

of which he is a citizen, and shall be prosecuted according to such laws.

SEC. 4. *And be it enacted*, That all offences committed against the provisions of this act by persons not citizens and residents as aforesaid of either state, may be punished by any of the magistrates or courts of either state having criminal jurisdiction; all offences committed by citizens of either state shall be punished by any of the magistrates or courts of the state of which he is a citizen having criminal jurisdiction; the authorities of either state shall have the right to examine into the right of any person taking oysters in the Potomac; and all persons taking oysters in the Potomac shall exhibit his or their authority for so doing whenever required by the police or other legal authority of either state; the legal authorities of either state shall have the right to arrest any offender against this law in the Potomac, and to pursue such offender beyond the boundary line of either state upon navigable waters, and arrest such offender wherever found upon such waters.

Offences—how punished.

Exhibit authority.

SEC. 5. *And be it enacted*, That the penalties imposed by this act shall be recovered before any justice of the peace of either state, in any county of either state, with the right of appeal of the state, or the defendant to appeal to the circuit court of the county in which such cause has been tried, or to the criminal court of Baltimore city, if tried in Baltimore city, or to the hustings court of the city, if tried in a city of Virginia; the parties and vessels charged may be arrested without warrant and carried before any justice of the peace; the justice shall cause a guard to be put upon the vessel, and the parties charged to be confined in jail or bailed; upon conviction, the person tried shall be committed to jail until the fine is paid, and the vessel shall be sold at public auction by the sheriff of the county or city, for cash, after ten days' notice; in case of appeal, the appellant shall remain in custody, and the vessel shall be sold as above provided, unless recognizance be entered into for double the amount of the fine and double the value of the vessel, conditioned for the performance of the final judgment of the court; upon such recognizance being given, the party convicted and the vessel shall be discharged.

Penalties—how recovered.

Condition of appeal.