

for a hearing, and said justice of the peace shall either give the case an immediate hearing, or at the instance of the party shall appoint some early day, within the next five days thereafter, to hear the case, the party charged giving such good and sufficient bail as said justice shall require for his attendance; and on conviction of the offenders, the said justice shall decree a forfeiture of the canoe, boat or vessel, together with all the tackle and apparel, and order the same to be sold by the officer making the arrest, who shall sell the same, on five days' notice, to the highest bidder, subject to an appeal to the Circuit Court for Calvert County; and after the payment of all the expense attending the arrest and prosecution of the suit, he shall retain one-fourth of the balance himself, distributing one-fourth among the parties assisting in making the arrest, and pay over the remaining one-half to the school fund of the county, to be used in the repair of old and the erection of new public school-houses.

P. L. L., 1888, Art. 5, sec. 102. 1882, ch. 374.

227. It shall not be lawful for any person to take or catch oysters in water less than sixteen feet deep for any purpose, in any manner, or with any instrument whatever, in the waters of the Patuxent River, from the first day of May to the first day of September in each year; provided, however, that this section shall not be construed to prohibit the citizens of Calvert County or St. Mary's County from taking from the waters thereof oysters for private use.

See Art. 72, secs. 55 and 57.

P. L. L., 1888, Art. 5, sec. 103. 1878, ch. 471.

228. Upon information given upon oath to any justice of the peace in and for said counties of any violation of the provisions of the preceding section, he shall issue his warrant for the arrest of the offender and the seizure of the canoe or boat in his possession or used in the commission of the offense, together with the tackle, instruments, and all things on board at the time of the commission of the offense, which warrant shall be directed to the sheriff or any constable of the county, and shall be returnable in five days from the issuing thereof.

P. L. L., 1888, Art. 5, sec. 104. 1878, ch. 471.

229. The justice of the peace before whom such warrant is returnable, shall, upon the return thereof, docket a case in the name of the State against the person arrested and the property seized by virtue of said warrant; and if upon trial the said person is found guilty of violating Section 227, he shall render judgment, either imposing a fine upon each person so guilty, of not less than twenty-five dollars or more than one hundred dollars, or condemning the canoe or boat in possession of the offender, or used in the commission of the offense, together with all the tackle, instruments, and all things on board at the time of the commission of the offense, or used or employed in the commission thereof, to be sold at Public auction for cash by the sheriff or constable seizing the same, after ten days' notice given publicly of the time, place, manner and terms of sale, set