

any manner, or with any instrument whatever, in the waters of the Patuxent river, from the first day of May to the first day of September in each year; provided, however, that this section shall not be construed to prohibit the citizens of Calvert county or St. Mary's county from taking from the waters thereof oysters for private use.

1878, ch. 471.

103. Upon information given upon oath to any justice of the peace in and for said counties of any violation of the provisions of the preceding section, he shall issue his warrant for the arrest of the offender and the seizure of the canoe or boat in his possession or used in the commission of the offence, together with the tackle, instruments, and all things on board at the time of the commission of the offence, which warrant shall be directed to the sheriff or any constable of the county, and shall be returnable in five days from the issuing thereof.

Ibid.

104. The justice of the peace before whom such warrant is returnable, shall, upon the return thereof, docket a case in the name of the State against the person arrested and the property seized by virtue of said warrant; and if upon trial the said person is found guilty of violating section 102, he shall render judgment, either imposing a fine upon each person so guilty, of not less than twenty-five dollars or more than one hundred dollars, or condemning the canoe or boat in possession of the offender, or used in the commission of the offence, together with all the tackle, instruments, and all things on board at the time of the commission of the offence, or used or employed in the commission thereof, to be sold at public auction for cash by the sheriff or constable seizing the same, after ten days' notice given publicly of the time, place, manner and terms of sale, set up at the court-house door of said county; the proceeds of said sale, after paying the costs of proceedings had, shall go, one-fourth to the sheriff or constable, one-fourth to the informer, and the remaining half to the county commissioners, for public road purposes.

Ibid.

105. Any party against whom a justice of the peace shall have rendered judgment under the provisions of the preceding section,