

rivers debouching into them, any lime or other deleterious substance, with the intent thereby to poison or catch fish, under a penalty of One Hundred Dollars.

An. Code, sec. 75. 1904, sec. 75. 1888, sec. 76. 1874, ch. 253, sec. 4. 1924, ch. 340, sec. 75.

83. Whenever any person who owns, controls or erects an artificial pond upon his own land, or land of which he is in legal possession, shall put therein any fish or the eggs or spawn of fish for the purpose of breeding and cultivating fish, and shall give notice thereof either in one or more newspapers of the County, or by written or printed handbills put up in public places near said pond, any person who 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 guilty of a misdemeanor and upon conviction thereof before any Justice of the Peace in this State shall be fined not less than Twenty-five dollars (\$25.00) nor more than One Hundred Dollars (\$100), for each and every offense, and shall stand committed to the County Jail or Baltimore City Jail until such fine and costs are paid.

This section has no application to fish placed in a cove within ebb and flow of 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.

An. Code, sec. 76. 1904, sec. 76. 1888, sec. 77. 1874, ch. 253, sec. 5. 1924, ch. 340, sec. 76.

84. 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. Permits for propagation of trout in a pond or ponds privately owned may be issued by the State Game and Fish Warden, free of cost, however, person propagating any of the game or fresh water fishes named in this Act must apply for a permit to transport or sell, barter or exchange any fish or fishes which may be so offered.

An. Code, sec. 77. 1904, sec. 77. 1888, sec. 78. 1874, ch. 253, sec. 6.

85. 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.