt with as herein directed ; and the said officer may summons the posse comitatus to aid him in making arrest or seizure authorized by this section ; and may for that purpose also press, at the expense of the State, any steamboat or other vessel belonging to any citizen of this State not actually engaged in carrying the United States mail.

Time Regulated for Catching Bass and Other Fish.

Ibid., Sec. 40.

40. It shall not be lawful for any person to catch or kill any black bass, green bass, rock bass, pike or pickerel or wall-eyed pike (commonly known as salmon,) between the fifteenth day of April and the first day of June of each year ; nor catch or kill any of said species of fish at any other time during the year, save only with a rod, hook and line or dip-net. The words "hook and line" shall not include trot-line or out-lines. This section is not applicable to Montgomery county.

Penalty for Violating These Provisions.

Ibid., Sec. 41.

41. Any person violating the provisions of section 40 shall be guilty of a misdemeanor, and shall be punishable, on conviction, by imprisonment in the county jail not exceeding six months, or by a fine not exceeding \$200, or by fine and imprisonment ; and it shall be the duty of the circuit court for the counties abutting on the Potomac river above the Little Falls at each session of the grand jury to call its attention

to the provisions of this law. This section not applicable to Montgomery county.

Where This Law May Not Apply; When to Become Effective.

Ibid., Sec. 42.

42. The provisions of sections 40 and 41 are applicable below the Little Falls, near Washington, the same having become effective by the ratification of the act of 1896, chapter 427, by Virginia and West Virginia, and become the law of Maryland by proclamation by the governor of this State on May 6, 1897.

When Unlawful to Catch Black Bass and Other Fish.

1904, Art. 39, Sec. 43.

43. It shall not be lawful for any person to catch or kill any black bass, green bass, pike or pickerel or wall-eyed pike (commonly known as salmon) in the tributaries of the Potomac river between the fifteenth day of April and the first day of June of each year, nor catch or kill any of said species of fish at any other time during the year save only with a rod, hook and line or dip-net.

Penalty for Violation of This Law.

Ibid., Sec. 44.

44. Any person violating the provisions of section 43 shall be guilty of a misdemeanor, and shall be punishable, on conviction, by imprisonment in the county jail not exceeding six months, or by a fine not exceeding two hundred dollars, or by fine and imprisonment.

Where This Law is Not to Apply.

Ibid., Sec. 45.

45. The provisions of section 43 and 44 shall not be applicable below Little Falls, near Washington, and shall not apply to that part of the waters of the Monocacy river and its tributaries lying in Creagers-

town and Woodsboro districts, Frederick county, and Middlebury district, in Carroll county, from the bridge over the Monocacy river on the turnpike road leading from Woodsboro to Creagerstown in Frederick county, to the head of the Monocacy river and its tributaries.

Obstruction in the Way of Hauling Seine From March to June, and Failure to Remove Same ; Penalty.

Ibid., Sec. 46.

46. If any person shall, during the months of March, April, May and June, place any boat, vessel or other obstruction or hindrance in the way of laying out or hauling any seine used in any lawful fishery on said river or its tributaries, or otherwise obstruct or hinder such laying out or hauling, and he or his agents shall fail or refuse forthwith to remove such obstruction or hindrance on being required to do so by the person so obstructed or hindered, he shall pay a fine of not less than twenty nor more than one hundred dollars.

Wilful Obstruction ; Penalty.

Ibid., Sec. 47.

47. If any person shall wilfully and maliciously place any obstruction or hindrance in the way of laying out or hauling in any seine in any lawful fishery upon the Potomac river or its tributaries, or in any other manner or way prevent a bona fide owner of a shore, or his agent or tenant from using or fishing on such shore, he shall, on conviction, forfeit and pay not less than fifty dollars nor more than five hundred dollars, or be imprisoned for not less than one month nor more than one year; this and the preceding section not to apply to any obstruction or hindrance by unavoidable accident or stress of weather.

Vessels May Anchor Opposite Owner's Shore; How.

1904, Art. 39, Sec. 48.

48. Any owner or occupier of a fishery on the Potomac may cause

and permit all vessels employed by him in carrying on his business to be anchored or moored opposite his shore, but not so as to interfere with the rights of the owners or occupiers of adjoining shores in laying out their seines.

License for Shad and Herring Fishing; by Whom Obtainable.

Ibid., Sec. 49.

49. No person shall fish in the Potomac river or its tributaries for shad and herring during the season prescribed in section 36 with seines, gill-nets or nets of any kind, without having first obtained a license therefor, as hereinafter provided; and no person shall be entitled to obtain such license for fishing with a hauling seine who is not the owner or occupier of some fishing shore on said river; nor shall any persons be entitled to obtain such license for fishing with gill-nets, except bona fide citizens of the counties bordering on said river.

License; How Obtainable.

Ibid., Sec. 50.

50. All persons entitled under the preceding section to fish for shad and herring in the Potomac river and its tributaries shall first obtain a license therefor, by application to the clerk of the circuit court for the county bordering on said river, opposite to, or in which he may desire to fish, which license shall have effect for and during the period fixed in section 36; and the Comptroller of the Treasury shall cause to be printed and delivered to the several clerks of the circuit courts for the counties bordering on said river the requisite number of such blank licenses, and take their receipts for the same, as for other licenses furnished; and said clerk shall, on the first Monday in June in each year, return to the said Comptroller a list and account of such licenses issued by them.

Contents of License.

Ibid., Sec. 51.

51. Every license to fish, as aforesaid, shall state the name and residence of the person to whom the same is granted, the description of the fishing fix to be used, whether hauling seine or gill-net, the number of square fathoms of seine or net when rigged, and that he is the bona fide owner of the same; and every person to whom such license may be granted shall first pay to the clerk where granted three cents for each square fathom of seine, and one cent for each square fathom of gill-net to be used; but no license shall be granted to any one applying for the same unless such applicant shall make oath before the clerk authorized to issue the same, or before some justice of the peace of the same county, upon whose certificate the clerk may issue said license, that the number of square fathoms of the seine or net to be used, and the other facts to be inserted in said license, are strictly true, and that he will obey and comply with all the provisions of the laws of this State regulating fishing in the Potomac river; and for each and every outfit, whether of hauling seine or gill-net, a license shall be required.

Fishing Without License; Penalty.

1904, Art. 39, Sec. 52.

52. If any person shall fish for shad or herring in the Potomac river, or its tributaries aforesaid, without having first obtained a license, as required in the three preceding sections, except fish caught for private use and not for sale, he shall, upon conviction thereof, be fined not less than twenty nor more than one hundred dollars for the first offense, and for any second or subsequent offenses be so fined, or in the discretion of the justice or court before whom tried shall forfeit the seine, or net, boat and other outfit used in such fishing, or be both fined and subject to the forfeiture aforesaid; one-half of such fine to be paid to the informer and the residue to the Comptroller of the Treasury.

