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1917
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LAWS OF

The State of South Carolina

— PERTAINING TO —
Migratory and Shell Fish
Shad, Sturgeon, Oysters
Clams and Terrapin.....

1917

Offices of Board of Fisheries

Georgetown, S. C.

WHEELER, P. G. CO., GEORGETOWN, S. C.

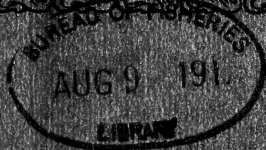


PLATE 10

Aug. 23, 1918.

SH325
S6A3
1917

STATE OF SOUTH CAROLINA,
EXECUTIVE DEPARTMENT.

By the Secretary of State.

This is to certify the foregoing and hereto attached copy of an Act to provide for the appointment of a State Board of Fisheries, define their Duties, to regulate the catching and shipping of shell fish, shad, etc., and to provide for a tax on the same, to be a true and correct copy as taken from and compared with the original now on file in this office:

Given under my hand and the Seal of the State, at Columbia, this the third day of March A. D. 1917.

(SEAL)

W. BANKS DOVE,
Secretary of State.

AN ACT

To Provide for the Appointment of a State Board of Fisheries, Define Their Duties, to Regulate the Catching and Shipping of Shell Fish, Shad, etc., and to Provide for a Tax on Same.

Section 1. All Beds of Rivers State Property— Oyster Beds Not to be Granted.

Be it enacted by the General Assembly of the State of South Carolina: From and after March 1, 1917, all the beds of the bays, rivers, creeks and shores of the sea within the jurisdiction of this State, and not conveyed by special grant or compact according to law, shall continue and remain the property of the State of South Carolina, and may be used as a common by all the people of the State for the purpose of fishing and fowling, and taking and catching oysters and other shell fish, terrapin, shad, sturgeon and other fish, subject to the provisions of this Article, and any future laws that may be passed by the General Assembly: and no grant shall hereafter be issued by the sinking Fund Commission to pass any estate, title or interest of the State in or to any natural oyster bed, rock or shoal, whether the said bed, rock or shoal shall be bare or not.

Section 2. Governor to Appoint Board of Fisheries

It shall be the duty of the Governor to appoint three (3) persons, who shall constitute and be known as the Board of Fisheries of South Carolina, whose terms of office shall be two (2) years. One of these appointees, who shall be

the Chairman, shall be versed in and have practical knowledge of the oyster and fish industry and shall be from the tide-water section of the State. The Governor shall appoint the other two members of this Board from different sections of the State: Provided, that no member of the Board of Fisheries, nor any of the Inspectors shall be engaged in the business for market or profit in the shell fish, terrapin or fish industries either directly or indirectly.

Section 3. Oath of Office—Bond.

All members of said Board shall file the oath of office with the Secretary of State, who shall thereupon issue to each of them a commission designating each of them as a member of the Board of Fisheries of South Carolina, and also designating the Chairman; each commission to have the signature of the Governor, to be countersigned by the Secretary of State, and bear the seal of the State. The Chairman of the said board shall enter into bond in the penalty of two thousand (\$2,000) dollars with sufficient security, to be approved by the Governor, payable and conditioned as required by Section 658.

Section 4. To Establish an Office.

It shall be the duty of the said Board to establish an office or offices in some convenient place in the tide-water section of the State, and stated meetings shall be held by the said Board as often as may seem advisable and necessary, under the restriction imposed in Section 7.

Section 5. Duties of Board.

It shall be the duty of the said Board to see that all laws relating to oystering, planting and cultivation of oysters and clams in the waters of the State, and all laws relating to the catching and propagation of migratory and shell fish, in the waters of this state are faithfully observed, and that all persons engaged in the fish and oyster industry are fully protected in all their respective rights.

The Board of Fisheries shall have authority, if it be practicable, to use a part of their appropriation, not to exceed the sum of one hundred (\$100.00) dollars for the purpose of planting oysters upon suitable bottoms, in the public waters of the State, and the results shall be carefully observed and reported by them, and any profits which may be derived from such planted beds shall be paid into the State treasury and credited to the account of the Board of Fisheries.

Section 6. Authority of Board.

The Board shall have authority to adopt rules and regulations for policing the waters of the State. The Board shall take cognizance of communications made to them by Inspectors or other officials relating to violations or evasions of the laws of the State affecting said industries; taking such action as may be necessary to correct the same under existing laws and to do any and all things which, in their judgement, may seem right and proper to protect the oyster and fish industries and all persons and property lawfully engaged therein. They may employ such surveyors as from time to time may be necessary.

Section 7. Salary of Chairman and Compensation of Members.

The salary of the chairman of said Board is hereby fixed at eighteen hundred (\$1,800.00) dollars per year, and he shall be required to devote his whole time and attention to the duties of said office. The remaining members of the Board shall receive a per diem of four (\$4.00), dollars and actual expenses, provided they shall not receive compensation for more than thirty (30) days in any one year. The Governor shall have the power to remove any and all of them for neglect of duty, misfeasance or malfeasance in office and to fill any vacancy or vacancies which may occur at any time in the Board.

Section 8. Duty of The Chairman.

It shall be the duty of the Chairman of said Board to preside at all meetings of the Board, to call special meetings as may appear proper and advisable, and to maintain a constant supervision of the general industries and the public domain under the care of the Board; to keep all accounts and records of the Board, and to make all reports and returns of the Board to the Comptroller General.

Section 9. Records—Annual Report--Recommendations.

