

five dollars, nor more than three hundred dollars, in the discretion of the court of justice of the peace before whom such person shall be tried, or be imprisoned in the county jail for not less than one month, nor more than six months. And no part of a fine or cost so collected shall be paid or allowed by the court to any state's attorney as a fee where said state's attorney receives a fixed salary for his services.

### Dredging.

1904, art. 72, sec. 19. 1894, ch. 380, sec. 18. 1910, ch. 413, sec. 19 p. 206).

20. No steamer or power boat of any kind shall be used or employed in catching or taking oysters in the waters of the State with scoop, dredge or similar instrument, and the captain of any boat licensed to take or catch oysters with scoop, dredge or similar instrument, who shall have on his boat, so licensed, any engine or motor of any kind, whether attached to said boat or not, which is adapted to or can be used in the propulsion of said boat, shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than fifty dollars nor more than three hundred dollars, and no other boat shall be used in catching oysters with scoop, dredge or similar instrument without first having been licensed, as hereinafter provided.

The act of 1886, ch. 296, exacting a license fee of three dollars per ton for every vessel employed in dredging for oysters in the waters of Maryland, held to be constitutional and valid. The section of such act providing that having dredging instruments on board was *prima facta* evidence of an intention to use the vessel contrary to law, also held valid. *Dize v. Lloyd*, 36 Fed. 652. *Cf. Booth v. Lloyd*, 33 Fed. 597, and *Ex Parte Insley*, 33 Fed. 682 (declaring the act of 1884, ch. 518, invalid).

*Ibid.* sec. 20. 1894, ch. 380, sec. 19. 1900, ch. 380.

21. The comptroller of the treasury shall upon application of any person who has been a resident of this State for twelve consecutive months next preceding his application, issue a license to such resident, and to no other person, to employ such boat in taking or catching oysters with scoop, dredge or similar instrument within the waters of the Chesapeake bay, Potomac river and in Eastern bay, outside of a line drawn from the southwest corner of First Kent Point to north end of Poplar Island; provided, that nothing herein contained shall authorize the taking or catching of oysters with scoop, dredge or similar instrument on any oyster bar within one and one-half miles of Tolley's Point, Sandy Point, Hackett's Point, Thomas' Point, Holland's Island bar and Three Sisters, nor within one and one-half miles of Holland's Point bar, nor of Swan's Point bar, nor between Poplar Island and the mainland of Talbot county, south of a line drawn from the north point of Poplar Island to Low's Point on the mainland, nor north of a line drawn from the end of the south bar of Poplar Island to Pawpaw cove, on Tilghman Island, nor within one-quarter of a mile west of Poplar Island, nor within one-half of a mile of Plum Point, nor within the boundary lines of any county, unless herein otherwise specified, which license shall hold good for one season only and shall only authorize the catching of oysters