

thereafter enter upon such premises, without the consent of the owner, for the purpose of fishing, or shall catch in said pond or ponds, and take therefrom any fish, shall be guilty of a trespass, and, in addition thereto, shall be liable to a penalty of five dollars for the first fish, ten dollars for the second, and twenty dollars for the third and each subsequent offense.

This section has no application to fish placed in a cove within the ebb and flow of the tide, though a fence be constructed across the cove. This is a penal statute; it confers no rights, but simply protects rights which otherwise exist. *Sollers v. Sollers*, 77 Md. 152.

1904, art. 39, sec. 76. 1888, art. 39, sec. 77. 1874, ch. 253, sec. 5.

76. Any person or company engaged in the increase of brook trout by artificial process (known as fish culture) may take from his or their pond or ponds in any way, and cause to be transported, and may sell any brook trout and the spawn of brook trout at any time; and common carriers may transport them, and dealers may sell them on condition that the packages thereof so transported are accompanied by a certificate from a justice of the peace, certifying that such trout are sent by the owners or agents or parties so engaged in fish culture; and such person or company may take, in any way and at any time, upon the premises of any person, under permission of the owners thereof, brook trout to be kept and used for artificial propagation only, and for no other purpose.

Ibid. sec. 77. 1888, art. 39, sec. 78. 1874, ch. 253, sec. 6.

77. Violation of any of the provisions of the five preceding sections may be prosecuted by any citizen of the county in which said violation shall take place, before any justice of the peace or circuit court for said county; funds paid as penalties shall be equally divided between the informer and the public school commissioners of the county, for the benefit of the public schools in the district where the offense is committed.

Ibid. sec. 78. 1902, ch. 358, sec. 78 A. 1906, ch. 161.

78. No person shall catch or in any manner take or kill in any waters of this State, above a point where the tide ebbs and flows, any black bass, pickerel or pike perch, otherwise known as wall-eyed pike, and California salmon, between the first day of April and the fifteenth day of June, both inclusive, in each and every year, in any manner whatsoever, nor at any time, save only with rod, line and single hook, baited with natural bait, or tied with artificial fly, or with a spoon or spinner, each equipped with a single hook, or of any size less than eight inches, measuring in the case of each fish from the tip of the nose to the end of the caudal fin or tail, under a penalty of five dollars (\$5.00) for each fish so unlawfully caught, taken or killed.