PROSPECTUS
OF A
Series of Standard Works
ADAPTED TO THE USE OF THE
Protestant Episcopal Church
IN THE
UNITED STATES;
TO BE PUBLISHED BY THE
N. Y. PROTESTANT EPISCOPAL PRESS
AND TO BE EDITED BY THE
REV. WM. R. WITTINGHAM, A. M.
Present Editor of the Family Visitor, and of the Church-work Department of the General Protestant Episcopal Sunday School Union.

The second presentation of this design to the Episcopal public, is owing to no want of encouragement or anticipation of difficulty in its accomplishment.

A considerable delay in the execution of the former proposals, deemed necessary for the maturing of the original design, and for ascertaining exactly the nature of the wants which the publication is intended to supply, left the Trustees of the Protestant Episcopal Press, free to alter, and, if circumstances should warrant, to enlarge their plan. Communications from several quarters, and from the most respectable sources, produced by this delay, have led to the conviction, upon which the Trustees now propose to act, that a plan far more comprehensive than that first presented, is called for by our Church in this country. A mere republication of works of English and American divines was then contemplated. It is now intended by the introduction of every thing necessary to adapt the works selected to the circumstances of the Protestant Episcopal Church in the United States, to give the publication the character of an original work, and, at the same time, to extend its designs so far as to embrace the works of the primitive Christian writers, and if occasion present itself, of foreign divines.

PLAN OF THE WORK.

I. Translations from the precious fragments, seldom or never, of the writings of men who derived their knowledge of Christianity immediately from the Apostles, and from such other of the works of the Fathers as are of immediate interest to the Church in the present age, will be given. Prefaces, Literary and Historical Introductions and explanatory and illustrative Notes, will accompany these in such manner as to render their perusal easy, interesting, and useful to the modern and unlearned reader, and to apply them to the support of our primitive and apostolic doctrine, ministry, and worship. The Epistles of IGNATIUS, POLYCARP and CLEMENT; the Apologies of JUSTIN MARTYR, ATHENAGORAS, TERTULLIAN, MINUCIUS FELIX, and LACTANTIUS; many portions of the works of IRENÆUS, TERTULLIAN, CYPRIAN, CLEMENT OF ALEXANDRIA, ORIGEN, EUSEBIUS, JEROME, AUGUSTIN, and CHRYSOSTOM; and smaller writings of minor note, but not less useful; will thus be made accessible and useful to the diligent reader.

II. Tracts and Essays by English divines, often called forth by temporary exigencies, but containing matter of lasting interest and utility, are now concealed in our large libraries, unknown and inaccessible, while they should be employed, as they might be with the most advantageous results, in defence and advancement of the interests of our Church. The names of CRANMER, TINDAL, JEWEL, WHITGIFT, SANDERSON, HALL, TAYLOR, BEVERIDGE, LESLIE, HICKES, WATERLAND, JONES of Nayland, HORNE, DAUBENY, &c., &c., well known as Episcopalian writers. These efforts in behalf of Christian truth and order, and in defence of Christ's church, and the arms which they wielded by himself and his apostles, it is intended now to lead back to a new collected, with such additions to their subjects, in volumes furnished with every thing needful to facilitate their use.

III. Entire works of the greater spirits or he have been departments, and, under God, the support of Protestant Christianity, will be republished as soon and convenient can be. The influence which BULL, BEVERIDGE, BARROW, TAYLOR, HALL, HICKES, FIELD, LAW, HALES, WATERLAND, and their fellows and successors, HOADLY, ARCHER, JONES, PORTEUS, BURGESS, JERRAM, TIERNEY, GRAY, the SUMNERS, &c. &c. have so successfully exerted in the old world, is hoped for in the principles of Protestantism and primitive Episcopacy, will be enlisted in the support of these principles in their transatlantic context. Biographical sketches of the writers, notices of the peculiar circumstances and occasions, and notes illustrative of obscure allusions or obsolete phrases, with full indexes, will be given, to complete the usefulness of their productions to the American Episcopalian.

