

to be a tonger the burden shall be upon said person to show that he is a tonger. Because of the necessity that legislation regulating the taking of oysters in the Potomac river shall be concurrent as to the States of Maryland and Virginia, it is further provided that this section shall take effect from the date of its passage; provided, concurrent legislation has heretofore been passed by the general assembly of Virginia, or if not passed then, immediately upon the passage thereof.

An. Code, sec. 62. 1904, sec. 60. 1894, ch. 380, sec. 52. 1904, ch. 341.

**64.** It shall not be lawful for any citizen of Maryland or Virginia to take or catch oysters with a scoop, scrape or dredge or any such instrument in the waters of the Potomac river between the fifteenth day of March and the fifteenth day of October of each year; it shall not be lawful for any citizen of either State to take oysters with tongs from the waters of the Potomac river between April 25th and October 1st of each year; and it shall not be lawful for any person to have in possession any oysters in the waters of the Potomac river between the 25th day of April and the 1st day of October of each year; every person found guilty of violating the provisions of this section shall be fined not less than two hundred and fifty dollars nor more than five hundred dollars for each offense; and the vessel by which oysters are illegally taken or which receives oysters so illegally taken, or which has oysters aboard within the limits of said river within the time specified, shall be held as security for the payment of the fine hereinbefore mentioned, and be also subject to a fine of not less than fifty dollars nor more than one hundred and fifty dollars; and in the event of such fines not being paid within a period of twenty days, then such vessel shall be forfeited and sold; the surplus after payment of fines and costs to be paid to the owner of the boat; one-half of fines to go to the informer and one-half to the State.

An. Code, sec. 63. 1904, sec. 61. 1894, ch. 380, sec. 53.

**65.** It shall be lawful for citizens of the State of Maryland and Virginia to take oysters in the Potomac river after complying with the requirements of the law of the State of which they are citizens for the taking of oysters from the waters of such State, and any citizen of either State who takes oysters in the Potomac river without having complied with the requirements of the law of his State as to the taking of oysters in its own waters shall be considered guilty of violating the laws of the State of which he is a citizen and shall be prosecuted according to such laws.

An. Code, sec. 64. 1904, sec. 62. 1894, ch. 380, sec. 54. 1904, ch. 341.

**66.** All offenses committed against the provisions of sections 62, 64 and 65 by persons not citizens and residents as aforesaid of either State may be punished by any of the justices of the peace or courts of either State having criminal jurisdiction. All offenses committed by citizens of either State shall be punished by such justice of the peace or court having criminal jurisdiction where the trial of such offenses shall be most con-

See foot-note to sec. 62.