

CHAP. 148.

CHAPTER 148.

Passed Feb. 20, 1846.

An act to preserve the breed of Fish, and to regulate and protect fishing on the Potomac river, and its tributaries, during certain months, and concerning obstructions to fishing on said river.

Preamble.

WHEREAS, it has been represented to this General Assembly, that great injury and detriment is caused to the fishing on the Potomac river and its tributaries, by the extensive use of gill netting, preventing the passage of fish up to the shoal waters to deposit their spawn, and compelling them to deposit it where it will not live, thus destroying the breed of fish, therefore,

Not lawful to fish, &c.

SECTION 1. Be it enacted by the General Assembly of Maryland, That from and after the passage of this act, it shall not be lawful for any person or persons to fish in the Potomac river or its tributaries, during the months of March, April, May and June, with gill nets or seines of any kind, other than such nets or seines as may be laid out from and hauled to and landed upon the shores of the said river and its tributaries; and every person offending herein shall, upon conviction of such offender, forfeit and pay a sum not less than fifty dollars, or more than five hundred dollars; one moiety of which sum shall be for the informer, and the other for the State; provided, that nothing in this section shall be construed to prevent bona fide citizens of the counties, bordering on the aforesaid waters, from fishing as they have hitherto been in the habit of doing.

Conviction— forfeiture.

Proviso.

Obstruction or hindrance.

SEC. 2. And be it enacted, That if any person or persons shall during the months aforesaid, place any vessel, boat or other obstruction or hindrance in the way of the laying out or hauling of nets or seines used in any lawful fishery on said river or its tributaries, or otherwise obstruct or hinder such laying out or hauling, such person or persons or their agents, failing or refusing forthwith to remove such obstruction or hindrance, being required so to do by the person or persons so obstructed or hindered, shall forfeit and pay a sum of not less than twenty dollars, nor more than one hundred dollars, one moiety to the informer and the other to the use of the State, for each and every hour that such obstruction or hindrance may continue, and shall moreover, be liable to the action of the party grieved for damages; provided, that nothing in this act contained, shall be construed as applying to vessels or boats, their masters, owners, or crew, which

Proviso.

may unavoidably being wrecked when the party said, shall take the obstruction

SEC. 3.

shall make a fine if it has been violated before whom shall warrant directed appointed by the apprehension of violations aforesaid magistrate, or justice of the peace of the county, also shall take the boat to the justice before whom he shall believe the act has been committed him to the jail for recognizance exceeding one month next county or presentment and upon such being made, without delay

SEC. 4.

with offending into the recordable time, then by such persons with the prohibition not be used finally intended

An act supplementary to an act passed the eighteenth day of March, and three, maximum of the Branch of the present establishment

SECTION of Maryland,