

as dredging territory by the provisions of Section 6 or Section 7 of this Article shall be reserved for tongers exclusively; and it shall be unlawful for the owner, captain or master of any boat, or any member of the crew of any boat, to take or catch oysters by scoop, scrape or dredge, or to attempt or conspire to take oysters by scoop, scrape or dredge, from any of the submerged lands of this State reserved for tongers exclusively, or from any submerged lands closed by any regulation or order of the Department of Tidewater Fisheries; provided, however, this sub-section (c) shall not apply to the taking of seed oysters under the surveillance and with the permission of the Department of Tidewater Fisheries.

Sec. 3. *And be it further enacted*, That a new sub-section be and the same hereby is added to Section 16 of Article 72 of the Annotated Code of Maryland (1939 Edition), title "Oysters and Clams", as said Section was enacted by Chapter 929 of the Acts of 1945, said new sub-section to be known as Sub-section 16(c-1), to follow immediately after Sub-section 16(c), as amended by Chapter 604 of the Acts of 1947, and to read as follows:

16(c-1). Any one violating any of the provisions of Section 5A of this Article shall be guilty of a misdemeanor and, and upon conviction thereof, shall be fined not less than \$500 nor more than \$1,000, and, in the discretion of the court, may also be imprisoned in the House of Correction for a period of not more than one year, or may be both fined and imprisoned. In addition to such fine or imprisonment, any court having jurisdiction to try violations of Section 5A may enter an order declaring the boat and all of its cargo, tackle, gear and equipment forfeited to the State of Maryland, the same to be delivered to the Department of Tidewater Fisheries for such disposition thereof as may, in the opinion of said Department, be most advantageous to the State. If a boat be seized for being used to violate Section 5A and the crew or any member thereof escape arrest, it shall be mandatory upon the court having jurisdiction of said violation, at the petition of the Department and upon satisfactory proof that the boat was being used for said violation, to enter an order declaring the boat and all of its cargo, tackle, gear and equipment forfeited to the State of Maryland, the same to be delivered to the Department of Tidewater Fisheries for such disposition thereof as may, in the opinion of said Department, be most advantageous to the State.

SEC. 4. *And be it further enacted*, That this Act is hereby declared to be an emergency measure and necessary for the immediate preservation of the public health and safety