Number of License to be Painted on Boat.

Ibid., Sec. 53.

53. Every person to whom such license shall be granted shall also be required to put the number of his license on each bow of his seine or gilling-boat, outside, between the water line and gunwale, to be painted with red oil paint on a white space, and each figure to be not less than three inches in height and of proportionate width; and anyone violating or refusing to comply with this provision shall, on conviction thereof before a justice of the peace of the county in or opposite to which he may be fishing, pay a fine of not less than five nor more than ten dollars; one-half to be paid to the informer and the residue to the Comptroller of the Treasury.

Warrant for Arrest of Offenders; Seizure of Boats and Seines.

Ibid., Sec. 54.

54. Upon information given upon oath to any justice of the peace having jurisdiction of any violation of any of the provisions of the five preceding sections, he shall issue his warrant for the arrest of the offender or offenders, and for the seizure of the seines, nets, boats, and other fishing outfit, in cases when forfeiture of the same is provided, which shall be directed to the sheriff, or any constable of the county or other officer authorized to arrest under this article, to be dealt with according to law. And it shall be the duty of any sheriff, constable or other officer so authorized, with or without warrant, to arrest any person violating the provisions of any of said five preceding sections, and to seize any such seine, net, boat or other fishing outfit in cases where forfeiture of the same is provided and found being used in violating any of said provisions, and to bring such offender before a justice of the peace most accessible or convenient, to be dealt with as herein provided.

Sale by Sheriff of Condemned Vessels.

Ibid., Sec. 55.

55. All vessels or other property condemned under the provisions of any of the six preceding sections shall be sold by the sheriff or other officer making the seizure on ten day's notice; and the proceeds of sale, after deducting the expenses thereof, shall be paid over to the clerk of the circuit court for the county, to be disposed of as herein provided.

License Money and Fines to be Paid Into Treasury to Credit of Oyster Fund.

1904, Art. 39, Sec. 56.

56. All money arising from the sale of licenses or from fines, penalties and forfeitures imposed under any of said sections shall be paid by the Comptroller into the Treasury and placed to the credit of the oyster fund, and the State's portion of such fines and forfeitures shall be paid by the sheriff or other officer collecting the same to the clerk of the circuit court for the county where the same may accrue; and such clerk shall account for the same to the Comptroller of the Treasury in his annual return; and the commanding officer of the State oyster police force is hereby charged with the enforcement of the provisions of said sections.

Fishing from Arks or Lighters Prohibited; Penalty.

Ibid., Sec. 57.

57. It shall be unlawful hereafter for any person to fish in the Potomac river from what are known as arks or lighters, or from any kind of vessel or float, by whatever named called, in or upon which persons may live or may exclusively occupy; but all such fishing shall be with and from regular seine or gilling-boats. Any violation of this section shall subject the offender, upon conviction thereof, to a fine of not less than twenty nor more than one hundred dollars for the first offense, and for any second or subsequent offense to such fine, and also, in the

discretion of the justice of the peace, or of the court before whom the offender may be convicted, to forfeiture of such ark, lighter, vessel or float and fishing outfit used in such violation thereof.

Compact With Virginia.

Ibid., Sec. 58.

58. In case the State of Virginia shall adopt a law similar in its provisions to the nine preceding sections, citizens of either State, when arrested for violation thereof by the police force, or other officer of either State, shall be delivered up for trial to the police force, or other officer of the State of which the offender is a citizen, unless arrested for hindrance or disturbance of the fisheries on the shores of the other State, in violation of any of the said provisions; in which case he shall be tried in such other State; and in all questions of citizenship the burden of proof shall be on the offender.

Taking of Sand From Shore Below Fort Washington to be Larceny; Penalty.

Ibid., Sec. 59.

59. It shall not be lawful for any person, other than the owner, or by the permission of the owner, to take or carry away from any shore of the Potomac river, below Fort Washington, which has been or may be used as a fishery, any sand, gravel or other matter that may form part of said shore, to the amount of twenty bushels or more; and if any person shall feloniously steal, take and carry away from any shore of the Potomac river, below Fort Washington, which has been or may be used as fishery, any sand, gravel or other matter that may form part of said shore, to the amount of twenty bushels or more, such person shall be deemed guilty of larceny, and on conviction thereof in the circuit court for the county in which such larceny was committed, shall pay to the owner the full value thereof, and be sentenced to the penitentiary for not less than one year nor more than five years.

RIVERS IN TALBOT, DORCHESTER AND CAROLINE COUNTIES.

Who May Fish In.

1904, Art. 39, Sec. 60.

60. No person shall take or catch fish in the waters of Talbot, Dorchester or Caroline counties except the citizens of said counties, and except such residents of this State as may obtain the permission of the owner or occupier of land bordering on any of the said waters; provided, that any person so obtaining permission shall not employ in his service any other than a bona fide resident of this State.

Penalty.

Ibid., Sec. 61.

61. Any person violating the preceding section shall pay a fine of not less than five nor more than fifty dollars, and forfeit the boat or vessel in his possession, together with the seine, tackle and all things on board at the time the offense may be committed.

WYE RIVER AND RIVERS IN QUEEN ANNE'S AND KENT COUNTIES.

Hauling Seine Without Permission of Owner of Shore; Penalty.

Ibid., Sec. 62.

62. If any person shall haul a seine in Wye river, or any of the rivers of Queen Anne's or Kent counties, without the permission of the owner or occupant of the shore where such seine may be hauled, such owner or occupant may seize, by way of distress, the seine, boat, tackle and everything on board the boat, and may have the damages sustained by him by reason of such hauling of a seine ascertained by a justice of the peace or by three citizens to be summoned and sworn by a justice

of the peace; and when the damages are so ascertained the owner or occupant of such shore may have the seine, boat and articles so distrained appraised and sold to pay such damages.

Fines, Penalties and Forfeitures ; How Recovered.

Ibid., Sec. 63.

63. All fines and penalties imposed by the preceding sections of this article, if they do not exceed one hundred dollars, may be recovered by action of debt in the name of the State before a justice of the peace, and if over one hundred dollars, by indictment in the circuit court for the county where the offense is committed.

Unknown Offender ; How to be Described in Warrant.

Ibid., Sec. 64.

64. If the name of the offender be unknown, he may be arrested on a warrant describing him as the person committing the offense without stating his name in the warrant.

Forfeitures ; How to be Enforced.

1904, Art. 39, Sec. 65.