Of works such as the above, while they will form the most desirable auxiliaries of which a clergyman can possess himself, *no inquiring Episcopalian* would, we think, willingly be destitute: *one or more* copies are almost indispensable to a Sunday School or Parochial Library. To facilitate their acquisition, and to render practicable their distribution by benevolent individuals and Societies, the proposed publication has been undertaken, and is offered on the following liberal terms:—

TERMS.

FOUR VOLUMES in Duodecimo, will be published yearly, to appear as nearly as possible once a quarter. Each volume will contain 500 pages, neatly printed on a good substantial paper, and well done up in muslin backs, with labels.

Subscriptions will be received for no less term than a year, at FOUR DOLLARS PER ANNUM, if paid within the year, and TWENTY-FIVE PER CENT. LESS, *if paid the time of subscription.*

No departure will be made from these terms. Upon a strict adherence to them, depends most materially the success of this plan.

Agencies will be established in most of the principal cities and towns in the United States, where subscribers may obtain their copies free of expense. To those who may so direct, the volume will be sent *by mail*, stitched in paper covers, at their expense—*Postage*, to the extreme limits of the Union, will be 26¼ cents per volume; in proportion for a less distance.

Clergymen who may obtain *six* subscriptions from their parishioners, and forward the payment in advance, will be allowed the *seventh* copy gratis.

Others disposed to aid in the accomplishment of the undertaking, and becoming responsible for the payment of the subscriptions which they may obtain, will be allowed a commission of 10 *per cent.* upon their amount.

The first volume, for the present year, will appear about the 1st of May; and the second in the month of June: the third and fourth, as nearly as practicable, on the 1st of July and the 1st of October. It is proposed that the first two volumes shall consist of the following matter; or as nearly so, as may be compatible with the typographical arrangement of the work.

Communications to be addressed (Post Paid,) to "John V. Van Ingen, Agent New-York Protestant Episcopal Press, No. 46, Lumber-Street, New-York."

VOLUME I.

Treatises on the Evidences of Christianity.

General Preface.
Lardner on Demon, with a biographical notice of the author.
Horne's Reply to Adam Smith; with a biographical notice of the author.
Lyttleton on the Conversion of St. Paul; with a biographical notice of the author.
West on the Resurrection; with a biographical notice of the author.
Index.

VOLUME II.

Writings of the Apostolic Fathers.

General Preface.
Introduction to the Epistles of Ignatius.
Epistles of Ignatius; with notes.
Introduction of the Epistle of Clement of Rome.
Epistle of Clement of Rome.
Introduction of the Epistle of Barnabas; with the Letter of the Church of Smyrna relating to the Martyrdom.
Epistle of Polycarp.
Index.

Subscriptions to the above, received at this Office.

SUBSCRIPTIONS

To the FAMILY VISITER; and to the CHILDREN'S MAGAZINE; also received at this Office.

NOTICE.

THE subscription Books for stock in the Annapolis Tobacco Inspection Company, will be opened at James Williamson's Tavern, from 10 to 1 o'clock, on Thursday, Friday and Saturday, the 18th, 19th and 20th March.

H. MAYNADIER,
J. NETH,
JAS. SHAW,
R. C. } Comm'rs.

March 11.

NOTICE IS HEREBY GIVEN,

THAT the subscriber, of Saint Mary's county, hath obtained from the Orphans Court of said county in Maryland, letters of administration on the personal estate of William Fowler, late of the county aforesaid, deceased. All persons having claims against the said deceased, are hereby warned to exhibit the same, with the vouchers thereof, to the subscriber, at or before the first day of December next, they may otherwise by law be excluded from all benefit of the said estate. Given under my hand this 4th day of March, 1830.

ELIZABETH FOWLER, Adm'x.

March 11.

