

CHAP. 286. shall not be lawful for any person or persons, to place or cause to be placed in the head waters of the Chesapeake Bay or the Sasafra, Elk, Bohemia, North East or Susquehanna rivers, any stakes, piles or other pieces of timber, for the purpose of attaching seines or nets thereto, with the view of taking shad or fish of any description; *provided*, that nothing contained in this act shall be construed to apply to any portion of the Chesapeake Bay below Pool's Island.

Proviso.

Seines or nets forbid

Subject to a fine of two hundred dollars

Lawful to seize any seine or net

Proviso.

SEC. 2. *And be it enacted*, That it shall not be lawful for any individual or set of individuals, to attach or cause to be attached to any stake, piles or other pieces of timber, which shall now or may hereafter be in said waters, any seine or nets for the above mentioned purposes.

SEC. 3. *And be it enacted*, That all persons violating either of the foregoing sections of this act, shall forfeit and pay for each and every such offence, the sum of one hundred dollars, to be recovered before any justice of the peace or magistrates courts, as the case may be, for the State of Maryland as other small debts are, one half to the use of the informer, the other half to the State, or in case of the person so offending failing to pay such fine or forfeiture, to be confined in the county gaol for not more than twelve nor less than six months.

SEC. 4. *And be it enacted*, That it shall be lawful for any person or persons to seize any seine or nets attached to such stakes or piles or the boats and materials used therein, and any justice of the peace of the State of Maryland is hereby authorized upon proof exhibited before him of such seine, boat or other article having been used in fishing, such stake, nets, to condemn the same and after such condemnation, and ten days public notice by advertisement in a newspaper in the county or written advertisement, set up at three of the most public places in the neighborhood, such seine, boat or other article so used and condemned, shall be sold to the highest bidder and after deducting all costs and expenses, the nett proceeds of such sale shall be paid over to the person or persons seizing the same, and any person or persons resisting such seizure with violence or injury to the person or persons attempting such seizure, shall be deemed guilty of assault and battery, and may be proceeded against in the usual forms of such proceedings; *provided however*, that nothing contained in this act shall be so construed as to extend to any gilling, seines or nets as are now usually anchored or drifted in said waters.

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