65. All forfeitures of property incurred under this article, unless otherwise specially provided, may be enforced in this way : The sheriff or constable shall, on complaint made to him, seize the property alleged to be forfeited and give notice to the owner thereof, if the owner can be found, to appear before a justice of the peace of the county where the seizure is made on a certain day within five days from the time of seizure, to show cause why the property so seized should not be condemned ; and if the owner of the property so seized evades the service of said notice then the sheriff or constable may set up notices at three of the most public places in the neighborhood of the seizure, warning the owner of such property to appear before a justice of the peace, to be

therein named on a certain day not less than ten days from the time of seizure, to show cause why the said property should not be condemned.

Condemnation by Justice.

Ibid., Sec. 66.

66. If upon the hearing in any case of seizure as aforesaid the justice is satisfied that the owner or person having charge of the property so seized is guilty of violating any of the provisions of this article which impose a forfeiture of such property for such violation, then such justice shall adjudge the same to be condemned and sold by the sheriff or constable seizing the same (or if he be dead or removed away by some other officer) on ten days' public notice, and the justice may proceed ex parte to hear and determine any question of forfeiture if the owner fails to appear after the notice herein required to be given.

How Unknown Owner May be Described.

Ibid., Sec. 67.

67. If the sheriff or constable making a seizure of property under this article does not know the name of the owner or person having charge thereof, he may describe him in the notice he is required to give as the owner of the property, without naming him, and the justice, if he does not know the name of the owner, may condemn the property as the property of a person guilty of violating the law without naming such person.

Proceeds of Sales; How to be Divided.

Ibid., Sec. 68.

68. The proceeds of the sale of any property forfeited as aforesaid shall, after paying the expenses of the seizure, condemnation and sale, be divided one-half to the sheriff or constable making the seizure and the other half to the informer.

Fines ; How to be Distributed.

Ibid., Sec. 69.

69. All fines imposed under this article shall go, one-half to the informer and the other half to the county where the fine is imposed.

Jurisdiction When Offense Committed in River Dividing Two Counties ; When on Chesapeake Bay.

1904, Art. 39, Sec. 70.

70. If any offense under this article is committed in a river dividing two counties, then the justice or court of either county shall have jurisdiction; or if it is committed in the waters of the Chesapeake bay, then the justices or courts of any counties bordering on that part of the bay shall have jurisdiction.

Committal of Person Where Fine Exceeds \$100.

Ibid., Sec. 71.

71. If any person is arrested for any offense under this article, and the fine is more than one hundred dollars, then the justice before whom such person is brought shall commit such person, unless he give adequate bail, to appear and answer such offense at the next circuit court for the county.

TROUT AND OTHER FISH.

Season for Trout Fishing ; Penalty.

Ibid., Sec. 72.

72. It shall not be lawful for any person to take, catch or kill any speckled brook trout, or any speckled river trout, save only with a hook and line, or to have any such trout in his possession, except during the months of April, May, June, July, and the first fifteen days in the month of August, under a penalty of five dollars for each trout so caught or had in his possession ; but this section shall not prevent any person or

corporation from catching trout in any manner or at any time in waters owned by him or them, or upon his or their premises to stock other waters.

Trout Not to be Caught in Traps, Fish-Baskets or Seines; Penalty.

Ibid., Sec. 73.

73. It shall not be lawful for any person within this State to take or catch any brook trout at any time in any of the waters of the State by means of any fish-basket, seine or seines, net or nets, trap or traps, under a penalty of five dollars for each and every fish so taken.

Poisoning Fish ; Penalty.

Ibid., Sec. 74.

74. No person shall place in any fresh water stream, lake or pond, without the consent of the owner, or in the waters and estuaries with the rivers debouching into them, any lime or other deleterious substance, with the intent thereby to poison or catch fish, under a penalty of one hundred dollars.

Artificial Ponds, Fishing In ; Penalty.

Ibid., Sec. 75.

75. Whenever any person who owns, controls or erects an artificial pond upon his own land, or land of which he is in legal possession, shall put therein any fish, or the eggs or spawn of fish, for the purpose of breeding and cultivating fish, and shall give notice thereof, either in one or more newspapers of the county, or by written or printed handbills put up in public places near said pond, any person who shall thereafter enter upon such premises, without the consent of the owner, for the purpose of fishing, or shall catch in said pond or ponds and take therefrom any fish, shall be guilty of a trespass, and, in addition thereto, shall be liable to a penalty of five dollars for the first fish, ten dollars for the

second, and twenty dollars for the third and each subsequent offense.

Trout Fish Culture; Sale and Transportation of Trout Permitted.

1904, Art. 39, Sec. 76.

76. Any person or company engaged in the increase of brook trout by artificial process (known as fish culture) may take from his or their pond or ponds in any way, and cause to be transported, and may sell any brook trout and the spawn of brook trout at any time; and common carriers may transport them, and dealers may sell them on condition that the packages thereof so transported are accompanied by a certificate from a justice of the peace, certifying that such trout are sent by the owners or agents or parties so engaged in fish culture; and such person or company may take, in any way and at any time, upon the premises of any person, under permission of the owners thereof, brook trout to be kept and used for artificial propagation only, and for no other purpose.

Violations of Sections 72-76; How Prosecuted.

Ibid., Sec. 77.

77. Violation of any of the provisions of the five preceding sections may be prosecuted by any citizen of the county in which said violation shall take place, before any justice of the peace or circuit court for said county; funds paid as penalties shall be equally divided between the informer and the public school commissioners of the county, for the benefit of the public schools in the district where the offense is committed.

Catching Black Bass, Etc., at Other Than Designated Times; Penalty.

Ibid., Sec. 78.

78. No person shall catch or in any manner take or kill in any

waters of this State, above a point where the tide ebbs and flows, any black bass, pickerel or pike perch, otherwise known as wall-eyed pike, and California salmon, between the first day of April and the fifteenth day of June, both inclusive, in each and every year, in any manner whatsoever, nor at any time, save only with rod, line and single hook, baited with natural bait, or tied with artificial fly, or with a spoon or spinner, each equipped with a single hook, or of any size less than eight inches, measuring in the case of each fish from the tip of the nose to the end of the caudal fin or tail, under a penalty of five dollars (\$5.00) for each fish so unlawfully caught, taken or killed.

Catching Certain Fish Less Than Designated Size ; Exception.

1904, Art. 39, Sec. 79.

79. No person shall catch or in any manner take or kill in the said waters thereof at any time any white or yellow perch of any size less than seven inches in length, or any pike less than fourteen inches in length, or any rock, otherwise known as striped bass, less than ten inches in length, or any tailor less than eight inches in length, or white cat fish under seven inches, or any sturgeon weighing less than twenty pounds, or any rock weighing over twenty pounds, in spawning season of April, May and June, measuring, in case of fish, from the tip of the nose to the end of the caudal fin or tail, excepting haul seines during the time between April first and June twelfth.

Obstructing Fish Streams ; Penalty.

