

17. Any citizen of any county bordering on the waters of this State, may locate and appropriate in any of the waters thereof any area not exceeding one acre in extent, for the purpose of depositing, bedding or sowing oysters or other shell fish; *Provided*, that the said location or appropriation shall be described by stakes, bushes or other proper marks or metes and bounds; which description shall be reduced to writing under the oath, and recorded at the expense of the party, in the office of the clerk of the Circuit Court of the proper county, and that the said location and appropriation shall not injure, obstruct or impede the free navigation of any navigable water; but no such location or appropriation shall be made to interfere with the rights reserved by the two preceding sections.

18. If any person shall catch or take any oysters or shell fish within the limits of any depot of any citizen of this State as described in the three next preceding sections, without the permission of the owner, such person shall be deemed guilty of a misdemeanor, and if a free person, on conviction thereof, shall be fined not exceeding fifty dollars or imprisoned, or both, in the discretion of the court in which he shall be convicted, and if such offender be a slave, on conviction thereof before a justice of the peace, he shall be whipped not exceeding thirty-nine lashes, as said justice shall think fit.

19. Any person against whom a justice of the peace may render a judgment under this article, either to pay a penalty or of condemnation of property, may appeal from the judgment of such justice in the same manner as if the judgment were for a common debt; but no execution or sale shall be stayed unless the party appealing give bond to the State for double the value of the thing in controversy, with security to be approved by the justice rendering the judgment, or the clerk of the court to which the appeal is made, with condition to prosecute his appeal with effect, or to pay the value of the property condemned or the amount of fine imposed, as the case may be, with interest and costs.

20. All fines imposed by this article shall be paid one-half to the informer, and the other half to the county commissioners of the county where the judgment is rendered, for the use of the county.