All records or accounts in the office or offices of the said Board shall be open at all times to the examination of the Governor and Comptroller-General or their accredited agents. It shall be the duty of this Board to make an an-

nual report to the Governor; and to report to the General Assembly whenever that body convenes in regular session in which shall be plainly set forth the amounts of revenue derived from the several industries embraced within their supervision, and the expenses incurred in the enforcement of this Article and Sections 30 to 44, both inclusive, of the Criminal Code, and they shall recommend such legislation as in their judgment and experience, may be deemed advisable in the interest of those industries and the revenues of the State to be derived therefrom.

Section 10. Inspectors to be Appointed by Board of Fisheries—Compensation—Bond of Inspectors

There shall be four (4) Inspectors to carry into effect and enforce the provisions of this law. The Inspectors shall be appointed by the Board of Fisheries, and shall have been residents for at least two years in the Counties within the boundaries of which their duties are to be performed, and shall receive salaries as follows: The Inspector of the First Division shall receive a salary not exceeding seventy-five (\$75.00) dollars per month, and the Inspectors of the other three divisions shall each receive a salary not exceeding sixty (\$60) dollars per month, in the discretion of the Board of Fisheries. The term of office of said Inspector shall be at the discretion of the Board, who shall have the power to remove any Inspector at any time, and the Inspectors shall not be paid for any longer time than he serves. Every Inspector shall, before the Clerk of Court of the district in which he resides, take the oath and give bonds prescribed by Section 658. The bonds shall be in the penalty of five hundred (\$500.00) dollars, and conditioned for the faithful performance of their duties. The Clerk of Court shall transmit a copy of the bond to the Chairman of the Board of Fisheries within thirty (30) days after its execution.

Section 11. Duties of the Board.

It shall be the duty of the Board of Fisheries to enforce all laws of the State pertaining to the collection of taxes, fines, rents and other revenues due to the State which are now, or may hereafter be lawfully laid, assessed or fixed on or pertaining to migratory fish, oysters, clams, sturgeon and terrapin, and they shall direct and require the Patrolmen-Inspectors to carefully observe and report to the Board all violations in this respect and to also require each

Inspector during the first ten (10) days of each month, to make and render to the Board a complete report of all collections during the preceeding month in their respective districts from any source under his supervision, giving in tabulated form and detail, from whom said collections were made, as well as the proper classification of said collections and whether from taxes, fines, rents or other sources, copies of which shall at the same time be sent by the said Inspectors to the County Treasurer of the County in which said collections are made, and upon failure to make the said reports, as above required, the Inspector so failing shall forfeit to the Board of Fisheries, unless excused for reasonable cause by the Board, one month's salary, which shall become a part of the general funds of the Board of Fisheries.

Section 12. Duty and Power of County Treasurer.

The County Treasurer shall collect all fines, taxes and all sums due as rent upon grounds leased for the propagation of fish, terrapin and shell fish imposed by this Article and when the lessee remains in default in the payment of the annual rent for such planting grounds or any part thereof, for thirty (30) days, the lease shall automatically become null and void: Provided, That the lease may be reinstated with all the force and effect as in the first instance upon the application of the former lessee, if made to the Board within thirty (30) days from the time the lease became null and void, and upon payment of such costs and expenses as may be imposed by the Board in connection with the same.

Section 13. Blanks for Reports.

The Comptroller General shall provide the Board with necessary blank forms for the use of the Board and for the Inspector's reports as may be required in execution of their duties.

Section 14. Operation and Custody of Launches

The Inspectors shall have charge of the Launches and vessels used by the said Board for the protection and the guarding of the shell fish, terrapin and fish industries of the State, and to enforce the said laws, thereof. Each Inspector may employ, by the month, one helper for each launch or vessel, subject however, to the approval of the Board. The pay of the helpers shall be fixed by the Board and shall

not exceed twenty (\$20.00) dollars per month, and the Inspectors on each launch or vessel shall forward to the Board during the first six (6) days of each month a report of the services of his launch or vessel for the preceding month and also a tabulated statement in detail of expenses incurred during the month, and such statement shall embrace first, the payment of the helper, giving his name: repairs, fuel and other incidental expenses of such launch or vessel, and any failure to furnish such report shall subject the delinquent Inspector to suspension and forfeiture of pay, or absolute removal, at the discretion of the Board.

Section 15. Repairs and Maintenance of Launches —Purchase of Launches.

The Board shall have authority to provide for repairs to be made to launches and vessels, machinery and furniture as may be necessary to keep them in serviceable condition, and it shall be its duty to see that the launches and vessels and their appurtenances are at all times kept clean and otherwise in good, serviceable condition, and the Board shall have authority to sell or exchange any launch or vessel belonging to said police fleet, and if sold, to reinvest the proceeds of such sale or make further exchanges, as may appear to them to be necessary and best for the interest of the State; Provided, that no additional expense shall be incurred to the State by reason of such sale, exchange or reinvestment without authority of the General Assembly. The board shall have authority to maintain four (4) launches.

Section 16. Duty of Persons Desiring to Plant Oysters--Rent.

It shall be the duty of any person desiring to obtain a location for the planting or propagating shell fish, terrapin or fish in any portion of the water front, beds, bottoms, or marshes below highwater mark, the property of the State, not naturally producing oysters or clams in sufficient quantity to warrant catching them for the market, or which by reason of the small quantity of oysters thereon shall not, in the judgment of the Board, be considered natural oyster beds within the meaning of the law, apply to the Board of Fisheries and have its location ascertained and designated and surveyed, and the same shall be marked with suitable stakes, smooth and free from snags and spurs, or by other metes and bounds, courses and distances, having their