Ibid., Sec. 80.

80. No person shall, in this State, in any manner or at any time, so obstruct any stream above where the tide ebbs and flows in which trout or other fish have been placed by the State or national government so that said fish shall not have free access up and down said stream, un-

der a penalty of not less than ten dollars (\$10), nor more than twenty-five dollars (\$25), for every such offense.

Failure to Keep Fish Ladders in Repair ; Penalty.

Ibid., Sec. 81.

81. Every owner of a dam or dams upon any of the said waters of this State is hereby required to make and keep in repair, or cause to be made and kept in repair, and placed upon said dam or dams at least one fish ladder of such a character as to enable fish to have a free course up and down said waters at all times, under a penalty of not less than twenty-five dollars (\$25) nor more than one hundred dollars (\$100) for each and every offense.

Throwing Explosive and Other Substances in Fish Waters ; Penalty ; Proviso.

Ibid., Sec. 82.

82. No person shall place, throw or make use of in any of said waters, except from bona fide engineering, milling or mining purposes, any dynamite or other explosive substance, or any lime, poison, acid, sawdust, shaving or other substance whatsoever deleterious to or destructive of fish life, under a penalty of not less than one hundred dollars (\$100) nor more than three hundred dollars (\$300), or imprisonment in the penitentiary for not less than one year nor more than three years, or be both fined and imprisoned in the discretion of the court; provided, however, that nothing in this section shall apply to saw mills now in operation until October 1, 1903, unless said saw mill or mills shall in the meantime change its or their location; and further provided, that any saw mill or mills, moving from its or their present location, shall be considered a new mill or mills, and shall be subject to the provisions of this section.

Emptying Net or Seine Upon Beach; Penalty; Exception.

Ibid., Sec. 83.

83. No person shall at any time empty any seine or net of any description whatsoever upon the beach, shore or land bordering upon any of the waters of this State, or in the waters bordering on said beach, shore or land where the waters is less than twelve inches in depth, except that in the waters of the Chesapeake bay, above Pool's island, seines or nets may be landed upon the shore or upon the flats; and no person shall at any time so empty any such seine or net as to leave to perish upon the beach, shore or land, or upon any boat or float, any white or yellow perch of any size less than seven inches in length; or any rock fish, or striped bass, less than ten inches in length; or any tailor of any size less than eight inches in length; or any pike of any size less than fourteen inches in length, measuring in each case for each one of said fish from the tip of the nose to the end of the caudal fin or tail; or any sturgeon weighing less than twenty pounds; or any rock weighing over twenty pounds, in spawning season of April, May and June; but every person so using any seine or net of any description, or hook and line, shall immediately cull over and return to waters where same is not less than twelve inches deep, all of the aforesaid fish therein captured of any size than the aforesaid lengths, or any sturgeon weighing less than twenty pounds; provided, further, that nothing in this section contained shall prevent any one from capturing and destroying in any manner, save only by the way prohibited by section 82, any German carp, or leather carp, or any carp of any description whatsoever, of any size.

Jurisdiction of Justices of the Peace Under Sections 78-85; Throwing Slab of Timber in Fish Waters; Penalty.

1904, Art. 39, Sec. 84.

84. All justices of the peace of this State in and for the city or county wherein the offense shall be committed shall have jurisdiction to

hear and determine all prosecutions for the purpose of enforcing fines and penalties collectible under the provisions of sections 78 to 86, and all such fines and penalties are hereby expressly made subject to the provisions of section 8 of chapter 293 of the acts of the General Assembly of Maryland, passed at the session of 1896; and in all cases where such prosecutions are begun or instituted by any person other than the State Game Warden, or one of his deputy game wardens of this State, and shall result in the collection of a fine or fines, then one half of such fine or fines, after the proper court costs or costs of the magistrate in convicting the offender shall have been paid, shall be paid to the informer, and the other half to the school fund of the city or county in which said prosecution is conducted. It shall be unlawful for any person or persons in any manner to throw, or cause to be thrown, any slab of timber or other substance across or into any stream, under a penalty of two dollars (\$2) for each fish so caught, taken or killed.

Sale and Purchase of Fish Prohibited; Proviso.

Ibid., Sec. 85.

85. No person shall, in this State, sell or expose for sale, or buy any white perch, yellow perch, rock or striped bass, tailor or pike under size mentioned in section 83, or any sturgeon under weight as limited in said section, where the fish so offered for sale, or bought, contain over ten per cent. of fish under size or weight, whether such fish so exposed for sale, sold or bought shall have been caught, trapped or in any other manner taken or killed in the State of Maryland or in any other State or county, under penalty for exposing for sale, selling or buying of such fish, as provided in section 83, for catching said undersize fish; but nothing in this section contained shall be so construed as to prevent any of the fish commissioners of this State, in pursuance of their capacity as a fish culturist, or any other person or corporation which shall first obtain a certificate in writing from the State Game Warden to the

effect that such persons or corporations are engaged in the scientific culture or propagation only; and to obtain said certificate said persons or corporations must file with the State Game Warden an application and affidavit to the truth and bona fides thereof, made by the person or officers of the corporation requesting the same, and taken before any officer competent to administer an oath in this State, and said affidavit and application shall be retained and kept on file by said State Game Warden.

To What Counties Provisions of Sections 78-85 Not Applicable.

1904, Art. 39, Sec. 86.

86. All acts and parts of acts, and all sections and parts of sections of the code, both of general and local laws, and all amendments of and additions and supplements thereto, now in force in the State of Maryland inconsistent with the provisions of sections 78 to 86, with the exception only of chapter 427 of the acts of the General Assembly of Maryland, passed at the session of 1896, are hereby repealed; provided, that nothing in the said sections shall apply to Frederick, Baltimore, Howard, Cecil, Kent, Queen Anne's Harford, St. Mary's, Wicomico, Charles, Talbot, Worcester, Calvert, or Somerset counties, or to Baltimore city.

When Cat-Fish and Eels May be Caught.

1910, Ch. 286.

87. It shall be lawful to take cat-fish and eels in any of the waters of the State of Maryland in any manner during the months of September, October, November and December in each year.

Violation of Sections 79, 83, 85, 89 or 95.

1910, Ch. 255, Sec. 4.

88. Any person violating any of sections 79, 83, 85, or 95 shall be guilty of a misdemeanor, and upon conviction thereof shall be fined the

sum of twenty-five dollars nor more than one hundred dollars for each and every offense, and shall stand committed to the county jail if said fine is not paid for one day for each dollar of fine imposed, but not for a period of more than sixty days. Any deputy game warden or constable or informer who shall procure a conviction under said sections shall be entitled to the half fine received, and the remaining half shall be paid over to the State treasurer to the account of the State game protection fund, to be used by the State Game Warden for the protection of fish in waters of the State as may be provided by law.

