

CHAP. 249.

concerned, and the legislature of Maryland by sundry laws passed for that purpose, have sought to secure the advantages resulting from that article of trade, which have fallen short of the object they were designed to accomplish; *And whereas*, the citizens of this, and other states infesting said waters, have continued to take and carry away oysters in violation of the laws upon that subject enacted; and it is justly apprehended that oysters in the waters of the state will be destroyed, not less by the immense number carried away, than by the destructive instrument used in taking them; *And whereas*, the navigation of many creeks has been obstructed by the citizens of this and other states, by means of the heaps of the refuse thrown into the waters of said creeks in the process of picking the oysters for market, to the great injury of the good people of this state—Therefore,

Unlawful to catch with drags &c.

Section 1. *Be it enacted by the General Assembly of Maryland*, That from and after the passage of this act, it shall not be lawful for any person or persons to catch, or take any oysters on the eastern shore of the Chesapeake Bay, or any of the waters tributary thereto on said shore of said bay or of any of the waters of the eastern coast of this state, with any scoop or drag, or other instrument except such tongs or rakes as are now in use for that purpose, under the penalty of one hundred dollars, to be recovered from each person for each offence.

Penalty.

Unlawful for other than citizens to catch.

Sec. 2. *And be it enacted*, That it shall not be lawful for any person or persons who has or have not resided in this state at least twelve months immediately previously thereto, to catch or take any oyster in the said waters, under the penalty of one hundred dollars, to be recovered from each person so offending; *Provided*, that nothing in this act contained, shall be construed to prevent the sale of oysters by any person or persons not prohibited by this act, to any other person or persons whatsoever.

Proviso.

Penalty for violating &c.

Sec. 3. *And be it enacted*, That if any person or persons of any state shall in the manner mentioned in the preamble to this law, do any act to obstruct the navigation of any of the creeks or rivers on the eastern shore of the Chesapeake bay tributary thereto, they shall be liable to, and incur the penalty that is imposed upon persons obstructing the highways of said state.

Warrant against

Sec. 4. *And be it enacted*, That it shall be the duty of any justice of the peace of any county adjacent to said waters, upon sight thereof, or upon information on oath, that any person or persons are violating the first or second sections of this act, to issue his warrant to the sheriff, or a constable