

CHAP. 217. Assembly of Maryland, of December session, eighteen hundred and thirty-three, chapter two hundred and fifty-four, and December session, eighteen hundred and thirty-seven, chapter three hundred and ten, the sheriff of any county, or any constable or other civil or military officer shall attempt to arrest any person or persons, on board of any boat or vessel, and the person or persons on board such vessel, shall fly from, or abandon such vessel, then it shall and may be lawful for such sheriff or other officer to take into his custody the boat or vessel so abandoned, together with her tackle and furniture, and all things on board of her, and shall detain and keep in his custody the same, until the same may have been disposed of as hereinafter provided; and it shall be the duty of such sheriff or other officer having thus taken into his custody any such boat or vessel, within forty-eight hours thereafter, to give information thereof to some justice of the peace of his county, and the said justice shall docket an action against the said boat or vessel in the name of the State of Maryland, and shall summon all such witnesses as the said sheriff or other officer, or the owner of such boat or vessel, or his agent, may direct, naming a day of trial not more than ten days distant, and if upon trial it shall be found to the satisfaction of the said justice, that such boat or vessel has been employed in taking oysters in any manner, forbidden by the said first section of the said act, then he shall adjudge and condemn the said boat or vessel, together with her tackle, furniture and all things on board of her as forfeited, or if the offence shall not be proved to the satisfaction of the justice, then the said sheriff or other officer shall return the said boat or vessel with the furniture, tackle and all things on board of her to the owner.

Right of appeal
secured

SEC. 3. *And be it enacted,* That if the owner or owners of any boat or vessel, so condemned, shall think himself or themselves aggrieved by such condemnation, he or they shall be at liberty to appeal from the judgment of the justice of the peace, at any time within ten days from the rendition thereof, to the next county court of the county wherein said judgment may have been rendered, the judges of which are hereby empowered and directed, upon the petition of the applicant or applicants, in a summary way, and without any unnecessary delay, to hear the allegations and proofs in the case, and to affirm or reverse the justices' judgment of condemnation, as to them may seem right, and in case of affirmance, to adjudge to the State the costs incurred in defending the said appeal, and it shall be