NOTICE IS HEREBY GIVEN,

THAT the subscriber of Saint Mary's county, hath obtained from the Orphans Court of said county, in Maryland, letters of administration on the personal estate of Eleanor Howe, late of the county aforesaid, deceased All persons having claims against the said deceased, are hereby warned to exhibit the same, with the vouchers thereof, to the subscriber, at or before the 25th day of August next, they may otherwise by law be excluded from all benefit of the said estate. Given under my hand this 4th day of March, 1830.

GEORGE GODDARD, Adm'r.

March 11.

THIS IS TO GIVE NOTICE,

THAT the subscriber of Saint Mary's county, hath obtained from the Orphans Court of said county, in Maryland, letters testamentary on the personal estate of John B. Russell, late of the county aforesaid, deceased. All persons having claims against the said deceased are hereby warned to exhibit the same, with the vouchers thereof, to the subscriber, at or before the 9th day of February next, they may otherwise by law be excluded from all benefit of the said estate. Given under my hand this 4th day of March, 1830.

Wm. F. GREENWELL, Ex'r.

March 11.

THIS IS TO GIVE NOTICE,

THAT the subscriber of Saint-Mary's county, hath obtained from the Orphans Court of said county, in Maryland, letters testamentary, on the personal estate of Edward T. Carpenter, late of the county aforesaid, deceased. All persons having claims against the said deceased, are hereby warned to exhibit the same, with the vouchers thereof, to the subscriber, at or before the 2d day of February next, they may otherwise by law be excluded from all benefit of the said estate. Given under my hand this 4th day of March, 1830.

GEORGE A. CARPENTER, Ex'r.

March 11.

THIS IS TO GIVE NOTICE,

THAT the subscribers of St. Mary's county, hath obtained from the orphans court of said county, in Maryland, letters of administration on the personal estate of James Williams, late of said county deceased. All persons having claims against the said deceased are hereby warned to exhibit the same with the vouchers thereof, to the subscribers, at or before the 2nd day of February next, they may otherwise by law be excluded from all benefit of the said estate. Given under our hands this 17th day of February, 1830.

MARY ANN WILLIAMS. }
WARING F. MOORE, } Adm'rs.

Feb 25 4w

THIS IS TO GIVE NOTICE,

THAT the subscribers of St. Mary's county, hath obtained from the Orphans Court of said county, in Maryland, letters of administration on the personal estate of Benjamin Redman, late of said county deceased. All persons having claims against the said deceased, are hereby warned to exhibit the same with the vouchers thereof, to the subscriber, at or before the 26th day of January next, they may otherwise by law be excluded from all benefit of the said estate. Given under our hands this 17th day of February, 1830.

HELEN REDMAN, }
JOHN H. BEAN, } Adm'rs.

Feb 25 4w

THIS IS TO GIVE NOTICE,

THAT the subscriber of St. Mary's county, hath obtained from the Orphans Court of said county, in Maryland, letters of administration on the personal estate of Charles Richardson, late of the county aforesaid, deceased. All persons having claims against the said deceased are hereby warned to exhibit the same, with the vouchers thereof, to the subscriber, at or before the 26th day of January next, they may otherwise by law be excluded from all benefit of the said estate. Given under my hand this 17th day of February, 1830.

JONATHAN BOHANNAN, Adm'r.

Feb. 25 4w

PUBLIC SALE.

BY virtue of an order from the Orphans' court of Anne-Arundel county, the subscriber will expose to public vendue on Thursday, the 1st of April next, on the premises, all the personal estate of John Tayman, late of said county, deceased, consisting of

HORSES, CATTLE, SHEEP

HOGS, and the entire stock of Household and Kitchen Furniture, Farming Utensils, Corn, Fodder and Husks, Rye Straw, and a number of other articles too tedious to mention.

Terms—A credit of six months will be given for all sums over five dollars, with interest from the day of sale, with good and sufficient security for all under that sum the cash will be expected. Sale to commence at 10 o'clock.