places or beginning and ending designated by permanent objects on the shores, agreed upon by the applicant and Inspector, and he shall pay the Inspector for his services a fee of one (\$1.00) dollar and he shall also pay to the County Treasurer rent for the lands assigned to him, at the rate of twenty-five (25) cents per acre for the first five (5) years, and after five (5) years, at the rate of fifty (50) cents per acre for each and every year of his rental, to be payable on the first day of September of each year, and so long as he continues to pay such rent he shall have exclusive right to occupy such land for a period of fifteen (15) years, subject to such rights, if any, as any other person or persons may have previously acquired, and shall have a prior right to renew such lease at such rate per acre as in the judgment of the Board may seem just and proper. The first year's rent to be a pro-rata of the yearly rate, based on the time elapsed from execution of the lease to the first day of September next following. In case of two or more applicants for the same bottom, preference shall be given to the owner or owners of the adjacent lands. In case no such owner or owners apply, then preference shall be given in order of application. The lessee shall be required to deposit, under the supervision of the Inspector of his district, within such time as may be designated by the Board in the lease, shells or oysters to the amount of not less than ten 10 nor more than one thousand 1,000 bushels per acre for the entire area leased, the amount to be fixed by the Board. The lessee shall be required to prove compliance to the satisfaction of the Board of Fisheries, and in default of such proof, the lease shall be annulled. If any portion of said water fronts, beds, bottoms or marshes be occupied with oysters, or clams actually planted thereon or held by any person or persons, under proper assignment, the occupant shall have the prior right against all others to have the land so occupied by him assigned to him by the Inspector; Provided, the said occupant shall have the land so assigned to him ascertained and designated, and surveyed and rents paid within thirty (30) days from the time the Inspector is called to locate the same.

Section 17. Disposition of Moneys and Fines Collected.

All licenses, fees, rentals and penalties and all moneys whatsoever collected under the supervision of this chapter shall be paid into the State Treasury by the officers herein charged with the duties of collecting the same: Provided,

that one-half of all penalties collected for violating the provisions of said section shall be paid to the informer. These moneys shall be entered by the State Treasurer on the account of the Board of Fisheries, together with all sums expended under the provisions of this Act. If, at the end of any fiscal year, there be a balance to the credit of the account, the State Treasurer shall place one-half of the balance into the general fund of the State, and shall remit the other one-half to the Treasurers of the counties in which said licenses, rentals, penalties, etc., shall have been collected, to be credited to the general funds of said counties in the proportion in which each county has contributed to said fund.

Section 18. Leases and Lands.

Not over five hundred (500) acres shall be rented to any one individual or corporation. Leases shall be granted only for reasonable contiguous and compact areas, subject to the discretion of the Board of Fisheries. All applications for leases shall be made to the said Board in writing, and advertised in one or more papers at the cost of the applicant, and published for three (3) consecutive weeks in the county in which the lands applied for are located. The Board of Fisheries is authorized to lease any of the marsh lands of the State for the purpose of the erection of wharves and depositories of shells to those who establish, or intend to establish, oyster canneries. These leases to be granted in the discretion of the Board of Fisheries, and run for a term not exceeding fifteen (15) years, with privilege of renewal: Provided, said marsh lands so leased shall be used for purposes leased within two (2) years from date of said lease.

Section 19. Duty of Those Occupying Oyster Beds —Survey

Any person, firm or corporation who is now occupying oyster planting grounds, or is desirous of occupying any oyster planting ground, shall notify the Inspector of his desire to continue to occupy, or his desire to occupy certain oyster planting grounds, and the Inspector shall notify the surveyor, employed by the applicant or applicants who shall survey the said grounds and make a plat of same, the surveyor to receive for surveying and making plat fifty (50) cents per acre, or portion thereof for five (5) acres, or less, twenty-five (25) cents per acre; for more than five (5) acres and up to thirty (30) acres, fifteen (15) cents for each

acre, more than thirty (30) acres and up to fifty (50) acres, and ten (10) cents per acre, for all over (50) acres, the cost of surveying and plat to be paid by the renter. This survey and plat to remain good so long as the rent is annually paid, and the ground is occupied by the party paying for the survey and plat under the conditions of Section 16. This said survey and plat shall indicate the metes and bounds, courses and distances having their beginning and ending by fixed and permanent objects on the shore as accurately as may be, and the same, as soon as possible after completion, shall be filed by the Inspector in the office of Clerk of Court of his county, there to be forthwith recorded in a well bound and substantial book, and indexed in the name of the assignee, and thereupon at once a written memorandum thereof shall be filed with the Clerk of Court. The Clerk of Court shall receive the said survey and plat and record same, and shall be paid by the assignee for his services the same fees he now receives for recording deeds and plats. After the same is recorded the assignee shall be entitled to withdraw the original from the Clerk's office. Each county shall furnish the Clerk with the necessary books for recording same. The fees due the Clerk of Court for the recordation and filing of said surveys and plat shall be collected as other fees due the Clerk. The Inspector shall furnish copies of said surveys, plats and memorandum to the Board of Fisheries.

Section 20. Oysters, etc., to be Deemed Goods and Chattels.

Oysters or clams imbedded or planted, oysters or clams deposited by any person making up a cargo for market and shells planted for the formation of oyster or clam beds, shall be deemed goods and chattels of which larceny may be committed, although there be no interval between the severing and the taking away.

Section 21. Canning Factories to Keep Books to be Open for Inspection.

