

south of Pool's Island, except the bay shore of Kent county up to Howel's Point at the mouth of Sassafras river, and also on the Susquehanna river; and any person who shall engage in fishing for sale, with the use of said pound nets, stake nets or similar contrivance now used or hereafter invented, shall be subject to the same fines and penalties as are prescribed in section 94 of this article. And provided further, that all persons using haul seines and similar contrivances, except pound nets and stake nets, which are hereby prohibited, shall pay the same license and be subject to the provisions of all the sections under the sub-title "Chesapeake Bay," of this article, except gill nets, which are exempted.

1896, ch. 441.

**99.** The sheriff or any of the constables of any of the counties of this State, where any violations of any of the sections 90 to 98, inclusive, of this article shall come to his knowledge or upon the warrant of some justice of the peace of any of the counties of this State, shall apprehend the said person or persons charged with the violation of any of said sections, and take the said person or persons to the nearest or most accessible justice of the peace, to be dealt with according to the provisions of said sections; and it shall be the further duty of the sheriff, or any of the constables of the county, in case of a forfeiture of any net or nets, boat or boats, or tackle, by any justice of the peace of any of the counties of this State, under any of the provisions of said sections, to hold and take possession of said nets, boats or tackle thus forfeited as aforesaid, and to offer the said net, nets, boat, boats or tackle for sale for cash to the highest bidder, after having advertised the same for sale in one or more conspicuous places in the neighborhood of said sale, setting forth the time, place and terms of said sale, and the proceeds of such sale shall apply in the first place to the costs and charges incident to judgment, costs and forfeitures, and costs of seizure, sale and other costs incident to said sale, and the balance shall pay over to the clerk of the circuit court for the county in which the sale is made, and by the said clerk said balance shall be paid over to the comptroller of the State, to the credit of the "Oyster Fund."