H. W. WOODWARD,

March 11.

DANIEL HART

Informs his friends and the public generally, that he has on hand, a

Large and general assortment of

GOODS

IN HIS LINE—CONSISTING OF

GROCERIES,

HARDWARE, CHINA, CUT & PLAIN GLASS, QUEENSWARE, DRUGGIES,

BUTTER, LARD, and FAMILY FLOUR

BACON & PORK.

HERRINGS and MACKERELL, which he is disposed to sell at the VERY LOWEST PRICES.

BOOK BINDING

In all its variety executed in the most approved manner.

BLANK BOOKS

Of every description, made to order.

Merchants' Ledgers, Journals, and Record Books, suitable for public offices.

☞Orders relative to BINDING left at the office of the Gazette will be attended to.

Feb. 11.

I HEREBY GIVE NOTICE,

THAT I shall apply to the Judges of the ensuing County Court, at Annapolis, for a commission to mark and bound the lines of a part of a tract of land called YEATES' INHERITANCE. being lot No. 3, agreeably to act of Assembly of 1786.

SEPTIMUS HOPKINS, a Minor, and Son of Dr. Richard Hopkins.

March 11. 3w*

DR. HULL'S TRUSS,

FOR the relief and cure of Hernia or Rupture. This Surgical instrument is now so well known to the Medical profession, and so extensively used by unfortunate sufferers labouring under the disease of Hernia, that a particular account of its mechanical construction of its surgical effects is thought unnecessary.—The subjoined remarks from Physicians and Surgeons of high respectability in our country, are the results of much practical experience in the use and application of this truss.

James Thatcher, M. D. author of the Modern Practice, in his second edition, under the subject of Hernia, remarks "Dr. Hull is exclusively entitled to the credit of first adapting the true Surgical principle for the radical cure of Hernia. He happily conceived the idea that the pad of the Truss should be so constructed as simply to support the muscular fibres around the ring or aperture as much as possible, in the state in which they are maintained in perfect health. Unless this be attained the parts can never recover their natural tone, whatever may be the degree of pressure applied."

Samuel Ackerly, M. D. in his excellent edition of 'Hooper's Medical Dictionary,' under the head of 'Truss,' after enumerating the evils resulting from the use of the defective trusses formerly worn, says. 'This evil was not fully remedied until Dr. Amos G. Hull, of New York, turned his attention to the subject, and by his improvement in the construction of trusses, has rendered it certain that all recent ruptures and those of children, may be permanently cured, and those of old people and of long standing, may, in many cases, also be remedied. The pad of Dr. Hull's Truss is concave and not convex; and hence the raised circular margin, by proper adaptation, presses upon the sides of the hernial opening, and tends to close the aperture and cure the hernia.'

M. L. Knapp. M. D. late Physician and Surgeon to the Baltimore General Dispensary, in a communication to Doctor Hull, says: 'I have applied your trusses in several hundred cases during the last three years. A great many upon whom I have applied your trusses, have been radically cured; and some of these were cases of long standing, where all other trusses had failed. I send you a note of thanks from Mr. P. a citizen of great respectability, who was cured of a bad scrotal rupture, of thirty five years standing, by wearing one of your trusses for two years. He had worn other trusses twenty nine years. His son, also, aged 16 years, ruptured from his infancy, was cured under my care in less than two years.—A case of scrotal rupture, of twenty years standing, in a labouring man forty years old, on whom I applied one of your trusses, the day after the injury, was cured in three months.—Experience alone, can make known to the Surgeon the full powers and excellence of these instruments. Your trusses are exclusively preferred by the Professors in both of the Medical Schools in this city, and the Faculty in general.

Baltimore, January, 1830.

Valentine Mott, M. D. Professor of Surgery, says,' The great and signal benefits which are produced by this Truss, result from its strict subservience to, and accordance with Scientific and Surgical principles.

