

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 waters of Maryland, held to be constitutional and valid. The section of such act providing that having dredging instruments on board was *prima facie* evidence of an intention to use 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 act of 1884, ch. 518, invalid).

1927, ch. 475. 1933, ch. 244.

23. It shall be unlawful for any person to use or employ in catching or taking oysters in the waters of the State or to have in his possession any scoop, dredge, scrape or similar instrument having a tooth bar more than 42 inches in length measuring from the outside teeth on dredges used in dredging on rock bottoms and 44 inches in length measuring from the outside teeth on dredges used in dredging on mud bottoms, and of a weight not exceeding 200 pounds. No "devil catcher," "devil diver" or similar device shall be had in possession or used on any dredge boat or vessel by any captain or any other person for the purpose of being attached to the dredge for steering same to the bottom.

Any person violating the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be fined the sum of \$50.00, and in addition thereto such scoop, dredge, scrape or similar instrument shall be confiscated. Upon second offense, in addition to the above penalties, any license which may have been issued under the provisions of Section 24 of this Article, to the person so convicted shall be revoked for the remainder of the season for which said license was issued.

All Deputy Commanders and Inspectors of the State Fishery Patrol are hereby authorized, directed and empowered to make an inspection of all boats and vessels engaged in the catching of oysters, for the purpose of ascertaining whether such boat or vessel is equipped or has on board any scoop, dredge, scrape or similar instrument which does not comply with the provisions of this section.

An. Code, 1924, sec. 23. 1912, sec. 21. 1904, sec. 20. 1894, ch. 380, sec. 19. 1900, ch. 380. 1933, ch. 518. 1936 (Sp. S.), ch. 100, sec. 23.

24. 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 speci-