Transmission of Moneys Received for Licenses.

1910, Ch 255, Sec. 2.

89. The clerk of the circuit courts of the counties and the clerk of the superior court of Baltimore city, shall annually, on the first day of January of each and every year, transmit to the treasurer of this State all moneys received by them for licenses, after deducting the fees herein authorized; the said amount so received by the treasurer shall be placed to the credit of a fund to be known as the "State Game Protection Fund," and shall be disbursed by the State treasurer on warrants signed by the State Game Warden, approved by the Governor and filed with the Comptroller, who shall draw his warrant therefor on the treasurer.

No Application to Angling.

1906, Ch. 479.

90. Provided, however that this article shall not apply to those persons who take fish by hook and line, commonly known as anglers.

HARD SHELL CRABS.

Closed Season.

1906, Ch. 148.

91. It shall be unlawful for any person or persons to take, catch or gather hard shell crabs in any of the waters of the State of Maryland

between the first day of November and the first day of May next succeeding in each and every year.

Violation ; Penalty.

1906, Ch. 148.

92. Any person or persons violating the preceding section shall be deemed guilty of a misdemeanor, and upon conviction thereof before any justice of the peace shall be fined in a sum of not less than ten dollars nor more than twenty-five dollars, or be confined in the county jail of the county in which said offense was committed for not more than three months, or be both fined and imprisoned, in the discretion of the justice of the peace or the court trying the same.

Enforcement of Sections 91 and 92.

1906, Ch. 148.

93. It shall be the duty of the State Fishery Force and all other officers of the law to assist in the enforcement of sections 91 and 92.

Disposition of Fines.

1906, Ch. 148.

94. In all prosecutions arising under sections 91 and 92 wherein a fine or fines shall be collected, one-half of said fine or fines shall go to the informer or informers; provided, said informer or informers is not an officer of the State Fishery Force or any other officer of the law.

EXPLODING DYNAMITE TO CATCH FISH.

Using Dynamite or Fish Pot.

1910, Ch. 255, Sec. 3.

95. It shall be unlawful to dynamite for fish in any waters of the State to catch fish; also unlawful to have a fish pot in any of the waters of the State.

Unlawful to Use Explosives to Catch Fish in Chesapeake Bay.

1904, Art. 39, Sec. 87.

96. It shall be unlawful to explode any dynamite or other substance of like explosive nature in the waters of the Chesapeake bay, or any of the tributaries thereof, within the limits of the State of Maryland, for the purpose of taking or catching fish thereby.

Penalty.

1904, Art. 39, Sec. 88.

97. Any person violating the provisions of the foregoing section, upon indictment and conviction for the same in any circuit court for the county, or criminal court of Baltimore wherein the offense may have been committed, shall be fined not less than three hundred dollars and the cost of prosecution; and upon failure to pay the same shall be confined in the house of Correction for not less than one year.

Disposition of Fines Collected.

Ibid., Sec. 89.

98. All fines collected under the two preceding sections shall be paid one-half to the informer and the other half into the treasury of the State of Maryland.

COMMISSIONERS OF FISHERIES.

To be Appointed Biennially by Governor.

Ibid., Sec. 90.

99. The Governor, by and with the advice and consent of the senate, shall biennially appoint two competent persons, who shall continue in office for two years from the time of their appointment, and until their successors are appointed, who shall be known as commission-

ers of fisheries of Maryland, one of whom shall come from the Eastern and one from the Western Shore of the State.

To Inspect Waters of State ; Report to Governor.

Ibid., Sec. 91.

100. It shall be the duty of said commissioners to inspect all the waters of the State with a view of stocking the same with such food fishes as in their judgment shall be most advantageous; and with such object they shall communicate with the commissioner general of fisheries of the United States and with the commissioners of fisheries appointed by the different States, and report the result of their inspection to the Governor of this State as soon as practicable; and they shall examine into the feasibility of cutting a channel around the Great Falls of the Potomac to admit the passage of fish from tidewater into the Upper Potomac; and they shall also inquire into the expediency of constructing fishways or fish-ladders to admit the passage of fish over dams or other obstructions in the upper Potomac or elsewhere in the State.

Further Duties Of.

Ibid., Sec. 92.

101. It shall be the duty of the said commissioners of fisheries, after making the inspection and obtaining the information required in the preceding section, to proceed to the selection of proper locations for the propagation and culture of such food fishes as it shall be deemed desirable to introduce into the waters of this State, and obtain the necessary ova, and construct and erect suitable houses and devices for hatching the same, and protecting the small fish until fit to be distributed, and then to distribute the same among such waters of this State as shall be deemed proper.

To Use All Means to Destroy Eels; One-Fourth of Appropriation to be Spent in Wicomico County.

1904, Art. 39, Sec. 93.

102. The Fish Commissioners are directed and required, together with such persons as may be in their employment, to use all means in their power for the destruction of eels. It shall be their duty while engaged in hatching and propagation of young fish, and also at such other times as they may not actually be engaged in the hatching and propagation of young fish as aforesaid, also to construct, build, erect, plant, keep, alter and maintain eel pots and all such other devices as they may from time to time deem advisable and practicable for the catching and destruction of eels under the provisions of sections 102 to 106. And the said Fish Commissioners are hereby directed and required to expend and use one-fourth of the money appropriated by the State for the use of said Fish Commissioners under the laws of this State in the constructing, building, erecting, planting, keeping and maintaining pots and such other devices as they may deem advisable and practicable for the catching and destroying of eels as aforesaid and in carrying out the provisions of sections 102 to 106 in addition to other moneys hereinafter directed to be used for said purposes. The amount appropriated hereby to be expended within the waters of the Wicomico river.

To Maintain Eel Pots.

Ibid., Sec. 94.

103. Whenever the said Fish Commissioners shall have any hatching apparatus for the propagation of fish in any of the waters of this State, they are hereby directed and required to establish, keep and maintain in connection therewith, and in said waters, eel pots and all such other devices as aforesaid within their power, as required by the preceding section.

Account to be Kept of Eels Destroyed.

Ibid., Sec. 95.

104. It shall be the duty of the said Fish Commissioners, their said employees, and all persons who are required to carry out the provisions of sections 102 to 106, to keep a strict account of the number of eels caught under the provisions of said sections, and the manner by which they are so caught.

To Sell All Eels Caught; Proceeds How to be Applied.

Ibid., Sec. 96.

105. It shall be the duty of said Fish Commissioners, their employees, and all other persons engaged in enforcing the provisions of sections 102 to 106, to kill and destroy all eels which may be caught as aforesaid, and prepare for market, and cause to be sold at the greatest possible price, all such eels so as aforesaid caught; an account of which sales they shall keep accurately and fully, and apply the proceeds thereof in devising the most effective ways and means in their best judgment in catching, destroying and preparing for sale as aforesaid all eels which may be caught as hereinbefore directed; and if there should be any surplus after said allowance and expenses, the same shall be retained and kept by the said Fish Commissioners in part payment of their respective salaries under the laws of this State.