'The operation and effect of this Truss is directly the reverse of all Trusses heretofore in use; which being convex, tended to enlarge the dimensions of the rupture opening.' 'I am of opinion that the union of Surgical design & mechanical structure in this instrument render it what has long been the desideratum of Practical Surgeons in Europe and America.'

Professor Mott also in lecturing upon Hernia, recommends Dr. Hull's Truss to the exclusion of all others.

☞Apply at the office of Dr. KNAPP, 37, Fayette street, east of Monument Square.

March 11 3M

NOTICE IS HEREBY GIVEN,

THAT an Election will be held at the Assembly Room, in the city of Annapolis, on the first Monday in April next, for the purpose of electing seven Common Councilmen, to represent said city, in the Corporation thereof. The polls to be opened at 9 o'clock, A. M.

By order, JOHN H. WELLS, Clk.

March 11. to

C. HAYDEN,
DENTIST,

RESPECTFULLY offers his professional services to the citizens of Annaplis and its vicinity. He is at at Mrs. Robinson's.

Feb 25

IN CHANCERY,

February, 23, 1830.

ORDERED That the sale made and reported by Somerville Pinkney, trustee in the case of Martin Fenwick vs Thomas Allein adm'r of William Weems, be ratified and confirmed unless cause to the contrary be shewn before the 23d day of April next, provided a copy of this order be published in one of the Annapolis newspapers, once in each of three successive weeks, before the 23d day of March next. The report states the amount of sales to be $498.

True Copy Test

RAMSAY WATERS.
Reg Cur Can.

Feb. 25.

BY THE HOUSE OF DELEGATES,
February 23, 1830.

ORDERED. That his Excellency the Governor, be requested to cause the act, entitled, "An act to promote the preservation, improvement and increase of Shell Fish in this state,' and the act of December session, 1820, chapter 24, entitled, "An act to prevent the destruction of Oysters in this State," to be printed three times in the newspapers published in the city of Annapolis, also in two of the newspapers published in the city of Baltimore, and in one in each of the counties of the Eastern Shore.

By order, GIDEON PEARCE,
Clerk House of Delegates.

AN ACT

To promote the preservation, improvement and increase of Shell Fish, in this State.

SECTION 1. *Be it enacted by the General Assembly of Maryland,* That it shall be lawful for any citizen of this State, to locate and appropriate in any of the bays, sounds, rivers, creeks or coves, any area, not exceeding one area in extent, for the purpose of depositing, bedding, or sowing any Oyster, or other Shell fish, either for domestic use or exportation, and all Oysters, or other Shell fish, so deposited, bedded or sowed, or contained therein, or upon the bottom of such area, or superfices, shall be deemed and held in law as the proper estate and rightful property of the person who caused the same to be so located, or appropriated, and deposited, bedded or sowed therein, as aforesaid; *Provided however,* That the same location or appropriation, shall be indicated and distinctly defined by stakes, bushes or other proper marks, or metes and bounds which indication and definition, shall be described in writing, under the oath or affirmation and recorded, at the cost of the party applying, in the office of the clerk of the proper county; and *Provided also,* That the said location and appropriation shall not injure, obstruct or impede the free navigation of any estuary or navigable stream in this State.

SEC. 2. *And be it enacted,* That the proprietor of the adjacent shore, shall have a right of pre emption to one acre of superfices, extending along the shore from the ordinary low water mark, in the direction of the main channel, to be equilateral, or as nearly square as the situation and circumstances may admit of, subject however, to the limitation herein before contained; *And provided,* That the said location shall be selected and completed, on or before the first day of January next; *And provided also,* That no person or persons, other than the citizens of the county into which any creek or inlet may run, or extend, from any bay, sound, river or other main stream, shall be entitled to select, stake out, and use any part or portion, of any such creek or inlet, so running into, or being encompassed on either side by any one county; and that any proprietor, into whose land a creek, cove or inlet, may make, which at its mouth does not exceed one hundred yards in width, shall have the exclusive right of such creek, cove or inlet, for the deposit and use of any Oysters, or other Shell fish; *Provided always,* That no such selection or exclusive use of any Oyster bar or bars, shall be authorised or allowed by this act.

