

1931, ch. 517.

**69.** It shall be unlawful for any person to take or catch oysters from the Potomac River by means of a dredge or scrape, or any instrument other than ordinary shaft or patent tongs at any season of the year. Any person violating the provisions of this section, upon conviction thereof, shall be confined in the penitentiary for not less than one year nor more than three years, or may be confined in jail not exceeding one year, and fined not less than one hundred dollars, nor more than one thousand dollars, either or both, in the discretion of the court or jury trying the case. In any prosecution of the violation of this section against the master or commander of a vessel or any of his crew, or any person on board thereof, proof that such vessel was equipped with a crank, dredge or scrape shall be *prima facie* evidence of the violation of this section. Any vessel, boat or other craft, her tackle, apparel, anchor, cables, sails, rigging and appurtenances, and any dredge, scrape or other instrument used in violation of the provisions of this section shall, together with the cargo of such vessel, boat or craft, be condemned as forfeited to the State in proceedings, as provided for the enforcement of forfeitures.<sup>1</sup>

An. Code, 1924, sec. 76. 1912, sec. 68F. 1912, ch. 4, sec. 7.

**70.** All offenses committed against the provisions of sections 64-73 by persons not citizens and residents of either State may be punished by any of the magistrates or courts of either State having criminal jurisdiction; all offenses committed against the provisions of sections 64-73 by citizens of either State, shall be punished by any of the magistrates or Courts of the State of which he is a citizen having criminal jurisdiction.

The authorities of either State shall have the right to examine into the right of any person taking fish, oysters or crabs in the Potomac River, or having same in his possession; and any person taking fish, oysters or crabs in the Potomac River or having same in his possession shall exhibit his authority for so doing whenever required by the police or other legal authority of either State. The legal authorities of either State shall have the right to arrest any such offender, and, if necessary in order to arrest, shall pursue such offender beyond the boundary line of either State upon navigable waters, and arrest such offender whenever found upon such waters.<sup>2</sup>

An. Code, 1924, sec. 77. 1912, sec. 68G. 1912, ch. 4, sec. 8.

**71.** Any person violating sections 64-73, where not otherwise provided, shall upon conviction thereof, be fined not less than twenty-five dollars nor more than three hundred dollars; and where forfeiture of boat, vessel, net or other equipment is provided for in said sections the said boat, vessel, net or other equipment shall be sold at public auction by the sheriff of the county for cash after ten days' notice; in case of appeal, the appellant shall remain in custody, and the boat, vessel, net or other equip-

<sup>1</sup> Sec. 2 of ch. 517 of acts of 1931 repealed all laws inconsistent therewith to extent of such inconsistency, and sec. 3 provides: "That the provisions of this act shall not take effect until a similar act becomes effective in the State of Virginia, whereupon the Governor of Maryland shall issue a proclamation declaring the provisions of this act to be effective."

<sup>2</sup> By sec. 10 of act of 1912, ch. 4, it is provided that since an emergency existed for passage of that act because of depletion of fish and shell fish in Potomac, act should take effect from date of its passage (February 19, 1912), provided concurrent legislation was passed by General Assembly of Virginia by that time, and if not, then immediately upon passage thereof. By sec. 12 of act of 1912, ch. 4, it is provided that upon taking effect in Virginia of the provisions prescribed in that act, Governor of Maryland should issue a proclamation declaring provisions of said act effective.