

CHAP. 24. peace, to be proceeded against in the manner herein before directed.

Penalty for carrying oysters out of the state

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 further custody such master or skipper, but, if it shall appear to such justice, that 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 gaol 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 the 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.

Penalty on persons not residents putting oysters on board any vessel, &c.

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,