

viction thereof before any court of competent jurisdiction shall be fined not less than fifty dollars nor more than three hundred dollars, in the discretion of the court or justice of the peace by which such person shall be tried, or be imprisoned in the county or city jail or in the house of correction for not less than one month nor more than twelve months, in the discretion of such judge or justice of the peace; provided, however, that any owner, master or person in charge of a canoe or boat used in taking or catching oysters with rakes or tongs who shall be convicted of having in his possession on said canoe or boat oysters containing more than five per cent. of unmerchantable oysters, as provided in section 9, shall be required to cull his cargo and dispose of the culls as required in section 11 of this article and shall be fined a sum not less than ten dollars nor more than fifty dollars, in the discretion of the judge or justice of the peace before whom such person shall be tried; one-half of every fine imposed for any violation of this section shall be paid to the informer, unless he be an officer of the state fishery force.

1904, art. 72, sec. 17. 1894, ch. 380, sec. 16.

18. It shall be unlawful for any person to take or catch oysters on Sunday or at night; and any person violating this section shall, on conviction thereof, be fined a sum of not less than fifty dollars nor more than three hundred dollars, or sentenced to the house of correction for a period not less than three months nor more than one year, or forfeit the boat, vessel or canoe used in violation of this section, in the discretion of the judge or justice of the peace trying the case.

Cited but not construed in *Messick v. State*, 82 Md. 585.

Ibid. sec. 18. 1894, ch. 380, sec. 17. 1910, ch. 413, sec. 18 (p. 206).

19. The fines accruing under any of the provisions of this article shall be paid by the sheriff, constable or officers of the state fishery force collecting the same within ten days to the comptroller of the state treasury, or to the clerk of the circuit court for the particular county where such fine may accrue, or to the clerk of the criminal court of Baltimore, if such fine shall accrue in said city, and it shall be the duty of the state's attorney for the several counties and for the city of Baltimore to keep an account of said fine imposed and to make a monthly report thereof to the clerk of the circuit court for their respective counties, or to said clerk of the criminal court, as the case may be, and to see that said fines are duly collected and paid over, as aforesaid, and the surplus, after paying all costs for prosecution in such cases, shall be paid to the state comptroller for the use of the oyster fund, with a statement of the fines imposed and costs of the same; the justice of the peace or clerk of the court which imposes said fine in any and every case shall in writing inform the comptroller of the treasury of the fine, upon whom laid and the amount of said fine, with date of same. Anyone who shall violate any provisions of this section shall be deemed guilty of a misdemeanor and, upon conviction thereof before any judge or justice of the peace in this State, shall be fined not less than twenty-