Removal of Commissioners for Refusal to Carry Out Sections 102-106.

1904, Art. 39, Sec. 79.

106. If the said Fish Commissioners or their said employees should refuse to carry out and enforce the provisions of sections 102 to 106, then it shall be the duty of the Governor of this State to investigate the cause of said refusal; and if, after said investigation, the said Governor should find the said refusal to be intentional, unreasonable and without cause, then it shall be the duty of the said Governor at once to remove said

officer or employee so refusing and appoint another who will enforce the provisions of said sections.

To Make Annual Report to Governor of Their Work.

Ibid., Sec. 98.

107. It shall be the duty of said commissioners to make an annual report to the Governor of the work accomplished by the commissioners, and also embracing such suggestions for the protection and propagation of food fishes in the waters of this State as may be the result of their observation and experience; which report the Governor shall cause to be printed, and transmit the same to the General Assembly of the State.

Annual Salary Of.

Ibid., Sec. 99.

108. The salaries of said commissioners shall be fifteen hundred dollars per annum each; and the sum of three thousand dollars per annum is hereby appropriated to pay the said salaries.

Annual Appropriation for Carrying Out the Provisions of Sections 100, 101 and 107; Commissioners to Make Annual Reports.

Ibid., Sec. 100.

109. The further sum of ten thousand dollars per annum, or so much thereof as may in the opinion of the Governor be necessary, is appropriated for the purpose of enabling said commissioners to carry out the provisions of sections 100, 102 and 107, and the Comptroller shall issue his warrant on the treasurer for the payment of said sum on requisition of said commissioners in such amounts as they may require, approved by the Governor out of any moneys in the treasury not otherwise appropriated; and said Fish Commissioners shall annually render to the Comptroller of the State for the inspection of the General Assembly, strict and accurate itemized accounts of all moneys received by

them from the State, and of the disbursement or expenditure of the same with vouchers therefor; and the Comptroller at each session of the General Assembly shall make a report thereof showing whether said Fish Commissioners have complied with the law.

Chesapeake Bay; License.

(Repealed and re-enacted by Chapter 699, Acts 1912, so as to read as follows, to be known as Section 101—Code 1904).

110. Any person, firm or corporation desiring to engage in the business of taking or catching of fish for sale by the use of pound nets, fykes, haul seines or other contrivances, except hook and line, within the waters of the Chesapeake Bay, below Pool's Island, and within the jurisdictional limits of the State of Maryland, shall first obtain, by application to the clerk of the circuit court for the county wherein he may reside, or the clerk of the court of Common Pleas of Baltimore city, a license therefor, and such license shall have effect from the first day of February, in the year in which it may have been obtained, to the first day of February, inclusive, next succeeding; and provided further, that such license shall not authorize the taking or catching of fish, except with hook and line, within the jurisdictional limits of any county or counties of this State.

Cost of License; Clerk's Fee for Collecting License; License to be Credited to the "Oyster Fund."

1904, Art. 39, Sec. 102.

111. Each and every license to take or catch fish for sale under the provisions of section 110 shall state the name, age and residence of the person to whom the same is to be granted; and every applicant for such license shall pay to the clerk of the circuit court for the county or the clerk of the court of Common Pleas of Baltimore city, when such license shall be granted and before the delivery of the same, the sum of five dollars; the clerk to receive the sum of twenty-five cents for each

and every license so issued, as a fee for issuing the same, including the administering of the oath when required ; and the said amount of license received for issuing same shall be paid over by the clerk into the treasury of the State of Maryland to be credited to the "Oyster Fund."

Oath of Applicant for License.

Ibid., Sec. 103.

112. Every applicant for license to take or catch fish for sale under the provisions of this article, shall be required to make oath or affirmation before the clerk authorized to issue the same, or before some justice of the peace, on whose certificate of the taking of such oath or affirmation the clerk shall issue said license, that "the facts set forth in said license are strictly true ; that he has been a bona fide resident of the State of Maryland for the twelve months next preceding his application for said license, and that no non-resident of the State of Maryland is either directly or indirectly interested in the use of said pound net, fyke or haul seine or other contrivance used in taking fish for sale, or any boat or vessel used in the prosecution of said fishing, or pound nets, fykes, haul seines, or other contrivances in the taking or catching of fish for sale."

Regulating Fishing in Bay Waters ; St. Mary's County.

Acts 1912.

112a. Any person desiring to engage in fishing in the waters of the Chesapeake bay within four miles of the shore line of St. Mary's county, south of an east and west line passing through Cedar Point, and north of an east and west line passing through Point Lookout, as an employee of any person licensed as provided in sections 101, 102 and 103 of this act, shall before entering upon such employment apply for and obtain from the clerk of the circuit court for the county wherein such person applying shall reside, or from the clerk of the court of Common Pleas of Baltimore city, if such person so applying shall reside

in said city, a license for such employment, and said clerk before issuing said license shall require said applicant to make oath that he has been a bona fide resident of the State of Maryland for the term of twelve months immediately preceding the date of such application. Any person obtaining a license under the provisions of this section shall pay to the clerk issuing said license the sum of one dollar and twenty-five cents (\$1.25), twenty-five cents (25c) of which sum shall be retained by said clerk as a fee for issuing said license, and the remainder of said sum shall be paid over by said clerk into the Treasury of the State of Maryland to be credited to the oyster fund. Said license shall state the name, age and place of residence of said applicant and the date of which said license is issued. Said license shall entitle the person to whom it is issued to serve as an employee of any person, firm or corporation engaged in the business of fishing, under the provisions of sections 101, 102 and 103 of this act, within the limits heretofore defined in this act from the date of such issue until the first day of February, inclusive, next succeeding, and no person shall serve as such employee until after he shall have obtained a license as herein provided. Any violation of the provisions of this section shall be a misdemeanor and shall be punishable by a fine not exceeding two hundred dollars (\$200.00.)

Comptroller to Have Blank Licenses Printed.

1904, Art. 39, Sec. 104.

113. 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 receipt for the same, and for other licenses furnished; and said clerk shall on the first Monday in July 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 year shall return all unused blank licenses to him, and shall pay over to the Comptroller all the moneys received by them for such li-

cense, which amount the said Comptroller shall place to the credit of the "oyster fund."

Limits of Setting Fyke Nets and Other Like Contrivances ; Penalty ; Appeal.

1904, Art. 39, Sec. 105.

