

resource. But the General Assembly was more interested in a protectionist policy, reserving the oyster catch to Maryland watermen and not requiring them to pay a tax. Its response was a requirement that all persons catching or selling oysters have a license issued by the comptroller, coupled with the provision that only Maryland residents could qualify for such a license.²⁵

Naturally, this licensing requirement did not stop the Virginia watermen from operating in Maryland waters. To make matters worse, the Virginians used dredges and scoops that caused serious damage to the oyster beds. Some of the Maryland watermen also used these methods and were no more averse than the Virginians to operating during the prohibited summer season. Those Maryland watermen who were being hurt by the predatory competition demanded state protection.

The legislature responded—slowly at first but with increasing determination—by creating what in effect was a state navy to patrol the bay and its tributaries. In 1867 the General Assembly authorized the comptroller to charter a steamer for up to ten days at a time to cruise the state's waters for the purpose of examining the licenses of anyone it found catching, buying, or selling oysters and arresting anyone caught violating the state law. Such casual enforcement methods were unavailing. At its next session (1868) the General Assembly moved more forcefully by (1) designating the governor, comptroller, treasurer, superintendent of labor and agriculture, and clerk of the Court of Appeals—a most unusual conglomeration—as the Board of Commissioners of the State Oyster Police Force, (2) appropriating \$22,000 to purchase one steam vessel and two tenders, and (3) charging the commissioners with arming and equipping the vessels and keeping them in repair and appointing a suitable person to command the force.²⁶

In 1870 the legislature authorized two additional sailing vessels, and in 1874 it authorized six more, each to have a cannon. Those areas of the state bordering the Chesapeake Bay and its major tributaries were divided into six districts, four of which were to be guarded by at least one sloop and two by at least two sloops. The steamer was to be on constant patrol throughout the six districts. This force, renamed in 1872 the State Fishery Force, was headed by a commander, who captained the steamer, and six deputy commanders, one for each district. Each deputy commander captained the sloop assigned to his district. The commander and deputy commanders were appointed by the Board of Commissioners of the State Oyster Police Force for two-year terms but could be removed sooner for incompetency or neglect of duty.²⁷

In 1880 the General Assembly did away with this Board of Commissioners and vested the sole responsibility for acquiring and operating the flotilla in the Board of Public Works. The board was empowered to appoint the commander and deputy commanders, to remove them or any officer of the force for neglect of duty or incompetency, and to keep the vessels in good repair.²⁸

The first recorded exercise of the board's new authority came on 20 May 1880, when it granted permission to the governor's guards to use the steamer *Leila*, the flagship of the Fishery Force, for an excursion to Chestertown.²⁹ The board did, how-

25. "Message of Governor Bradford to the General Assembly of Maryland" *Senate Journal and Documents* (Annapolis, 1865), doc. A, pp. 1-32; Acts of 1865, ch. 181.

26. Acts of 1867, ch. 184; 1868, ch. 406.

27. Acts of 1870, ch. 364; 1874, ch. 181; 1872, ch. 243.

28. Acts of 1880, ch. 198.

29. BPW Minutes, 20 May 1880, vol. 1851-83, p. 325. Two years later the board took a different view. On 15 June 1882 it rejected a similar request from the Free Excursion Society of the City of Baltimore and directed the secretary to respond that "there is a standing order of the board against the use of the boats of the Force for any such purposes." This referred to a directive issued on 29 September 1881, that no commander or deputy commander could use the boats "for any purpose, except for the performance of the duties to which said vessel is assigned, and that no pleasure parties shall be transported at any time or for any distance on any of said vessels." *Ibid.*, pp. 384, 372. Similarly, on 6 December 1883 the board rejected a petition from the Cornet Band of Pikesville to use the state arsenal for musical purposes, directing the secretary to advise the band that "the board is without any dispensing authority and that the arsenal is for military not musical purposes." *Ibid.*, 6 December 1883, vol. 1883-1905, p. 2.