

visions of this section, the matter in dispute may be referred to a third person selected by the vendor and purchaser jointly, and the decision of said referee shall be made in writing over his signature, a copy whereof shall be delivered to the vendor and purchaser and shall be final, and it shall be unlawful for any person to have in his possession for sale, any cargo or a portion of a cargo of oysters wherein empty shells and small oysters of less length than two and one-half inches shall amount to more than five per cent. of said cargo, and any person violating the provisions of this section shall upon conviction thereof before any tribunal of competent jurisdiction, be fined in a sum not less than one hundred nor more than five hundred dollars, or be sentenced to jail or the house of correction for a term of not less than three months nor more than one year.

Shall not
catch, &c.

Proviso.

SEC. 21. It shall be unlawful for any person or persons to take or catch oysters or have oysters in his or their possession between the twentieth day of April and the first day of September in each and every year; provided, that oysters caught before the twentieth day of April may be disposed of at any time before the thirtieth day of April; provided, this section shall not prevent transportation companies from carrying oysters brought from other States, nor hotel and restaurant keepers, or private persons from purchasing oysters outside of the State of Maryland, nor shall it be construed to prevent any person from taking oysters for private use and not for sale, or for the purposes of planting and cultivating from his private beds anywhere within this State at any time; any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and on conviction by the circuit court or a justice of the peace of the county wherein the offense was committed, shall be fined not less than fifty nor more than three hundred dollars, or imprisoned in the house of correction for not less than three months nor more than three years, in the discretion of the judge or justice trying the same.

Shall not
catch bed-
ded oys-
ters.

SEC. 41. That it shall be unlawful without authority from the owner for any person or persons to take or catch planted or bedded oysters, knowing them to be so planted or bedded, or to remove, break off, destroy or otherwise injure or alter any stakes, bounds, marks, buoys or other designation of any of said beds; any person or persons violating the provisions of this section shall be guilty of a misdemeanor, and on conviction before the circuit court or a justice of the peace for the county where the oysters were bedded, shall be fined not less than ten nor more than two hundred dollars, or be sentenced to the house of correction for a term of not less than three months nor more than one year, at the discretion of the judge or justice trying the same.

SEC. 2. *And be it further enacted,* That all acts or parts of acts, sections or parts of sections, inconsistent with the provisions