

the oyster fund, unless a part thereof be remitted as provided for in section 6; provided, that the owner, or any other person having any mortgage or any other lien on the said vessel, shall in all such cases have the right of appeal to the circuit court at any time within sixty days after judgment rendered; and upon the trial of said appeal the court shall have the right to amend the warrant or any of the proceedings before the justice of the peace, so as to bring the case to trial upon its merits, provided that no new offence shall be charged; and in case such an amendment shall work a surprise to defendant, he shall have further time to prepare for trial; and the rules governing amendments in cases originating in the said court shall govern such amendments so far as they are applicable; and upon bond in an amount equal to the value of the said vessel being given by the person praying the appeal, satisfactory to said justice, the said vessel may be released pending the said appeal; and in any case in which the owner may apply to the court having jurisdiction, and shall show that the unlawful employment of said vessel was without his sanction or authority, the said court may order the proceeds of said vessel to be returned to him, or to any person having a lien on said vessel, and may distribute the funds according to the priority of the several claims and liens; and any person having a lien may file a petition, and the court, if the interests of justice will permit, may allow him a portion of said proceeds; but in all such cases the court shall retain a sufficient sum to pay costs, charges, expenses, and a reasonable and proper equivalent to a fine; and amendments shall be allowed as hereinbefore provided, in all cases of appeal from the judgment of justices of the peace in cases where a violation of any local oyster law or laws is charged.

*Willing v. Bozman*, 52 Md 44.

1886, ch. 296, sec. 12.

**11.** Any boat, owned wholly or in part by any non-resident, used in catching oysters in this State with scoop, dredge or similar instrument, is hereby declared to be forfeited, and shall be condemned by order of any judge of the circuit court nearest the place of her capture, or if captured in Baltimore city, by order of the city court, and shall be sold by the sheriff of the county where condemned, or if condemned in Baltimore city, by the