

1904, art. 39, sec. 38. 1888, art. 39, sec. 38. 1860, art. 41, sec. 14. 1854, ch. 172, sec. 3. 1860, ch. 104, sec. 2. 1870, ch. 205.

**38.** No person shall haul, drift or fish any seine or gill net within the water bounds or berths of any regularly hauled fishing landing, nor opposite to any part of the shore of the owner or occupier of any such landing, within hauling distance from such shore, between the fifteenth day of March and the first day of June in each year, without the permission of the owner or occupier of such fishing landing; and any person so offending shall be subject to the forfeiture and fine prescribed by the preceding section.

*Ibid.* sec. 39. 1888, art. 39, sec. 39. 1860, art. 41, sec. 15.  
1860, ch. 104, sec. 3.

**39.** The owners or occupiers of the regularly hauled fishing landings are authorized to render any sheriff or other officer assistance necessary to arrest any person violating any of the provisions of the two preceding sections; and the said officer shall seize all boats, seines and fixtures in possession of such person, and carry the person so arrested before some justice of the peace, to be dealt with as herein directed; and the said officer may summons the *posse comitatus* to aid him in making arrest or seizure authorized by this section; and may for that purpose also press, at the expense of the State, any steamboat or other vessel belonging to any citizen of this State, not actually engaged in carrying the United States mail.

*Cf.* art. 72, sections 29 and 30, and art. 99, sec. 9.

*Ibid.* sec. 40. 1888, art. 39, sec. 40. 1882, ch. 440. 1896, ch. 427.  
1904, ch. 269.

**40.** It shall not be lawful for any person to catch or kill any black bass, green bass, rock bass, pike or pickerel or wall-eyed pike (commonly known as salmon), between the fifteenth day of April and the first day of June of each year; nor catch or kill any of said species of fish at any other time during the year, save only with a rod, hook and line or dip-net. The words "hook and line" shall not include trot line or out lines. This section is not applicable to Montgomery county

*Ibid.* sec. 41. 1888, art. 39, sec. 41. 1882, ch. 440. 1896, ch. 427.  
1904, ch. 269.

**41.** Any person violating the provisions of section 40 shall be guilty of a misdemeanor, and shall be punishable, on conviction, by imprisonment in the county jail not exceeding six months, or by a fine not exceeding \$200, or by fine and imprisonment; and it shall be the duty of the circuit court for the counties abutting on the Potomac river above the Little Falls, at each session of the grand jury to call its attention to the provisions of this law. This section not applicable to Montgomery county.

*Ibid.* sec. 42. 1888, art. 39, sec. 42. 1882, ch. 440. 1896, ch. 427.

**42.** The provisions of sections 40 and 41 are applicable below the Little Falls near Washington, the same having become effective by the