

more than two hundred and fifty dollars, or, in the discretion of the court, be imprisoned in jail or in the penitentiary for not less than three months, nor more than one year, or shall be both so fined and imprisoned, and for the second or any subsequent offense shall be sentenced to imprisonment in the penitentiary for not less than two years nor more than five years.

An. Code, sec. 117. 1906, ch. 711, sec. 115.

134. Any person who shall make his boat fast to a State buoy or remove the same, or in any manner interfere therewith, the same shall, in the discretion of the court, upon conviction thereof, be sentenced to the penitentiary for a term of not less than one year or more than two years.

An. Code, sec. 117A. 1912, ch. 539, sec. 115A. 1914, ch. 265, sec. 115A.

135. It shall be unlawful for any person other than a lessee under this sub-title, or for any lessee under this sub-title, while he shall be in default in payment of rent, to appropriate to himself for any purpose any of the barren bottoms under the waters of this State, which are, by the provisions of this sub-title, subject to lease, or to use such barren bottoms in any way for the purpose of bedding, planting or cultivating oysters, and any person violating any of the provisions of this Section shall be deemed guilty of a misdemeanor, and upon indictment and conviction in any Circuit Court of any County in this State, or in the Criminal Court of Baltimore City, before which such case is tried, shall be fined the sum of fifty dollars for each violation thereof. Each day during which or in which any of the acts prohibited by this Section may be performed shall constitute a separate violation of its provisions. It shall be the duty of the State's Attorney of the County having jurisdiction, or of Baltimore City, at the request of the Board of Shell Fish Commissioners, to prosecute any one violating the provisions of this Section. The net proceeds of fines collected under this Section shall be applied as follows: One-half of the same shall be paid to the informer, if any, and the remainder shall be applied according to the provisions of Section 138 of this Article. Provided, however, that this Section shall not apply to the temporary deposit of oysters at the owner's risk upon any of the barren bottoms of this State not leased, if such oysters are removed by the owner within three months from the time of such deposit.

An. Code, sec. 118. 1906, ch. 711, sec. 116. 1912, ch. 539, sec. 116.

136. In addition to other penalties herein provided, any person convicted of a violation of this sub-title under either of the six ¹ preceding sections (sections 131 to 135, both inclusive), shall be and is hereby denied the right to take out any license to dredge, scrape or tong for oysters in any waters of this State for the period of three years after said conviction.

¹ Evidently "five" was intended.