114. It shall not be lawful for any person in taking fish for sale by the use of pound nets, fyke nets or other contrivances, now known or hereafter invented, to set such pound nets, fyke nets or other contrivances, now known or hereafter invented, in waters of the Chesapeake bay, within the jurisdictional limits of the State of Maryland and below Pool's island, in the Chesapeake bay, at a greater length than one-third the distance across the bay from low water mark on either side ; and any person violating this section shall, upon conviction thereof before some justice of the peace of any county of this State most accessible be fined the sum of not less than twenty nor more than one hundred dollars, or shall forfeit said net or nets, together with the boats and tackles used in the violation of sections 110 to 118, inclusive, of this article, or to be subject to both fine and forfeiture, in the discretion of the justice of the peace trying the same ; provided, that the party feeling aggrieved shall have the right of appeal as in other cases tried before justices of the peace ; and provided further, that in case of appeal the person appealing shall give to the State of Maryland a good and sufficient bond, covering double the amount of the fine or forfeiture, in case of forfeit, so as to secure to the State the amount of fine and forfeiture in case he does not prosecute his appeal with effect.

Penalties.

Acts, 1912, Ch. 699, Sec. 106.

115. Any person, firm or corporation violating any of sections 110 to 118, inclusive, of this article, by the use of any pound net, fyke net, haul seine or other contrivances now known or hereafter invented, in the

taking or catching of fish, shall, on conviction thereof before some justice of the peace of any county of this State most accessible, forfeit said pound net, fyke net, haul seine or other contrivances now used or hereafter invented for taking fish, together with all boats, vessels and tackle used in the violation of any of said sections, or fined a sum not less than fifty dollars and not more than one hundred dollars, or to be subject to both fine and forfeiture, in the discretion of the justice of the peace trying the case; provided the person feeling aggrieved shall have the right of appeal to the circuit court for said county under the provisions of section 114.

State Fishery Force to See That the Provisions of Sections 110 to 119 are Carried Out.

Ibid., Sec. 107

116. It shall be the duty of the Commander of the State Fishery Force to command the deputies under his charge to see that the provisions of sections 110 to 119, inclusive, of this article are not violated, and to arrest all persons found violating any provisions of said sections, and take the said offender or offenders to the nearest or most accessible justice of the peace of any of the counties of this State, to be dealt with according to law.

Application of Fines.

1904, Art. 39, Sec. 108

117. All fines collected by the justices of the peace, under the provisions of sections 110 to 119, inclusive, of this article shall, within ten days thereafter, be paid to the clerk of the circuit court for the county in which the justice of the peace may reside, and by the said clerk to be paid into the treasury of the State, to be credited to the "oyster fund," and that the provisions of these sections of the sub-title "Chesapeake Bay" shall not apply in any sense to any of the tributaries of the Chesapeake bay.

Where Pound Nets and Stake Nets Shall be Prohibited ; Penalties.

Ibid., Sec. 109.

118. The use of pound nets or stake nets shall be absolutely prohibited in the Chesapeake bay north of Pool's island, except the bay shore of Kent county up to Howel's Point, at the mouth of Sassafras river, and also on the Susquehanna river (and except on the west side of the Chesapeake bay from Pool's island north to one-half mile north of Spesutia island, on the west side of the bay, not to exceed eight hundred yards from the shore); and any person who shall engage in fishing for sale with the use of said pound nets, stake nets or similar contrivances now used or hereafter invented, in violation of this section, shall be subject to the same fines and penalties as are prescribed in section 114 of this article; and provided further, that all persons using haul seines and similar contrivances, except pound nets and stake nets, which are hereby prohibited, shall pay the same license and be subject to the same provisions of all sections under the sub-title "Chesapeake Bay," of this article, except gill nets, which are exempted.

Sheriff and Constables to Make Arrests.

Ibid., Sec. 110.

119. The sheriff or any of the constables of any of the counties of this State, where any violation of any of the sections 110 to 118, inclusive, shall come to his knowledge, or upon the warrant of some justice of the peace of any of the counties of this State, shall apprehend the said person or persons charged with the violation of any of said sections, and take the said person or persons to the nearest or most accessible justice of the peace, to be dealt with according to the provisions of said sections; and it shall be the further duty of the sheriff or any of the constables of the county, in case of a forfeiture of any net or nets, boat or boats, or tackle, by any justice of the peace of any of the counties of

this State, under any of the provisions of said sections, to hold and take possession of said nets, boats or tackle thus forfeited as aforesaid, and to offer the said net, nets, boat, boats or tackle for sale for cash to the highest bidder, after having advertised the same for sale in one or more conspicuous places in the neighborhood of said sale, setting forth the time, place and terms of said sale; and the proceeds of such sale shall apply in the first place to the costs and charges incident to judgment, cost and forfeitures, and costs of seizure, sale and other costs incident to said sale, and the balance shall pay over to the clerk of the circuit court for the county in which the sale is made, and by the said clerk said balance shall be paid over to the Comptroller of the State, to the credit of the "oyster fund."

Sections 110 to 119 Not to Apply to "Hook and Line."

1904, Art. 39, Sec. 111.

120. The provisions of sections 110 to 119, inclusive, shall not apply in any way to the use of the rod, hook and line in the taking or catching fish at any time during the year, or gill nets for family purposes.

Limits Defining Head Waters of Chesapeake Bay.

Ibid., Sec. 112.

121. The lines defining the headwaters of the Chesapeake bay at or near the mouth of the Susquehanna river shall be defined as follows: All waters west and south of the following line shall be considered as belonging to the Chesapeake bay, to wit: A line drawn from Carpenter's point, thence to Grove point; and a line drawn from Grove point to Howel's point, but not to include any tributary of said bay.

For concurrent law regulating the taking of fish and oysters in the Potomac river, as provided by compact between the State of Maryland and Virginia, see Article 72, title Oysters.

OYSTER INSPECTION TAX LAWS

PASSED BY LEGISLATURE, MARCH 24, 1914

Section 1. Be it enacted by the General Assembly of Maryland, That Section 69 of Article 72 of the Code of Public General Laws of 1904 as amended by Chapter 188 of the Acts of 1906 and Chapter 488 of the Acts of 1908, be and the same is hereby repealed and re-enacted with amendments, so as to read as follows:

