

CHAP. 125.

CHAPTER 125.

Passed May 4, 1852.

A SUPPLEMENT to the Act entitled, 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, passed at December session, eighteen hundred and forty-five.

Forfeiture.

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, wilfully and maliciously, to place any obstruction or hindrance, in the way of laying out or hauling in of any nett or seines, in any lawful fisheries upon the Potomac river or its tributaries, or in any other manner or way prevent a bona fide owner of a shore, or his agent or tenant, from using and fishing such shore, and each and every person convicted of offending against the provisions of this act, shall, for each offence, forfeit and pay a sum not less than fifty dollars, nor more than five hundred dollars; one-half to go to the use of the State and the other half to the informer, or to be imprisoned in the county jail for a term not less than one month, nor more than one year, in the discretion of the Circuit court for the county.

Duty of magistrate.

SEC. 2. *And be it enacted,* That whenever any person shall make affidavit that the provisions of this act have been violated, it shall be the duty of the magistrate, before whom such affidavit shall be made, to issue his warrant, directed to any sheriff or constable, or other person appointed by him on the occasion, for the immediate apprehension of the person charged with violating the provisions aforesaid, and for bringing him before such magistrate, or any other magistrate of the same county, also directing the officer serving the warrant, to take the boat or other fixtures unlawfully used, and the justice, before whom such person shall be brought, if he shall believe, from the evidence adduced before him, that the act has been violated by such person, shall commit him to the jail of the county, unless he shall enter into a recognizance with a sufficient security in a sum not exceeding one thousand dollars, for his personal appearance at the next Circuit court for the county, to answer any information, indictment or presentment, which may be filed or made against him, and upon such information, indictment or present-