

Evidence of violation.

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.

Call on bed.

SEC. 41. *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 as taken; 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. 42. *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.

Exemption

SEC. 43. *And be it enacted*, That nothing in this act shall be construed so as to apply to Worcester county.

Duty of commander.

SEC. 44. *And be it enacted*, That it shall be the duty of the commanders of the steamers to diligently watch and guard, and to arrest all persons dredging, tonging or scooping without license; and the commanders of the sailing vessels shall likewise guard and arrest all persons for any violation of the law in this respect; and the commanders of both the sloops and steamers shall keep their boats on duty at all times, both by day and by night, so far as possible, Sunday included, and shall cruise near to the line dividing the grounds they are assigned to guard from the dredging grounds, and shall harbor as near said line as it is possible for them to do, and shall remain on board their boats at all times, unless disabled by sickness or excused by the commander of the force, and shall keep a log of their movements, and shall once in each month forward a copy of such log to the office of the commander; any violation of duty in these respects shall

Keep log.