“69. It shall be the duty of the Commander of the State Fishery Force, at the commencement of, or during the oyster season in each year, to appoint from the counties producing oysters for packing purposes in the State, not exceeding twenty, special inspectors, to be appointed as follows: Two each from Anne Arundel, St. Mary's, Talbot and Wicomico counties; three each from Dorchester, Somerset and Queen Anne's counties; and one each from Kent, Calvert and Charles counties, at a salary of forty-five dollars per month, during the oyster season, and they shall be stationed at such places as in the judgment of the Commander of the State Fishery Force their services may be needed. Before assuming the duties of their offices the said special inspectors shall take an oath, to be administered by the Commander, to diligently and faithfully discharge the duties of their said offices; the said special inspectors shall inspect all oysters in the district to which he is assigned; upon the inspection of any such oysters, each

special inspector shall make a certificate of the number of bushels in triplicate, one of which shall be given to the purchaser, one to the seller, and the other daily to the General Measurer and Inspector of the district where such inspection occurred; in order to help defray the expenses occasioned by the inspection of oysters caught within the limits of the State of Maryland provided for by this section and by the other sections of this Article, including the expenses of the State Fishery Force growing out of the inspection by it of oysters caught within the limits of the State of Maryland as required by the various provisions of this Article, an inspection charge of one cent per bushel is hereby levied upon all oysters caught within the limits of the State of Maryland unloaded from vessels at the place in Maryland where said oysters are to be no further shipped in bulk in vessels, to be charged equally to the buyer and seller, but to be paid weekly to the Comptroller of the State Treasury, or his agent, by the buyers; the certificate given the General Measurer and Inspector shall be by him mailed weekly to the Comptroller or his agent, and in case the amounts of money shown to be due be not paid in one week thereafter to the Comptroller or his agent, which is hereby required to be done, the properties of the parties so indebted may be levied on and sold by the said Comptroller or his agent, as in cases of taxes in default, without other process of law; the said inspection charge of one cent per bushel hereby levied is also made a charge on oysters caught within the limits of the State of Maryland and sold by commission merchants and others selling by less than the cargo, and also an inspection charge of three cents per barrel containing not more than three bushels of oysters caught within the limits of the State of Maryland; on oysters caught within the limits of the State of

Maryland contained in bags an inspection charge of two cents per bag containing not more than two bushels; and all transportation companies carrying oysters in the shell caught within the limits of the State of Maryland, consigned to Baltimore, shall furnish to the oyster inspector or collector of oyster tax a copy of their manifest showing the number of bushels on board on arrival of steamer and to whom consigned, and the special inspectors are charged with the duty of seeing that proper returns are made for the purpose of this section by such commission merchants or retailer, and in the performance of their duty the said special inspectors are authorized and directed to visit the places where oysters caught within the limits of the State of Maryland in less than cargo lots, are sold, and get from such sellers a statement under oath as to the number of bushels sold from time to time and return to the General Measurers and Inspectors a certificate thereof to be forwarded to the Comptroller as required in the case of certificates for cargoes, and the payment of the amounts so found to be due shall be similarly enforced. All oysters found within the State of Maryland shall be presumed to have been caught within the limits of the State of Maryland and the burden of proof shall be upon anyone claiming to the contrary to establish his said claim by clear and satisfactory evidence. All such special inspectors may be removed at any time by the commander for neglect or malfeasance in office, and said commander shall report to the Governor any neglect of a General Measurer or Inspector. The Commander of the State Fishery Force shall furnish to each of said special inspectors certificates in book form supplied with carbon paper, so that each of said triplicate certificates shall be exactly the same; the form of the certificates shall be as follows:

....., 19....

I hereby certify, that I have this day inspected for
 Captain, schooner
, a cargo of oysters caught
 within the limits of the State of Maryland, sold to
, and found the same
 to containbushels of merchantable
 oysters andbushels of unmerchantable
 oysters.

(Signed.)

“Section II. And be it further enacted, That this
 Act shall take effect from the date of its passage.

Section I. Be it enacted by the General Assembly of
 Maryland, That a new section, to be known as “Section
 69A,” be and the same is hereby added to Article 72 of
 the Code of Public General Laws of 1904, said section
 to come in after Section 69 thereof, and to read as fol-
 lows

“69A. The special inspectors provided for in Sec-
 tion 69 of this Article shall likewise inspect in the man-
 ner set forth in said Section 69, all oysters caught be-
 yond the limits of the State of Maryland and brought
 within said State, and an inspection charge of one-
 third of a cent per bushel is hereby levied in order to
 help defray the expenses of such inspection upon all

such oysters unloaded from vessels at the place in Maryland where said oysters are to be no further shipped in bulk in vessels, to be charged equally to the buyer and seller, but to be paid weekly to the Comptroller of the State Treasury, or his agent, by the buyers; the certificate given the General Measurer and Inspector shall be by him mailed weekly to the Comptroller or his agent, and in case the amounts of money shown to be due be not paid in one week thereafter to the Comptroller or his agent, which is hereby required to be done, the properties of the parties so indebted may be levied on and sold by the said Comptroller or his agent, as in cases of taxes in default, without other process of law. The inspection charge of one-third of a cent per bushel hereby levied is also made a charge on oysters caught beyond the limits of the State of Maryland and brought within said State, and sold by commission merchants and others selling by less than the cargo, and also an inspection charge of one cent per barrel containing not more than three bushels of oysters caught beyond the limits of the State of Maryland and brought within said State; on oysters caught beyond the limits of the State of Maryland and brought within said State in bags, an inspection charge of two-thirds of a cent per bag containing not more than two bushels; and all transportation companies carrying oysters in the shell caught beyond the limits of the State of Maryland, consigned to Baltimore, shall furnish to the oyster inspector or collector of oyster tax a copy of their manifest showing the number of bushels on board on arrival of steamer and to whom consigned and the special inspectors are charged with the duty of seeing that the proper returns are made for the purpose of this section by such commission merchant or retailer, and in the performance of their duty said special

inspectors are authorized and directed to visit the places where oysters caught beyond the limits of the State of Maryland and brought within said State in less than cargo lots, are sold, and get from such sellers a statement under oath as to the number of bushels sold from time to time and return to the General Measurers and Inspectors a certificate thereof to be forwarded to the Comptroller as required in the case of certificates for cargoes, and payment of the amounts so found to be due shall be similarly enforced. Wherever it is claimed that oysters found within the State of Maryland were caught beyond the limits of said State, the burden shall be upon the person making said claim to establish the truth thereof by clear and satisfactory evidence. All such special inspectors may be removed at any time by the Commander for neglect or malfeasance in office, and said Commander shall report to the Governor any neglect of a General Measurer or Inspector. The Commander of the State Fishery Force shall furnish to each of said special inspectors certificates in book form, supplied with carbon paper, so that each of said triplicate certificates shall be exactly the same; the form of the certificates shall be as follows:

....., 19....
 I hereby certify that I have this day inspected for
 Captain, schooner
 a cargo of oysters caught beyond
 the limits of the State of Maryland and sold to
 and found the same to contain
 bushels of merchantable oysters
 and bushels of unmerchantable oys-
 ters.

(Signed)

“Section II. And be it further enacted, That this Act shall take effect from the date of its passage.”



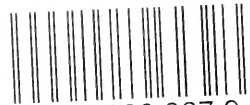








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