

for the payment of said fine; if the boat in which only oyster tongs are used, the said captain or other person in charge shall be fined not less than twenty dollars nor more than one hundred dollars, or confined in jail not less than fifteen days nor more than three months, either or both, and said cargo confiscated and returned to the natural beds under the supervision of the oyster inspector or other officer making the arrest. And the boat or vessel on which said oysters are found shall be held as security for the payment of said fine; provided, however, that when any person shall be found with oysters in violation of this section, he shall be presumed to be a dredger or vender of oysters, and if he claims to be a tonger the burden shall be upon said person to show that he is a tonger only. Provided, that this section shall not apply to that portion of the Potomac River above a straight line drawn from the north point at the mouth of Upper Machodoc Creek, in the County of King George, Virginia, to Lower Cedar point, in Charles county, Maryland.

An. Code, sec. 68D. 1912, ch. 4, sec. 4. 1922, ch. 319.

74. It shall be lawful between the first day of October and the twenty-fifth day of April of each year, and at no other time, to take oysters with ordinary or patent tongs, and in no other manner from the natural rocks, beds and shoals in the Potomac river above a straight line drawn from North point at the mouth of Upper Machodoc creek in the county of King George, Virginia, to Lower Cedar Point in Charles county, Maryland. Any citizen of Maryland or of Virginia who has complied with all the requirements of the oyster laws of his State entitling him to the privilege for a certain period of taking and catching oysters with ordinary or patent tongs in such State, shall have the right without further license tax to take oysters with such tongs above the said line during the open season provided for in the waters above said line.

It shall be unlawful to dredge or scrape on the natural rocks, beds and shoals of the Potomac river at any time with any boat propelled other than by sail, and the penalties otherwise prescribed for unlawful dredging shall be imposed under this section for any violation of this Act.¹

An. Code, sec. 68E. 1912, ch. 4, sec. 5.

75. It shall be lawful for any citizen of Maryland or of Virginia, after having obtained a permit as hereinafter provided, to buy and carry out of the Potomac River to be planted in the waters of either Maryland or Virginia, oysters whose shells measure less than two and one-half inches from hinge to mouth taken from natural rocks, beds and shoals in said river above a straight line drawn from the north point at the mouth of Upper Machodoc Creek, in the county of King George, Virginia, to Lower

See foot-note to sec. 62.

¹Sec. 2 of the act of 1922, ch. 319, provides "that upon the taking effect in the state of Virginia of the provisions prescribed in this act, the governor of Maryland shall issue his proclamation declaring the provisions of this act to be effective."