

for taking or catching oysters, except tongs or rakes, it shall be considered prima facie evidence of the violation of the first section of this act; and if the said officer shall find on board any boat or boats, the owner or owners whereof has or have not resided in the state twelve months immediately preceding, the proof of which residence shall rest upon the defendant or defendants, any oyster scoop, drag, or any other instrument that is used for the purpose of taking or catching oysters, it shall be considered prima facie evidence of guilt, by the said justice of the peace; and if such party shall deny that he is guilty of such charge, it shall be the duty of such party to prove his innocence before the magistrate before whom he shall be arraigned, otherwise he shall incur the penalty prescribed in the first, second and third sections of this act.

Proof of innocence required.

SEC. 7. *And be it enacted*, That all fines and forfeitures under this act, shall be recovered before a justice of the peace, in the same manner that small debts out of court are now recovered.

Recovery of fines.

See 1832, ch. 276.

SEC. 8. *And be it enacted*, That in all cases where the owner or owners of any boat or boats, or any person or persons found on board the same, shall think him or themselves aggrieved by the judgment of any justice of the peace, he or they shall be at liberty to appeal to the next county court, before the justices thereof, who are hereby, upon the petition of the appellant or appellants, in a summary way, empowered and directed to hear the allegations and proofs in the cause, without any unnecessary delay; and the said appellant or appellants may demand a trial by jury before the court, at his or their election.

Appeal provided.

SEC. 9. *And be it enacted*, That no execution upon judgment to be rendered by any justice of the peace, shall be stayed or delayed, by any appeal, unless the person or persons appealing, or some other person in his or their behalf, shall, immediately upon making such appeal, enter into bond, with two sufficient securities, approved by the said justice, in double the sum imposed as a fine, conditioned, to prosecute his or their appeal with effect, to the next court of the county, where the proceedings shall have been had.

Appeal bond required.

SEC. 10. *And be it enacted*, That all laws heretofore passed on this subject, inconsistent with or repugnant to the provisions of this act, so far as they relate to the eastern shore, be and the same are hereby repealed.

Repealing clause.