

CHAP. XXIV.

CHAP. 24.

An Act to prevent the destruction of Oysters in this State.

Passed Dec 22
Preamble

WHEREAS it is represented to the general assembly, that a great number of large vessels from the northern and middle states frequent our waters for the purpose of transporting oysters to those states: And whereas, well grounded apprehensions are entertained of the utter extinction of oysters in the state, as well in consequence of the immense quantity thereof exported, as the destructive instruments used in catching them; Therefore,

1. *Be it enacted by the General Assembly of Maryland, That if any person or persons shall use any drag, scoop, or other instrument except tongs or rakes, such as have generally been used for the purpose of catching oysters within the waters of this state, every person so offending, and being thereof convicted before a justice of the peace of either of the counties adjoining the water course in which the offence has been committed, shall forthwith pay the sum of twenty dollars, or in case of failure so to do shall be committed, by such justice of the peace, to the public gaol of the county, there to remain without bail or mainprize for sixty days, unless such fine of twenty dollars be sooner discharged, one half of which fine shall go to the state, and the other to the use of the informer, in case the evidence without his or her testimony was sufficient to convict the offender, and if not, the whole of such fine shall go to the state; Provided nothing contained herein shall be construed to extend to the use of drags on the western shore, such as has been generally used on said shore.*

Penalty for using drags, &c. except tongs, &c. for catching oysters

Proviso

2. *And be it further enacted, That no person or persons whatsoever, shall put oysters caught or gathered in the waters, bays, rivers or creeks of this state, on board of any canoe, flat, scow, boat or other vessel, not wholly belonging to and owned by some person or persons who have resided within this state twelve months previously to such oysters being so put on board of such canoe, flat, scow, boat or vessel, and every person so offending, and being thereof convicted before a justice of the peace of either of the counties adjoining the waters, bays, rivers or creeks, in which the offence has been committed, shall forthwith pay the sum of twenty dollars, or in case of failure so to do, shall be committed by a justice of the peace to the public gaol of the county, there to remain without bail or mainprize for sixty days, unless such fine of twenty dollars be sooner discharged, one half of which fine shall go to the state, and the other to the use of the informer, in case the evidence without his or her testimony was sufficient to convict the offender, if not, the whole of such fine shall go to the state; Provided nothing in this section contained shall be construed to extend to the basin and harbour of the city of Baltimore.*

Penalty for putting oysters on board any vessel not owned by citizens of this state.

Proviso

3. *And be it enacted, That it shall be the duty of every justice of the peace, upon his own view, or the information of any person on oath, to issue his warrant to one or more constables in his county, commanding him, her or them, to require such and so many persons as he or they shall deem necessary, to aid and assist him or them in apprehending every person or persons offending against all or any of the preceding sections, in any of the bays, rivers, creeks or waters of this state, and forthwith to bring such offender, when apprehended, before any justice of the*

Justice to issue warrant on information, &c.