SEC. 3. *And be it enacted,* That it shall not be lawful for any person or persons, to catch or take any Oysters or other Shell fish, within the limits or adopted depot of any citizen of this State, as described by this act, without permission first had and obtained from the proprietor of such depot, and any such taking, either by day or by night, shall be deemed and held in law to be a trespass, and deemed a misdemeanor, in the cases hereinafter mentioned; *Provided however,* That the proper owner of such depot shall keep up from year to year, and shall annually deposit bed or sow thereon a quantity of Oysters, or other Shell fish, for improvement, as contemplated by this act, sufficient to preserve the increase and growth of such Oysters or Shell-fish, in the depot so selected, as aforesaid; and the neglect or failure of such depositing, bedding, or sowing, shall be deemed and held to be a non user, and the said depot, in that event, may be adopted and appropriated by any other citizen as aforesaid, for the purposes of this act, in the same manner as if the said depot had been vacant, and subject to the like limitations, conditions and penalties, as are contained herein and provided for.

SEC. 4. *And be it enacted,* That the foregoing sections of this act shall not be construed to extend in any manner whatever, to the waters of the Western shore of this State.

SEC. 5. *And be it enacted,* That it shall not be lawful for any person or persons, to take, catch, carry away or otherwise destroy any Oysters or other Shell fish which have been, or may hereafter be, planted, placed, or otherwise deposited, on the bed of any of the bays, rivers, creeks, or their tributary streams, on the Western shore of this State, without the consent of the person or persons who may have planted or may hereafter so plant, place, or otherwise deposit the same, (subject to the restrictions hereafter mentioned,) under the penalty of fifty dollars, for each and every offence, which penalty shall be recoverable before a Justice of the Peace in the same manner as small debts are, or shall be recoverable by law, one half to the use of the informer, and the other half for the benefit of the School fund of the county where the offence shall have been committed.

SEC. 6. *And be it enacted,* That it shall not be lawful for any person or persons, other than citizens of the counties bordering on said waters, to form beds of, or otherwise deposit, or to take, catch, carry away, or otherwise destroy any Oysters or other Shell fish, within three hundred yards of low water mark of either shore of said bays, rivers or creeks.

SEC. 7. *And be it enacted,* That the citizens of the counties binding on said waters may join beds, or otherwise deposit Oysters, or other Shell fish, within said prescribed limits, *Provided,* no one person shall have the right to appropriate to himself or herself, more than two acres superfices, which shall be so designated as not to interfere with, or in any manner whatever obstruct the hauling of seines, or any purposes of navigation.

SECTION 8. *And be it enacted,* That where any creek, cove or inlet makes into the land of any owner, or other lawful occupant, of the same, which creek, cove, or inlet does not at its mouth exceed one hundred yards in breadth, such owner, or other lawful occupant, shall have the exclusive right to use the same provided nothing herein contained shall be construed so as to authorise any obstruction to the purposes of navigation.

SECTION 9. *And be it enacted,* That the rights to form beds, or otherwise deposit Oysters, or other Shell Fish, within the waters of this State and to use the same (except as herein before excepted) shall be in common to each and every citizen of this State.

SECTION 10. *And be it enacted,* That in taking, or catching, any Oysters, or other Shell-Fish, it shall not be lawful for any person, or persons, to use (except in the Chesapeake Bay and Potomac River) any drag, or rake, or tongs with more than six teeth, prongs, or nails, on either side; nor to take up, or appropriate to his, or their use, any Oyster Bar, within the waters of this State and the person who may be detected in violating the fifth, sixth, seventh, eighth, ninth and tenth sections of this act, shall be subject to the penalty provided for in the fifth section of this act.