All managers, persons in charge of canning factories shall be required, under a penalty of not less than one hundred (\$100.00) dollars, to keep a book in which shall be entered the names of each person from whom they shall purchase oysters, together with the date of purchase and quantity purchased, the name, color and approximate tonnage of the boat in which the oysters were brought to the

factory, the quantity of oysters canned each day, and the quantity of oysters packed for shipment each day, the date and amount of each shipment of canned oysters, together with a copy of the bill of lading of said shipment, and to make an itemized written report to the Board of Fisheries not later than the fourth day of each month, said book to be open at all times to the inspection of the Board of Fisheries or its Agents or the Comptroller General, or his agents, and shall within the first five (5) days after the first day of May in each year make a report to the Board of Fisheries of the number of canned oysters, stamps of each kind and denomination of hand on the first day of May. All who catch or buy terrapin or clams for the purpose of sale or export shall be required to keep a book, in which shall be entered the date of each purchase of terrapin or clams, together with the number of terrapin and the true name and address of the person or persons from whom the terrapin are purchased, the date of each shipment, together with the number shipped and the way bill covering each shipment, and to make itemized written reports to the Board not later than the fourth day of each month, said book to be open at all times to the inspection of the Board of Fisheries, or its agents, and the Comptroller General, or his agents. All persons engaged in shipping or sale of shad, raw shucked oysters or clams, shall be required to keep a book, in which shall be entered the date and the quantity of each shipment or sale, together with a certified copy of the bill of lading covering said shipment, and to make itemized written reports to the Board not later than the fourth day of each month, said book to be open at all times for the inspection of the Board of Fisheries or its agents, and the Comptroller General or his agents. All common carriers and their agents are hereby required to keep a full and correct record of each shipment of clams, oysters, terrapin or shad, and said record shall be open at all times for the inspection of the persons charged with the enforcement of this Article.

Section 22. Tax Upon all Shell Fish, Shad, etc— Canned Goods—Labeling

For the support of the Board of Fisheries and to defray the expenses of this article, for the improvement of the natural beds, for the protection of the private beds, an impost tax shall be placed upon all oysters, clams and terrapin, and the tax shall be at the rate of one, (1) cent upon each sixty, (60) ounces of canned oysters, two, (2) cents upon each gallon of raw shucked oysters gathered in this State; ten, (10) cents upon each bushel of clams in the shell; five, (5) cents upon each terrapin. Each package containing oysters canned in this State, or raw shucked oysters gath-

ered in this State, clams gathered in this State, or terrapin offered for sale or transportation, shall be stamped by the manufacturer by the number of ounces, or quantity of oysters and number of terrapin, and the number of bushels of clams contained therein, and the number of ounces and fraction of ounces of oysters contained in each can shall be plainly stamped in the metal cap of each can of oysters canned within the State from and after the passage of this Act. It shall be the duty of the County Treasurer to furnish said stamps in any and such denominations as they may decide will be the best to meet the requirements of the shippers or dealers, and to sell said stamps direct to the persons using the same. The County Treasurer of each county in which any impost tax stamps are sold, or taxes collected under this article, shall keep a book, in which shall be entered all impost tax stamps received by him, showing the kind, denomination, quantity and serial number of all stamps received and each sale of such stamps made by him, the name of the purchaser, the date of such purchase, kind, denomination and quantity sold; and shall, within the first five (5) days of each month forward to the Chairman of the Board of Fisheries a statement showing the quantity of each kind and denomination sold, the dates of sales, and the names of the purchasers, and as remuneration of the services required of them by the provisions of this chapter, the County Treasurers of Beaufort, Colleton, Charleston, Georgetown and Horry Counties shall each be paid by the State Treasurer, upon the warrant of the Comptroller General, each year, from the moneys collected and paid into the State Treasury by him, under the provisions of this chapter, three (3) per cent. of the amount so collected by him during the year. The County Treasurer of each county in which any impost tax stamps are sold shall, in January, April, July and October of each year, and on or before the fifth day of said months, forward to the Chairman of the Board of Fisheries a statement of all such stamps in his hands, showing the kind, denominations, quantity and serial numbers of the same.

Section 23. License to Pen or Export Terrapin.

Each and every person, firm or corporation engaged in the penning or exporting from this State of terrapin, shall apply to the Board of Fisheries for a license for the same, and the said Board shall, upon the payment of twenty-five (25) dollars by the said person or persons, firm or corporation, issued to such person or persons, firm or corporation a license to pen in this State and export from the State, terrapin for one (1) year, subject, however, to the

provisions of Section 17 and Section 38 of the Criminal Code, All persons, firms or corporations, other than common carriers, who, for themselves or others, hold terrapin in confinement for the purpose of sale or delivery, shall be deemed and considered as being engaged in the business of penning terrapin within the meaning of this article, and whenever any one person, firm or corporation shall maintain a pen in more than one place, the payment of a separate license of twenty-five (\$25) dollars for each pen, where such business is conducted, is hereby required: Provided, that nothing herein contained shall be construed so as to require any such person or persons, firm or corporation to take out any license for any employee or employees engaged by such person or persons, firm or corporation, respectively, for catching or gathering terrapin. Any person or persons, firm or corporation buying or receiving terrapin for the purpose of re-selling or using them in any way for commercial purposes, shall be subject to the same license of twenty-five (\$25) dollars as herein required for penning; and all terrapin penned in this State shall be subject to a tax of five (5) cents each, whether the same shall have been gathered, caught or bought within the State or not.

Section 24. Shad.

It shall be unlawful to catch, buy, sell or ship shad between the twenty-fifth day of March and the thirty-first day of December in any year, within thirty (30) miles of the mouth of any river emptying into any gulf, bay or ocean, and above said limits to the source of any river between the fifteenth day of May and the thirty-first day of December of any year. An impost tax of three and one-half (3 1-2) cents shall be put upon each shad offered for sale or shipped from any point within this State to another point within this State, or without the State: Provided, Shad caught in the State for personal use only, shall be exempt from this tax. No net shall be used under five and one-half (5 1-2) inches mesh, and no net shall be stretched more than one-half way across any navigable stream, nor within two hundred (200) yards of each other; and no nets of any kind shall be allowed below a line where Mosquito Creek empties into Winyah Bay, across said bay in an easterly direction to the opposite shore of said bay, nor shall any device, net or seine for the stoppage or collection of fish be set or used in any manner whatsoever within one mile of the mouth of the Waccamaw, Great Pee Dee and Bull Creek Rivers.

