

## CHAPTER 254.

AN ACT to prevent the Destruction of Oysters in the Waters of this State.

Supplements, 1834, ch. 311; 1835, ch. 216, 260, 337; 1836, ch. 186; 1837, ch. 310; 1838, ch. 35.

WHEREAS, the destruction of oysters in the waters of this state, is seriously apprehended, from the destructive instruments used in taking them; therefore,

SEC. 1. *Be it enacted, by the General Assembly of Maryland,* That it shall be unlawful, to take, or catch oysters in any of the waters of this state, with a scoop or drag, or any other instrument than such tongs and rakes, as are now in use, and authorized by law, and all persons whatever are hereby forbid the use of such instruments, in taking or catching oysters in the waters of this state, on pain of forfeiting to the state, the boat or vessel employed for the purpose, together with her papers, furniture, tackle and apparel, and all things on board the same.

SEC. 2. *And be it enacted,* That the sheriffs of the counties bordering on the said waters, are hereby charged with the execution of this law; and if any of the said sheriffs, shall be at any time hereafter credibly informed of the violation of the same, or upon his own view, it shall appear to him, that any person or persons, are or have been engaged in using a scoop or drag, or other instrument hereby prohibited, in taking or catching oysters, in the waters of this state, it shall be his duty to seize and take into his possession, the boat or vessel thus unlawfully employed, together with her papers, furniture, tackle and apparel, and all things on board the same, and to arrest and take into his custody, all the boatmen belonging to the said boat or vessel, and carry them before a justice of the peace of his county, representing to the justice, the breach of law committed, and naming to him the witnesses to support the charge; and the said justice shall be, and he is hereby authorized to take cognizance of the offence then charged, and shall docket the case in the name of the state, against the boatman in the custody of the sheriff, and shall immediately summon before him, the witnesses named by the sheriff, and all witnesses that may be named to him by the boatmen, and shall examine the said witnesses on oath, with the said sheriff if necessary, and inquire fully into the alleged offence, of which finding a scoop or drag, or other prohibited instrument, on board such boat or vessel, shall be considered prima facie evidence of guilt, and after a full investigation of the case, if the justice shall think the charge groundless, he shall immediately discharge the said boatmen, and restore to them the boat or vessel seized by the sheriff, and all things belonging to her, but if he shall be of opinion, that oysters have been taken and caught in contravention to this act, he shall impose fines not exceeding five dollars on each of the

Preamble.

Scoops or drag prohibited.

Forfeit of boat or vessel.

Sheriff's duty.

On information.

Seize the boat.

Arrest boatmen. Have before justice.

Trial directed.

If innocent.

If guilty.

Fine \$5 00.