SEC. 11. *And be it enacted,* That if any person shall catch or take any Oysters or Shell Fish within the limits or adapted depot of any citizen of this state as decribed by this act without permission first had and obtained from the proprietor of such depot, every person so offending shall be deemed guilty of a misdemeanor; and if such offender be a free person, on conviction thereof shall be adjudged to be fined not exceeding fifty dollars, or imprisoned, or both, in the discretion of the court before which any such persons shall be tried and convicted, and if such offender be a slave on conviction thereof before a single Justice of the Peace, such offender shall be by such Justice adjudged to suffer such punishment of whipping not exceeding forty lashes as said Justice shall think fit.

AN ACT

To prevent the destruction of Oysters in this State.

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 jail 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.

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 wolly 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 jail 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, and the other half for the benefit of the School fund of the county where the offence shall have been committed.

SEC. 6. *And be it enacted,* That it shall not be lawful for any person or persons, other than citizens of the counties bordering on said waters, to form beds of, or otherwise deposit, or to take, catch, carry away, or otherwise destroy any Oysters or other Shell fish, within three hundred yards of low water mark of either shore of said bays, rivers or creeks.

SEC. 7. *And be it enacted,* That the citizens of the counties binding on said waters may join beds, or otherwise deposit Oysters, or other Shell fish, within said prescribed limits, *Provided,* no one person shall have the right to appropriate to himself or herself, more than two acres superfices, which shall be so designated as not to interfere with, or in any manner whatever obstruct the hauling of seines, or any purposes of navigation.

SECTION 8. *And be it enacted,* That where any creek, cove or inlet makes into the land of any owner, or other lawful occupant, of the same, which creek, cove, or inlet does not at its mouth exceed one hundred yards in breadth, such owner, or other lawful occupant, shall have the exclusive right to use the same provided nothing herein contained shall be construed so as to authorise any obstruction to the purposes of navigation.

SECTION 9. *And be it enacted,* That the rights to form beds, or otherwise deposit Oysters, or other Shell Fish, within the waters of this State and to use the same (except as herein before excepted) shall be in common to each and every citizen of this State.

SECTION 10. *And be it enacted,* That in taking, or catching, any Oysters, or other Shell-Fish, it shall not be lawful for any person, or persons, to use (except in the Chesapeake Bay and Potomac River) any drag, or rake, or tongs with more than six teeth, prongs, or nails, on either side; nor to take up, or appropriate to his, or their use, any Oyster Bar, within the waters of this State and the person who may be detected in violating the fifth, sixth, seventh, eighth, ninth and tenth sections of this act, shall be subject to the penalty provided for in the fifth section of this act.

SEC. 11. *And be it enacted,* That if any person shall catch or take any Oysters or Shell Fish within the limits or adapted depot of any citizen of this state as decribed by this act without permission first had and obtained from the proprietor of such depot, every person so offending shall be deemed guilty of a misdemeanor; and if such offender be a free person, on conviction thereof shall be adjudged to be fined not exceeding fifty dollars, or imprisoned, or both, in the discretion of the court before which any such persons shall be tried and convicted, and if such offender be a slave on conviction thereof before a single Justice of the Peace, such offender shall be by such Justice adjudged to suffer such punishment of whipping not exceeding forty lashes as said Justice shall think fit.

AN ACT

To prevent the destruction of Oysters in this State.

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 jail 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.

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 wolly 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 jail 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.

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 peace, to be proceeded against in the manner herein before directed.

