

ties and fines as provided in Section 11 of this Article, in precisely the same manner as if he were a captain of a boat.]¹

An. Code, 1924, sec. 10. 1912, sec. 10. 1906, ch. 439, sec. 8A.

10. It shall be unlawful for any person to transport, or attempt to transport, outside of this State, for any purpose whatsoever, unmerchantable oysters as declared in the preceding section of this article, whether the unmerchantable oysters be taken from or caught on the natural bars or beds of this State, or from private beds and lots in this State; and any violation of the provisions of this section shall be deemed a misdemeanor, and the captain or person in charge of any boat or vessel used in violation of the same shall upon the conviction of violating the provisions of this section before any justice of the peace or court of competent jurisdiction be sentenced to the house of correction for a period of not less than three months nor more than six months, and the boat or vessel so used shall be forfeited, but shall be released upon the payment of a fine of not less than \$100 and not more than \$300, and the cargo of such vessel shall be confiscated to the State and shall be distributed under the supervision of the commander or some deputy commander, or general oyster inspector of the State fishery force, upon the natural rocks and bars.

See notes to sec. 8.

An. Code, 1924, sec. 11. 1912, sec. 11. 1904, sec. 10. 1894, ch. 380, sec. 9. 1900, ch. 380. 1922, ch. 519, sec. 11. 1927, ch. 467, sec. 11.

11. Any person, firm or corporation engaged in catching, buying, selling or packing oysters violating any provisions of Sections 8 or 9 of this Article shall be deemed guilty of a misdemeanor, and upon conviction before any justice of the peace or court of competent jurisdiction shall be fined the sum of not less than \$100, or confined in jail not less than 30 days nor more than six months, either or both, and in addition to such fine or imprisonment said cargo shall be confiscated and returned to natural beds or bars under the supervision of the oyster inspector or other officer making the arrest, and at the expense of the violator, which expense shall be in addition to the fine imposed and collectible in the same manner, and the boat or vessel shall be held as security for the payment of said fine. If the violator has taken oysters only with tongs he shall be fined \$25, and the boat in which said oysters are found shall be held as security for the payment of said fine. In addition to the above penalties the justice of the peace or judge may, in a case where the violator has been previously convicted of violating the provisions of this sub-title, suspend or revoke the license under which said violator may be operating for the purpose of catching, shucking, packing or canning oysters. In case there is an appeal or waiver of trial before Justice of the Peace, in order to provide for the disposition of any oysters that have been declared unmerchantable, the cargo of oysters shall remain in the possession or custody of the Deputy Commander, Inspector or other officer making the arrest until the captain of the boat or vessel or the packer shall have reculled the oysters in question; and the officer under whose supervision the reculling is done, after ascertaining the quantity of unmerchantable oysters and shells so culled out, shall give the captain or other person in charge of said vessel or pack-

¹ This section, as proposed to be amended by Ch. 353, 1939, but as said Act is to be voted upon at the November election, 1940, this section will not become effective unless approved by a majority of the voters voting thereon. If said Act is approved, this section will become effective Dec. 5, 1940.