Section 25. Open Season for Catching and Shipping Sturgeon.

That there be an open and closed season for the catching and shipping of sturgeon and caviar as follows: The open season shall be from April thirtieth to August first in each year, and no person or persons shall fish for, catch or have in his or their possession any sturgeon between the first day of and thirtieth day of April, both dates inclusive. Each person, firm or corporation fishing for sturgeon shall make a sworn report to the Inspector on or by the first day of May of the number of nets he, she or they have or will use during the season, and they shall make a written report to the Chairman of the Board of Fisheries within five (5) days after the close of the season of the number of sturgeon caught by such person, firm or corporation, and the number of pounds of caviar shipped.

Section 26. Sturgeon Nets Shall Have Licenses Attached.

No sturgeon net shall be used without having a license attached to the same when in use, in such manner that it shall be on top of or above the water in plain sight at all times. No nets shall be used less than nine (9) inches mesh. There shall be a license for the catching, buying and shipping of sturgeon or caviar as follows: Each sturgeon net license fifteen (\$15.00) dollars; each person or firm shipping caviar or sturgeon seventy-five (\$75.00) dollars; non-residents fishing for sturgeon, ten (\$10.00) dollars, non-residents buying or shipping sturgeon or caviar, five hundred (\$500.00) dollars; non-residents using personal nets or boats, two hundred (\$200.00) dollars. A license issued pursuant to these rules is not transferable, and if a licensed net be used by any other person than the licensee, or person in his employ or under his immediate supervision, it shall be deemed forfeited and revoked. The owner of each non-resident license must exhibit the same when requested by each Inspector or member of the Board of Fisheries. Applicants for license shall apply to the County Treasurer, license blanks, tags, etc., to be furnished to the Treasurer by the Board of Fisheries. The Board of Fisheries may revoke any license granted hereunder at any time for any reason, which to the Board, may seem sufficient.

Section 27. Closed Season for Migratory Fish.

That it shall be the duty of the Board of Fisheries

herein provided for to enforce all existing laws in regard and relating to the open and close seasons in reference to migratory fish.

Section 28. Annual Appropriation.

To meet the necessary expenses of this Board, there shall be appropriated annually the sum of seventy-two hundred (\$7,200) dollars, or so much thereof as may be necessary, which shall include the salaries as provided in this article.

Section 29. Construction of Article With Penal Code.

Sections 30 to 34 of the Criminal Code, both inclusive, shall be construed in connection with, and as a part, of this Article.

Section 30. Board of Fisheries.

The regulation of catching, gathering, selling, exporting or canning oysters, terrapin, clams, shad and sturgeon is under the supervision of the Board of Fisheries mentioned in Section 12 of the Civil Code.

Section 31. Craft Used in Violating Law to be Condemned.

Any vessel, boat or other craft; tackle, apparel, anchors, cables, sails, appurtenances, and any dredge, scrape or other instruments used in the violation of this chapter shall together, with the cargo of such vessel, craft or boat, be forfeited to the State, and upon being condemned as forfeited in proceedings upon a hearing before the Board, the net amount realized from the condemnation proceedings shall be paid over by the order of the Board into the treasury of the State. The persons charged with the enforcement of Sections 31 to 44, inclusive, shall have the right, without warrant, to arrest any person or persons who has, or have, in his, her or their possession any oysters, clams or terrapin or shad in violation of Section 30 to 44, inclusive, and take such person or persons to the nearest Magistrate and swear out the proper arrest warrants. The unlawful possession of such oysters, clams or terrapin, or shad, shall be prima facie evidence of guilt, and if such person or persons is or are held for trial by the Magistrate conducting the preliminary examination, the said Magistrate

shall issue an order for the release of the terrapin, and the dumping of the oysters and clams. Any person or persons violating the provisions of this Section shall be fined not less than twenty-five (\$25.00) dollars nor more than one hundred (\$100.00) dollars, or imprisonment for not less than twenty nor more than thirty days. The persons charged with the enforcement of Sections 31 to 44, inclusive, shall have authority to enter and search any vessel, car, vehicle or place suspected of containing any oysters, clams, terrapin, shad or sturgeon, in violation of Sections 31 to 44, inclusive, and shall be authorized to open and examine any package containing any article subject to taxation under the provisions of said Sections.

Section 32. Unlawful for Non-residents to Gather Oysters—Proviso.

It shall be unlawful for any person to gather or catch clams, oysters, or terrapin from the public grounds of the State, who is not a bona fide resident of this State, and who has not continuously resided herein for two years: Provided, however, That nothing contained in this section shall prohibit a non-resident who shall have leased any lands for the purpose of planting and cultivating shell fish, under the provisions of Sections 16, 17, 18, and 19 of the Civil Code, from gathering oysters from the natural beds of the State for the purpose of planting and cultivating them upon leased lands: Provided, however, That nothing in this Section shall prevent the gathering of oysters by non-residents, who are engaged in the business of operating oyster canning factories within this State or shucking raw oysters within this State, or who are employed by those who are engaged in the said business. Subject to the provisions of this Chapter, the employment of non-residents by citizens of this State lawfully engaged in any of the fishing industries, shall be permitted, but no non-resident shall be allowed to gather or catch any shell fish, or other fish, from the public lands and waters of this State for market purposes, except as such employee. Any person or persons, firm or corporation violating the provisions of this Section shall be guilty of a misdemeanor, and, upon conviction, shall be fined not less than fifty (\$50) dollars nor more than one hundred (\$100) dollars, or be imprisoned for a term of not less than twenty nor more than thirty days.

Section 33. Closed Season for Sale of Oysters.

