

officer making the arrest. And the boat or vessel on which said oysters are found shall be held as security for the payment of said fine; provided, however, that when any person shall be found with oysters in violation of this section, he shall be presumed to be a dredger or vender of oysters, and if he claims to be a tonger the burden shall be upon said person to show that he is a tonger only. Provided, that this section shall not apply to that portion of the Potomac River above a straight line drawn from the north point at the mouth of Upper Machodoc Creek, in the County of King George, Virginia, to Lower Cedar point, in Charles county, Maryland.

1912, ch. 4, sec. 4.

68D. It shall be lawful between the first day of January and the first day of May of each year to take oysters of any size with ordinary or patent oyster tongs from the natural rocks, beds and shoals in the Potomac River above a straight line drawn from the north point at the mouth of Upper Machodoc Creek, in the county of King George Virginia, to Lower Cedar point, in Charles county, Maryland, to be used for planting in the waters of Maryland or Virginia only; but it shall be unlawful at any time to take shells to which no oyster is attached, or to take oysters from said waters at any other time or in any other manner or for any other purposes than as above provided. Any person convicted of taking shells as aforesaid, or of taking oysters from the Potomac River above the said line at any other time or in any other manner than with oyster tongs, or for any other purpose as aforesaid, shall be fined not less than one hundred dollars nor more than five hundred dollars, or confined in jail not less than thirty days nor more than six months, either or both. Any citizen of Maryland or of Virginia who has complied with all the requirements of the oyster laws of his State entitling him to the privilege for a certain period of taking and catching oysters with ordinary or patent tongs in such State, shall have the right without further license tax to take oysters with such tongs above the said line during the open season provided for in the waters above said line.

1912, ch. 4, sec. 5.

68E. It shall be lawful for any citizen of Maryland or of Virginia, after having obtained a permit as hereinafter provided, to buy and carry out of the Potomac River to be planted in the waters of either Maryland or Virginia, oysters whose shells measure less than two and one-half inches from hinge to mouth taken from natural rocks, beds and shoals in said river above a straight line drawn from the north point at the mouth of Upper Machodoc Creek, in the county of King George, Virginia, to Lower Cedar point, in Charles county, Maryland, during the period between the first day of January and the first day of May in any year. The said permit shall be obtained from any oyster inspector, or any officer in charge of a Virginia or Maryland oyster