

Chapter 304.

AN ACT for the better Protection of Planting Oysters in Synepuxent bay and its tributaries, in Worcester county.

SECTION 1. *Be it enacted by the General Assembly of Maryland,* That any person, except the owner or his employee, who shall take or remove any oysters from the waters of the Synepuxent bay or its tributaries, in Worcester county, staked off and kept plainly marked by means of bushes, stakes or buoys, as provided by section four of chapter two hundred and fourteen of the acts passed by the general assembly at the January session thereof, in the year eighteen hundred and eighty, shall be 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 two years, in the discretion of the court.

When guilty of felony.

SEC. 2. *And be it enacted,* That it shall not be necessary, in order to convict, to allege in the indictment, or to prove, that the owner of the oysters taken or removed, as stated in the first section of this act, 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 defence to the accused.

Not necessary to allege.

SEC. 3. *And be it enacted,* That 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 four of chapter two hundred and fourteen of the aforesaid acts passed by the general assembly in the year eighteen hundred and eighty, and shall at the same time have in his possession oysters, the presump-

Presumptive evidence.