It shall be unlawful for any person or persons, firm or

corporation to remove, buy or sell any oysters from the natural reefs, bottoms, beds or marshes, the property of the State, between the first day of May and the first day of October, inclusive: Provided, That nothing in this Section shall be taken to forbid the removal of oysters, from the said natural reefs, beds, bottoms or marshes for the purpose of replanting said oysters. Possession of oysters during the term specified shall be prima facie evidence of infringement of this provision, and that the onus of proof that such oysters coming from private beds, or from without the State, are to be used for planting purposes shall rest upon the accused. Any person or persons violating the provisions of this Section shall be guilty of a misdemeanor, and, upon conviction, shall be fined not less than twenty-five (\$25.00) dollars nor more than one hundred (\$100) dollars, or imprisonment for not less than twenty (20) nor more than thirty (30) days.

Section 34. Regulation of the Use of Scoops.

It shall be unlawful for any person or persons to use scoops, scrapes or dredges for the purpose of taking or catching oysters from the public grounds in any bed, river, creek, strait, or any tributary of such in this State under twelve (12) feet in depth at low tide. Any person or persons violating the provisions of this Section shall be guilty of a misdemeanor, and, upon conviction, shall be fined not less than twenty-five (\$25.00) dollars nor more than one hundred (\$100) dollars, or be imprisoned for not less than six months.

Section 35. Unlawful to Carry Oysters Out of This State.

It shall be unlawful for any person or persons, firm or corporation to carry any oysters in the shell out of this State in any boat or vessel, or by other mode of transportation; and all boats, all vessels, or other vehicles of transportation found loaded with oysters in the shell for transportation out of this State shall subject the owner, or person in charge thereof, to a fine of not less than one hundred, (\$100) dollars nor more than five hundred, (\$500) dollars, or to imprisonment for not less than one, (1) month nor more than twelve, (12) months: Provided, however, That oysters which have been cultivated from lands leased from the State may be exported in the shell from the State, provided they be shipped in barrels or other packages and that a tax of one and one-half ($1\frac{1}{2}$ c) cents per bushel be paid for each bushel so exported, and that a stamp or stamps purchased from the

County Treasurer in payment of said tax be affixed to each package, certifying that the tax upon the same has been paid. Any person or persons, firm or corporation shipping or transporting such oysters without the aforesaid stamps attached to each package shall be punished as above provided in this section, and all persons or corporations engaged in exporting such oysters shall be required to keep a book in which shall be entered the date and amount of each shipment, and shall make an itemized report thereof within the first four (4) days of each month to the Board of Fisheries under penalty of a fine not exceeding one hundred (\$100) dollars, or imprisonment not exceeding thirty (30) days.

Section 36. What Oysters May be Removed.

All oysters taken from the public grounds of this State, with whatsoever instruments or implements, shall be culled, and all oysters whose shell measures less than three inches from hinge to mouth, except what are attached to a larger oyster and cannot be removed without destroying the small oyster, and all shells taken without the said oysters shall be returned to the public grounds near and where taken; and no oyster shall be allowed by the Inspector to be marketed which shall consist of more than ten per cent. of such smaller oysters in shells. The manager or person in charge of each canning factory in this State shall each year distribute upon such lands or bottoms, between high and low watermark, as shall be designated by the Chairman of the Board of Fisheries or by an Inspector under his approval, and in such manner as said Chairman or Inspector shall require, a quantity of oyster shells which shall be equal to not less than three per cent., or more than thirty per cent. of the quantity of oysters in the shell purchased or received by such canning factory during the said year, the quantity of shells within the above limits required to be deposited and distributed by the manager or persons in charge of such canning factory, to be fixed by the Board of Fisheries, or by the Chairman of the said Board for each year, of which requirement they shall be duly notified and shall deposit said shells not later than the first day of June: Provided, That the grounds or bottoms designated shall be within ten (10) miles of the canning factory from which the shells shall be required to be deposited and distributed upon them. Any person, or persons, firm or corporation violating the provisions of this section shall be guilty of a misdemeanor, and upon conviction thereof, shall pay a fine of not less than one hundred (\$100) dollars, or be imprisoned for a term of not less than one (1) month nor more than six (6) months.

Section 37. How Oysters Shall be Measured.

All oysters sold in the shell in this State shall be measured in a circular tub with straight sides, straight solid bottom, holes in the bottom not more than one half inch in diameter. The said measure shall have the following dimensions; A bushel, but shall measure eighteen (18) inches from inside across the bottom, and twenty-one (21) inches from bottom to top of chime. All measures used for buying or selling oysters shall have a brand, to be adopted by the Board of Fisheries stamped thereon by said Board by its lawful Inspector. Any person violating this section shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than ten (\$10) dollars nor more than fifty (\$50) dollars, or imprisoned for not more than thirty (30) days nor less than ten (10) days; and all measures found in possessions of any such person not meeting the requirements of this section shall be destroyed by said Board or its lawful agents.

Section 38. Transportation of Oysters Without Tax Tags.

It shall be unlawful for any person or persons, firm or corporation, to sell or ship, and it shall be unlawful for any person or persons, firm or corporation to receive or transport said canned oysters, raw shucked oysters, terrapin or shad, except there be affixed to each package a stamp or stamps, furnished by the Board of Fisheries, certifying that the said impost tax upon canned oysters, terrapin, or shad contained therein has been paid. Any person or persons, firm or corporation violating the provisions of this section shall be guilty of a misdemeanor, and, upon conviction, shall be fined not more than one thousand (\$1,000) dollars nor less than five hundred (\$500) dollars, or to be imprisoned for not more than twelve (12) months nor less than six (6) months.

Section 39. Counterfeiting Stamp of Board.

