

If any such power boat or boats impelled by sail or engines of any description be found in or near the waters where wild fowl are then and there using or bedding, having on board guns or other paraphernalia commonly employed in the killing of wild fowl, or if any shots shall be fired from any such boat at or in the vicinity of wild fowl where bedded in the waters aforesaid, or if any such boat propelled by engine or sail shall be proven to have moved in the direction of such wild fowl so bedded, for the purpose of causing such wild fowl to fly from the place or waters in which they shall have been then and there bedded, such fact or facts, or any of them, shall be accepted as *prima facie* evidence of an intentional violation of the provisions of this section on the part of each person on board of such boat, and of the ownership of such boat and of the guns and paraphernalia thereon by the persons so convicted; provided:

First: That nothing herein contained shall be deemed to prohibit the proper use of duly licensed and authorized sneak boats for shooting wild fowl, or duly licensed and authorized push boats, or to prevent the towing of craft by power boats to and from the shooting grounds, or to prevent shooting over or gathering wounded or dead wild fowl, in good faith, from boats propelled only by oars, and not equipped with either sails or engines, when so used within a reasonable distance from the shore; and provided,

Second: That any person or persons other than those convicted of violating the provisions of this section who may own in part or whole any boat, gun or paraphernalia adjudged to be confiscated or ordered to be sold, as above provided, may intervene by sworn petition in the court of such conviction within ten days thereafter, and make claim to such boat or other property; and upon affirmative proof to the satisfaction of the court of such ownership and of the further facts that such owner or owners were, after making due inquiry, as above required, in fact without knowledge or notice of any kind, direct or indirect, in advance of the use made or intended to be made of such boat, guns or paraphernalia, and did not, directly or indirectly, participate therein or connive thereat, and did not, in person or by agent, loan or rent or permit the use of such boat, guns or paraphernalia to any person or persons who, to his or their knowledge or information, intended or were likely to violate the provisions of this section, or who had heretofore pursued wild fowl on the waters of this State in boats, and did not in person or by agent or employee act upon such boat as the operator or navigator thereof, then and thereupon the said court shall strike out the judgment of confiscation as to so much of said boat, guns or paraphernalia as the court shall from the evidence affirmatively find belongs to such *bona fide* innocent owner, and shall order the sale only of the remaining share or shares and interest in said boat, guns and other paraphernalia.