

Battle creek, in Calvert county, except persons who have imbedded or planted, or who may hereafter imbed or plant oysters in said waters.

1870, ch. 188.

100. On information given under oath, of any violation of the preceding section, to any justice of the peace of Calvert county, he shall forthwith issue his warrant, directed to the sheriff or any constable or military officer, requiring either of them to whom it may be directed, to summon the *posse comitatus*, if necessary, and proceed forthwith to arrest the parties alleged to have been engaged in violating said section, and to seize and take possession of any canoe, boat or vessel, together with all their tackle and apparel, and any article on said boat at the time belonging to said parties, and used by them in such violation.

Ibid.

101. The sheriff, constable or military officer making such arrest shall forthwith bring the offenders before some justice of the peace of the county for a hearing, and said justice of the peace shall either give the case an immediate hearing, or at the instance of the party shall appoint some early day, within the next five days thereafter, to hear the case, the party charged giving such good and sufficient bail as said justice shall require for his attendance; and on conviction of the offenders, the said justice shall decree a forfeiture of the canoe, boat or vessel, together with all the tackle and apparel, and order the same to be sold by the officer making the arrest, who shall sell the same, on five days' notice, to the highest bidder, subject to an appeal to the circuit court for Calvert county; and after the payment of all the expense attending the arrest and prosecution of the suit, he shall retain one-fourth of the balance himself, distributing one-fourth among the parties assisting in making the arrest, and pay over the remaining one-half to the school fund of the county, to be used in the repair of old and the erection of new public school-houses.

1882, ch. 374.

102. It shall not be lawful for any person to take or catch oysters in water less than sixteen feet deep for any purpose, in