It shall be unlawful for any person or persons to counterfeit any stamp adopted by Board of Fisheries, or produce any similar design thereof, or to aid or assist in the uttering. Any person or persons, firm or corporation violating this section shall be guilty of a misdemeanor, and, upon conviction thereof, shall pay a fine of not less than five hundred (\$500) dollars nor more than one thousand (\$1,000) dollars, or be imprisoned for not less than (6) months nor more than (12) months.

Section 40. Reports Required.

Any person or persons, firm or corporation failing or refusing to make the reports required by Section 21 of the Civil Code, or who shall make false entries in the books required by said Section of the Civil Code, or who shall make false reports, shall be deemed guilty of a misdemeanor, and, upon conviction in any Court of competent jurisdiction, shall be fined not less than twenty-five (\$25.00) dollars nor more than one hundred (\$100) dollars, or imprisoned for not less than ten (10) days nor more than thirty (30) days.

Section 41. Closed Season for Terrapin—Penalty for Having Terrapin in Closed Season.

It shall be unlawful for any person or persons, firm or corporation to catch, purchase, trap, sell, except as hereinafter provided, or to have in his possession terrapin between the first day of April and the fifteenth day of July in each year. Any person or persons, firm or corporation having terrapin in his, her or its possession previous to the first day of April in any year desiring to carry them over and retain possession of the same until the succeeding fifteenth day of September, shall within ten (10) days after the first day of April of each year make a report under oath, to the Board of Fisheries of the number of terrapin he, she, they or it has or have in his, her, their or its possession for that purpose on the first day of April of each year, said report to state the location of said terrapin and in what pen said terrapin are kept so that said Board may be able to find said terrapin or pens, and ascertain the correctness of the report. Any person or persons, firm or corporation violating the provisions of this section shall be guilty of a misdemeanor, and, upon conviction thereof, shall be subject to a fine of not less than twenty-five (\$25) dollars nor more than two hundred (\$200) dollars, or imprisonment for not less than thirty (30) days nor more than six (6) months.

Section 42. Length of Terrapin that May be Kept.

It shall be unlawful to catch, sell, hold in possession any terrapin less than five inches in length under the medial line of the bottom shell, or to use any seine of a smaller mesh than five and three-fourth (5 3-4) inches for the purpose of catching terrapin. The having of terrapin under five inches in length, or a pen for the penning of terrapin, where the owner or manager has not taken out license to

pen terrapin, as provided in Section 23 of the Civil Code, or of a terrapin seine of smaller mesh than five and three-fourths inches, whether the owner or manager of said boat has taken out a license to gather terrapin or not, shall be prima facie evidence of the violation of this Section, and the person charged with the enforcement of this Section shall have the right to arrest such person or persons without first procuring a warrant and take such person or persons to the nearest Magistrate and there swear out the proper arrest warrant. Any person or persons, firm or corporation violating the provisions of this Section shall be punished by a fine of not more than one hundred (\$100) dollars nor less than twenty-five (\$25.00) dollars, or be imprisoned for not more than thirty (30) days nor less than fifteen (15) days.

Section 43. Penalty for Stealing Oysters From Oyster Beds.

Any person or persons who shall unlawfully gather, remove, take or steal from any oyster bed, laying or fishery, any oysters or oyster brood there growing, lying or being, such oyster bed, laying or fishery being the property of another person or persons, or cultivated and used by the proprietor or proprietors thereof for the production, growing and improvement of oysters, and being sufficiently marked out, shall be deemed and held guilty of larceny, and he, she or they, his, her or their aiders, helpers, abettors or accessories, being therefor convicted by due course of law, shall be punished as in case of larceny.

Section 44. Penalty for Using Nets, Dredges, etc.—Not to Apply to Fishing

If any person or persons shall unlawfully and wilfully use any dredge or net, instrument or engine whatsoever, within the limits of any such oyster beds, laying or fishery, as aforesaid, for any purpose of taking oysters or oyster-brood, although none be actually taken, or shall have any net, instrument or engine drag upon the ground or soil of any such oyster bed, laying or fishery, every person or persons so offending be held and deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine or imprisonment, or both, as the Court may award, such fine not to exceed one hundred (\$100) dollars, and such imprisonment not to exceed six (6) months. Nothing contained in this section, or section 43 shall be so construed to prevent any person or persons from catching or fishing for

any swimming or floating fish with any net, instrument or engine adopted for taking swimming or floating fish.

Section 45. Clams.

That no clams to be taken from the public grounds of the State for a period of two (2) years; Provided, this applies to clams taken for commercial purposes to be shipped without the county in which they are taken, and not the clams taken by any person or persons for their personal use or for sale and consumption in the county where taken. Any person or persons, firm or corporation violating the provisions of the above shall be punished by a fine of not more than one hundred (\$100) dollars or less than twenty-five (\$25),dollars or be imprisoned for not more than sixty (60) or less than fifteen (15) days.

