

the payment of any balance in their hands, and procure a Judicial construction of that section of the Act of Assembly above mentioned, under which the revenues of the State, instead of the profits of the company, have been annually expended in payment of its debts.

### THE OYSTER LAWS.

The Laws regulating the taking of oysters in the waters of the State give rise to frequent collisions with those engaged in that trade, and still continue to be a subject of litigation. A few months since several boats, which had been seized by the Sheriff of Anne Arundel county, for a violation of these laws, were taken afterwards from his custody under writs of *replevin*, sued out by their owners, from the Circuit court of the United States, with the view, as I have understood, of raising the question of the constitutionality of these laws, and although this question is supposed to have been already determined by the courts of highest resort, I deemed it advisable on the request of the State's Attorney to employ counsel on the part of the State, and engaged the Hon. Alex. Randall to appear and defend the suits.

Several considerations induce me to submit to you the propriety of an entire change in the character of these laws. They at present prohibit the taking of oysters by any who are not residents of the State, and as the law has heretofore stood, the taking by any person whatever except by particular instruments allowed for the purpose. I am inclined to think that the effect of the Act of 1864, ch. 333, contrary probably to the intent of the Legislature, has abolished all prohibition on what is called dredging, and that no penalty could be now enforced for taking oysters in that manner. Be that, however, as it may, the penalty for a violation of the law in any case is the forfeiture of the vessel engaged in the taking, and every thing found on board of her at the time of her seizure. The importance which the oyster trade has attained, and the profits it realizes, present strong inducements to continue the prohibited traffic, and the extent of the penalty is such that even when the vessel is seized, a sympathy is excited for the owner, and a compromise is doubtless, in most cases, effected between him and the captor, and the former continues to pursue the same business, taking the chances of eluding another arrest, or of making another compromise with the next one who arrests him.

In this way the laws of the State fail almost entirely in their object in confining the trade in oysters to our own citizens or obliging them to pursue it in any particular manner.

**I have endeavored but have been unable to procure in time**