

Id E
Fine for placing
obstructions in
haul of fishery

44. If any person shall wilfully and maliciously put any stake, log, stone, ballast, or other obstruction in the berth or haul of any fishery, he shall pay a fine of not less than twenty nor more than one hundred dollars, at the discretion of the justice of the peace trying the case.

· FINES AND FORFEITURES.

Art 41, s 27
1777, c 6, 1810,
c 36, 1820, c 199,
s 4, 1841, c 326,
s 5
Recovery of
fines and penal-
ties

45. All fines and penalties imposed by the preceding sections of this article, if they do not exceed one hundred dollars, may be recovered by action of debt in the name of the State before a justice of the peace, and if over one hundred dollars, by indictment in the Circuit Court for the county where the offence is committed.

Id s 28
1820, c 199, s 4,
1841, c 326, s 5
When name of
offender un-
known, how
arrested

46. If the name of the offender be unknown, he may be arrested on a warrant describing him as the person committing the offence, without stating his name in the warrant.

Id s 29
1843, c 275, s 4,
1854, c 172, s 4,
1854, c 310, s 2
Forfeitures,
how enforced

47. All forfeitures of property incurred under this article may be enforced in this way: the sheriff or constable shall on complaint made to him, seize the property alleged to be so forfeited, and give notice to the owner thereof, if the owner can be found, to appear before a justice of the peace of the county where the seizure is made, on a certain day within five days from the time of seizure, to show cause why the property so seized should not be condemned; and if the owner of the property so seized, evades the service of said notice, then the sheriff or constable may set up notices at three of the most public places in the neighborhood of the seizure, warning the owner of such property to appear before a justice of the peace to be therein named, on a certain day not less than ten days from the time of seizure, to show cause why the said property should not be condemned.

Id s 30
1841, c 143,
1843, c 142, s 2,
1845, c 148, s 4,
1854, c 172, s 2
Same

48. If upon the hearing in any case of seizure as aforesaid the justice is satisfied that the owner or person having charge of the property so seized, is guilty of violating any of the provisions of this article which imposes a forfeiture of such property for such violation, then such justice shall adjudge the same to be condemned and sold by the sheriff or constable seizing the same (or if he be dead or removed away, by some other officer) on ten days' public notice; and the justice may proceed ex parte to hear and determine any question of forfeiture, if the owner fails to appear after the notice herein required to be given.

Id s 31
1820, c 199, s 4,
1841, c 326, s 5
Same

49. If the sheriff or constable making a seizure of property under this article does not know the name of the owner or person having charge thereof, he may describe him in the notice he is required to give as the owner of the property, without naming him, and the justice, if he does not know the name of the owner, may condemn the property as the property of a person guilty of violating the law, without naming such person.

Id s 32
1779, c 6,
1845, c 148, s 1.
Proceeds of
fines how dis-
posed of

50. The proceeds of the sale of any property forfeited as aforesaid shall, after paying the expenses of the seizure, condemnation