

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 offense 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 said vessel being given by the person praying the appeal, satisfactory to said justice, the said vessel may be released pending the said appeal. Any person or persons offering to stand bail for any person or persons charged under the provisions of this article shall be sworn by the judge or justice of the peace trying the same, as to his actual worth in unincumbered real estate, and if he swears falsely, upon proof of the same before any court of competent jurisdiction, shall be deemed guilty of perjury and subject to all the pains and penalties of the same ; the judge or justice, before the party is sworn, shall acquaint him or her with the pains and penalties of false swearing. Any person having a lien upon any vessel seized hereunder 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 amendment to the forms and procedure shall be allowed, as hereinbefore provided, in all cases of appeal from the judgment of justices of the peace.

1894, ch. 380.

28. 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 forfeited, and shall be condemned by order of any judge of a circuit court most accessible to 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 sheriff of said city, to the highest bidder for cash, after twenty days' notice of the time and place of sale ; such notice to be published at least three times in a newspaper having the