

court, if upon all the circumstances of the case the court shall adjudge that there is good cause to believe that such master or skipper is about to violate the provisions of this act, by transporting oysters out of this state, the said court shall require of such master or skipper to enter into recognizance, with sufficient security, in a sum not exceeding one hundred dollars, upon condition, that such master or skipper shall not, within one year thereafter, be guilty of the violations of this act.

Penalty on persons not residents putting oysters on board any vessel, &c.

SEC. 5. *And be it enacted*, That no person who has not previously resided twelve months in this state, shall gather or catch oysters in any of the bays, rivers, creeks or waters of this state, and put them on board of any canoe, boat, scow, flat, or other vessel, not wholly belonging to and owned by some person or persons who hath or have resided twelve months in this state, previously to such oysters being so put on board of such canoe, boat, scow, flat or vessel, under the penalty of forfeiting such canoe, boat, scow, flat or vessel, together with all the oysters, oyster tongs, tackle, furniture and apparel, in and belonging to the same.

See 1837, ch. 310, sec. 2.

Person seizing such vessel to give information thereof.

SEC. 6. *And be it enacted*, That any person who shall seize and secure any such canoe, flat, scow, boat, or other vessel aforesaid, shall immediately thereafter give information thereof to any one justice of the peace of either of the counties contiguous to such bays, rivers, creeks or waters, where such seizure shall have been made, who is hereby empowered and required to meet at such time and place as he shall appoint for the trial thereof, and the same, if condemned, shall, with all things thereunto belonging, be sold by the order and under the direction of the said justice, who after deducting all legal costs and charges, shall pay one moiety of the proceeds to the collector of the said county, for the use of the county, and the other moiety to the person who seized and prosecuted the same.

See 1837, ch. 310.

Penalty for resisting officers.

SEC. 7. *And be it enacted*, That if any person or persons on board of any such canoe, scow, boat, flat, or other vessel aforesaid, shall refuse and not suffer to enter, or resist, before or after entering, any officer or officers, or otherwise resist them, or any of them, in the execution of their office, then every person so offending, shall forfeit and pay fifty dollars, to be recovered with costs, by action of debt by such officer in any of the county courts of the respective counties of this state, the one moiety to the use of such prosecutor, and the other moiety to the collector of the county where the offence was committed, for the use of such county; *Provided always*, that nothing in this act contained shall prevent the taking and transporting of oysters as heretofore from the waters of the Potomac and Pocomoke, where those rivers are common territory to the states of Mary-

Proviso.