

Officers must arrest. board any wet oysters on deck, and properly equipped for taking or catching oysters with scoop, scrape, drag or dredge, or similar instrument, it shall be prima facie evidence that the said boat or vessel has been used in violation of this act, and it shall be the duty of the officer to arrest the person in command of said boat or vessel, and seize the said boat or vessel, together with all her equipments, and bring the same before a judge or justice of the peace most accessible, to be dealt with according to law; provided that nothing in this act shall be construed to prohibit vessels from seeking harbor in any waters of this State.

Where culled  
Fine for violation. SEC. 40. *And be it enacted*, That all oysters taken from any of the waters of this State shall be culled upon their natural bed or bar. Any person or persons violating the provisions of this section shall be deemed guilty of a misdemeanor, and upon trial and conviction before any judge or justice of the peace of this State shall be fined not less than fifty nor more than three hundred dollars, or sentenced to the House of Correction for a term not less than three months nor more than three years, or forfeit the canoe or vessel used in said violation.

Right of appeal. SEC. 41. *And be it enacted*, That any person or persons convicted under any of the provisions of this act shall, in all cases, have the right of an appeal.

How construed. SEC. 42. *And be it enacted*, That nothing in this act shall be construed so as to apply to Worcester county.

Arrest for violation. SEC. 43. *And be it enacted*, That it shall be the duty of the commander of the steamer to diligently watch and guard, and to arrest all persons dredging, tonging or scooping without license; and the commanders of the sailing vessel shall likewise guard and arrest all persons for any violation of the law in this respect, in their several districts; any violation of duty in this respect shall be deemed a sufficient cause of removal.

How construed. SEC. 44. *And be it enacted*, That nothing contained in this act shall be construed to effect any