Section 46

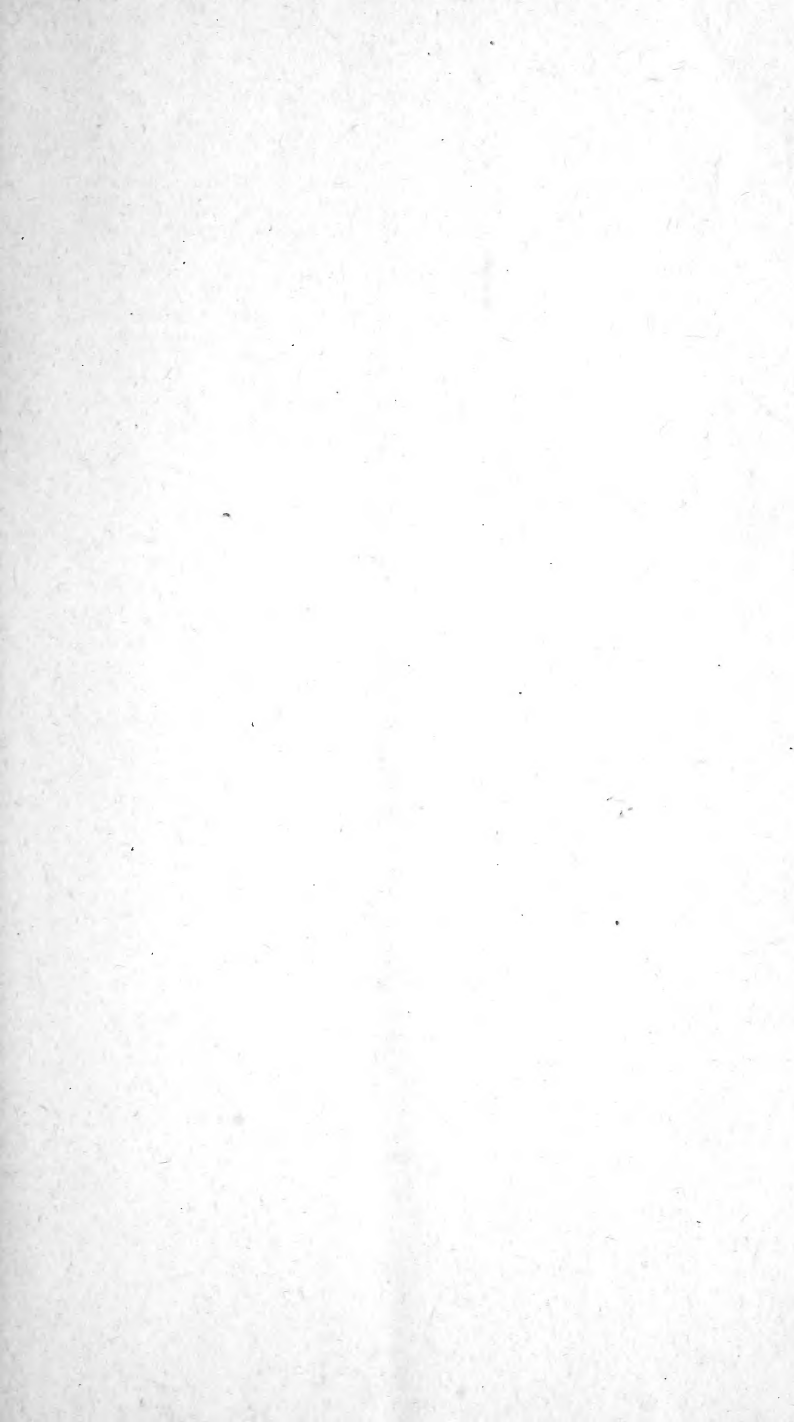
All Acts or parts of Acts inconsistent with this Act are hereby repealed.

Section 47

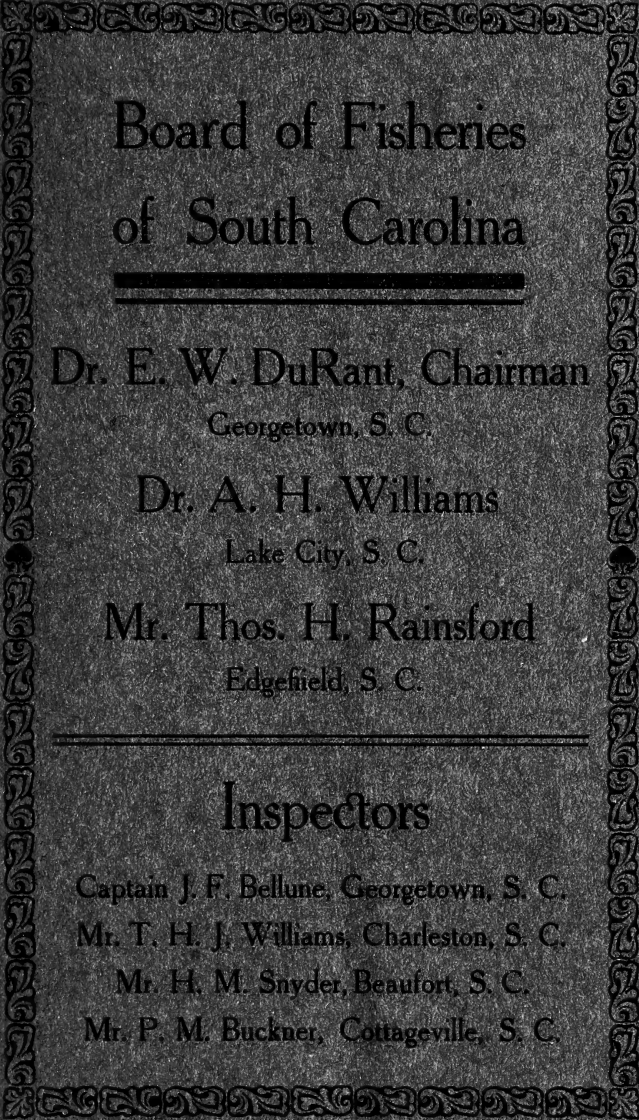
This Act shall take effect immediately upon its approval by the Governor.

Approved the first day of March, A. D. 1917.

RICHARD I. MANNING,
Governor.







Board of Fisheries of South Carolina

Dr. E. W. DuRant, Chairman
Georgetown, S. C.

Dr. A. H. Williams
Lake City, S. C.

Mr. Thos. H. Rainsford
Edgefield, S. C.

Inspectors

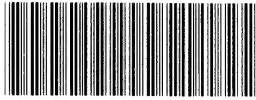
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Mr. T. H. J. Williams, Charleston, S. C.

Mr. H. M. Snyder, Beaufort, S. C.

Mr. P. M. Buckner, Cottageville, S. C.

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