4. *And be it enacted,* That it shall not be lawful for any person or persons who hath or have not resided within this state twelve months previously thereto, to carry oysters out of this state, and if any master or skipper of a vessel, who has not resided within this state twelve months previous thereto, shall hereafter transport any quantity of oysters taken from any place within this state, to any place beyond the limits thereof, every such master or skipper shall forfeit and pay one hundred dollars for every such offence, to be recovered in any court of record by any person who will sue for the same. In all actions which shall be brought against any master or skipper of any vessel in pursuance of this act, such master or skipper shall be required to give appearance bail, provided the plaintiff shall make affidavit before a justice of the peace of the cause of such action, to be transmitted to the clerk of the court wherein the suit shall be prosecuted. Whensoever any person shall make affidavit that he has good cause to believe that any master or skipper of a vessel not resident as aforesaid, has received on board such vessel, oysters for the purpose of transporting them out of this state, contrary to the provisions of this act, it shall be lawful for the justice of the peace before whom such affidavit shall be made, and within whose jurisdiction such vessel may be, to issue his warrant for the immediate apprehension of such master or skipper, and for bringing him before such justice of the peace, or before any other justice of the same county, and the justice before whom such person shall be brought, upon hearing such evidence as may be adduced before him, if there be no good cause to believe that the violation of the provisions of this act is intended, shall discharge from farther custody such master or skipper, but, if it shall appear to such justice, and there is good cause to believe that a violation of the provisions of this act is intended by such master or skipper, then it shall be the duty of such justice to commit such master or skipper to the jail of the county wherein such justice resides, unless he shall enter into recognizance, with sufficient security, in a sum not exceeding one hundred dollars, upon condition, to appear at the next court to be held in such county, and to abide and perform such order or orders as shall be made by the said court, if upon all circumstances of the case the court shall adjudge that there is good cause to believe that such master or skipper is about to violate the provisions of this act, by transporting oysters out of this state, the said court shall require of such master or skipper to enter into recognizance, with sufficient security, in a sum not exceeding one hundred dollars, upon condition, that such master or skipper shall not, within one year thereafter, be guilty of the violations of this act.

5. *And be it enacted,* That no person who has not previously resided twelve months in this state, shall gather or catch oysters, in any of the bays, rivers, creeks or waters of this state, and put them on board of any canoe, boat, scow, flat, or other vessel, not wholly belonging to and owned by some person or persons who hath or have resided twelve months in this state, previously to such oysters being so put on board of such canoe, boat, scow, flat, or vessel, under the penalty of forfeiting such canoe, boat, scow, flat, or vessel, together with all the oysters, oyster tongs, tackle, furniture and apparel, in and belonging to the same.

6. *And be it enacted,* That any person who shall seize and secure any such canoe, flat, scow, boat or other vessel aforesaid, shall immediately thereafter give information thereof to any one justice of the peace of either of the counties contiguous to such bays, rivers, creeks or waters, where such seizure shall have been made, who is hereby empowered and required to meet at such time and place as he shall appoint for the trial thereof, and the same, if condemned, shall with all things thereunto belonging, be sold by the order and under the direction of the said justice, who after deducting all legal costs and charges, shall pay one moiety of the proceeds to the collector of the said county, for the use of the county, and the other moiety to the person who seized and prosecuted the same.

7. *And be it enacted,* That if any person or persons on board of any such canoe, scow, boat, flat, or other vessel aforesaid, shall refuse and not suffer to enter, or resist, before or after entering, any officer or officers, or otherwise resist them, or any of them, in the execution of their office, then every person so offending, shall forfeit and pay fifty dollars, to be recovered with costs, by action of debt by such officer in any of the county courts of the respective counties of this state, the one moiety to the use of such prosecutor, and the other moiety to the collector of the county where the offence was committed, for the use of such county; *Provided always,* that nothing in this act contained shall prevent the taking & transporting of oysters heretofore from the waters of the Potomac and Pocomoke, where those rivers are common territory to the states of Maryland and Virginia, nor to prevent oysters taken from any part of the said rivers or creeks thereof, from being transported to any place whatsoever; *And provided also,* that nothing in this act contained shall be so construed as to prevent any person, residing in Washington county, in the District of Columbia, from using the waters of Maryland as fully and freely as any citizen of Maryland is authorised by law to do.

8. *And be it enacted,* That this act shall commence and be in force from and after the first day of April next.