

guilty of a felony and liable to indictment by the grand jury of said county, and on conviction thereof, shall be sentenced to the penitentiary for a term not less than one year nor more than two years, in the discretion of the court.

P. L. L., 1888, Art. 24, sec. 177. 1920 Code, sec. 220.

**173.** In order to convict, it shall not be necessary to allege in the indictment, or to prove, that the owner of the oysters taken or removed, as stated in the preceding section, is the same person who staked off and kept plainly marked by means of bushes, stakes or buoys, the waters of the said Synepuxent Bay or its tributaries, from which the said oysters were taken or removed; and the fact that one person staked off and kept plainly marked, by means of bushes, stakes, or buoys, the said waters from which said oysters were taken or removed, and another person owned the oysters taken or removed therefrom, shall afford no defense to the accused.

P. L. L., 1888, Art. 24, sec. 178. 1920 Code, sec. 221.

**174.** If any person other than the owner or his employee shall be found working upon or among oysters laid down or planted in the waters of the said Synepuxent Bay or its tributaries, in said county, staked off and kept plainly marked by means of bushes, stakes or buoys, or in the waters so staked off as provided for by Section 171, and shall at the same time have in his possession oysters, the presumption shall be that said oysters were taken or removed by said person from the said waters of the said Synepuxent Bay or its tributaries, staked off as aforesaid, where said person was found working, and the burden of proof shall rest upon such person to show that oysters found in his possession as aforesaid were not taken or removed from the said waters of the said Synepuxent Bay or its tributaries, staked off as aforesaid, where such person was found working.

P. L. L., 1888, Art. 24, sec. 179. 1910, ch. 350. 1920 Code, sec. 222.

**175.** No person other than actual residents of the State shall catch clams or terrapins\* in the waters of the Synepuxent Bay or its tributaries within the limits of said county; and all persons violating any of the provisions of this section, upon indictment and conviction thereof, shall forfeit the boats and all instruments used in said violation, be fined not less than ten dollars, nor more than fifty dollars, for each offense, with costs, and be imprisoned until the same are paid; provided, that said imprisonment shall in no case continue more than thirty days.

P. L. L., 1888, Art. 24, sec. 183. 1910, ch. 350. 1920 Code, sec. 226.

**176.** It shall not be lawful for any persons other than citizens or actual residents of Maryland to rake or catch oysters, clams or terrapins, or plant oysters, in the waters of Synepuxent Bay, or any of the tributaries thereof, included in the boundaries of Worcester County.

\*Ch. 266, 1929, repealed all local laws relating to terrapins. See 1929 Supplement to Annotated Code, Art. 39.