

such boat or vessel, shall be considered *prima facie* evidence of guilt, and after a full investigation of the case, if the justice shall think the charge groundless, he shall immediately discharge the said boatmen, and restore to them the boat or vessel seized by the sheriff, and all things belonging to her, but if he shall be of opinion, that oysters have been taken and caught in contravention to this act, he shall impose fines not exceeding five dollars on each of the boatmen engaged therein, and shall commit them to the jail of the county, in the event of not paying their fines thus imposed, and the finding of the boatmen shall be final as to them; and he shall judge and condemn as forfeited, the boat or vessel in possession of the sheriff, together with her papers, furniture, tackel and apparel, and all things on board of her at the time of her seizure, and pronounce the same to be the property of the state.

If innocent

If guilty

Fine \$5

Forfeit boat, &c

Sec. 3. *And be it enacted*, That if the boatmen of the condemned boat or vessel or any of them, shall think him or themselves aggrieved by such condemnation, he or they shall be at liberty to appeal from the judgment of the justice of the peace, at any time within ten days from the rendition thereof, to the next county court of the county wherein said judgment may have been rendered, the justices of which are hereby empowered and directed upon the petition of the applicant or applicants, in a summary way, and without any unnecessary delay, to hear the allegations and proofs in the case, and to affirm or reverse the justices' judgment of condemnation, as to them may seem right, and in case of affirmance, to adjudge to the state the costs incurred in defending the said appeal, and it shall be in the election of the said appellant or appellants, to have a decision of the appeal in a summary way by the justices, or a trial by jury before the said county court.

Appeal provided

Summary hearing

Sec. 4. *And be it enacted*, That proceedings on the judgment of the justice of the peace, shall not be stayed by any appeal, unless the appellant or appellants, within ten days after the rendition of the judgment, shall enter into an appeal bond to the state with two sufficient securities, to be approved of by the said justice, in a penal sum of double the amount in value of the boat or vessel, and property seized, to be estimated by the said justice, conditioned to prosecute with effect, his or their appeal, to the next county court of the county, where the proceedings before the justice, shall have been had; and it shall be

Appeal bond required