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REPORTING TO THE HOUSE OF DELEGATES
OF THE STATE OF MARYLAND
AND THE HOUSE OF COMMONS OF GREAT BRITAIN

OPINION.

ANNAPOLIS, 14th February, 1865.

TO THE HONORABLE JOHN M. FRAZIER,

Speaker of the House of Delegates:

Sir:—In compliance with the request that I should give to the House of Delegates my opinion, in writing, upon the following questions:

1st. Is it competent for the Legislature to pass any law by which the privilege of taking oysters in the Chesapeake Bay and its Tributaries, being navigable waters, shall be confined to the citizens of the counties bordering on such navigable waters, to the exclusion of the citizens of other portions of the State.

2nd. Is it competent for the Legislature to pass any law by which the privilege of taking oysters in the waters aforesaid, shall be restricted to the citizens of this State to the exclusion of citizens of other States.

3rd. If the Legislature should pass a law granting licenses to owners of vessels to dredge for oysters in the Chesapeake Bay within certain limits, would it be competent to restrict such licenses to the citizens of any particular counties of the State to the exclusion of the citizens of other counties, or to the citizens of this State to the exclusion of citizens of other States, or make any discrimination by requiring a higher rate of license to be paid by citizens of any of the counties of this State or of other States.

4th. Would a law of the State of Maryland containing any of the exclusive privileges, restrictions or discriminations above mentioned be in such particulars constitutional and valid.

I have the honor respectfully to submit this communication:

It has been decided by the highest legal authorities of the United States, of this State and of many of the other States of this Union, that when the Revolution took place the people of each State became themselves sovereign, and in that character hold the absolute right to all their navigable wa-