

take oysters in the waters of this State with scoop, dredge or similar instrument to have or permit to be kept on such boat or vessel any cannon, howitzer or any piece of ordnance or any swivel, musket, rifle or other piece or species of firearms larger than a pistol, except two-shot guns not larger than a number ten gauge, and not to use larger than number one shot; any person who shall offend against any of the provisions of this section, or who shall resist any officer authorized under this article to make arrests while such officer is in discharge of his duties hereunder, shall be deemed guilty of a felony and upon indictment and conviction thereof in any court having jurisdiction shall be punished by a fine of not less than fifty dollars nor more than two hundred and fifty dollars and imprisoned in the house of correction for a term of not more than six months, in the discretion of the court; any person who shall discharge any species of firearms at or toward any officer authorized under this article to make arrests, whilst such officer is in discharge of his duties hereunder, or at or towards any vessel upon which such officer shall be whilst in the discharge of his duties hereunder, shall be deemed guilty of a felony and upon indictment and conviction thereof in any court having jurisdiction shall be punished by a fine of not less than one hundred dollars nor more than one thousand dollars and shall be confined in the penitentiary for not less than one year nor more than two years, in the discretion of the court.

1904, art. 72, sec. 27. 1894, ch. 380, sec. 26.

28. It shall be the duty of the sheriff, constable or officers of the state fishery force to arrest any person and to seize any canoe, boat or vessel found violating any of the provisions of this article and bring the offender or offenders before a judge of a court having criminal jurisdiction, or a justice of the peace most convenient or accessible, to be dealt with as herein provided.

Ibid. sec. 28. 1894. ch. 380, sec. 27.

29. The judge or justice of the peace before whom any person or any vessel may be brought charged with violating any of the preceding sections of this article shall either give the case or cases an immediate hearing, or at the instance of the party charged shall appoint some early day within the next ten days to hear the case, the party charged giving such good and sufficient bail as said judge or justice shall require for his appearance at the trial, and the said vessel shall be held and safely kept at the cost of the party charged or of the said vessel, as the case may be; and in case the master, owner or other person in charge of said vessel shall or shall not be arrested, then the vessel used in violation of the provisions of this article shall be seized and the charge against the same shall be heard by the said judge or justice of the peace and she shall be dealt with as hereinafter provided; and if the said master, owner or other person in charge of said vessel shall not appear after giving bail, as hereinbefore provided, then in either case the judge or justice of the peace may proceed to hear the case and determine whether or not