

fied, which license shall hold good for one season only and shall only authorize the catching of oysters between the first day of November and the fifteenth day of March on which day the dredging season shall end; provided, however, it shall be lawful for the owner of any such licensed boat whenever said owner shall sell and convey by bill of sale for a *bona fide* consideration such boat to any person who has been a resident of the State of Maryland for at least one year to transfer said license to said purchaser with said boat, which license when transferred shall entitle said purchaser to the same privileges of catching and taking oysters with said boat in the waters of this State that the original owner had before such assignment; provided, said seller and buyer appear before the Comptroller of the Treasury and make oath before him to all facts, matters and things required of said original owner of such boat before taking out such license, upon which said license said Comptroller shall certify in writing that the said purchaser shall pay to the Comptroller the sum of Five dollars for the use of the oyster fund; the provisions of this Section in relation to the time of taking oysters, the time of expiration of license and the transfer of ownership shall apply to all vessels licensed by any county in this State to take and catch oysters with dredge, scrape or scoop.

Any person who shall dredge without a license or dredge in the waters not provided for in this Section shall be deemed guilty of a misdemeanor and upon conviction before any Justice of the Peace or Court of competent jurisdiction shall be subject to the penalties provided for in Section 28 of this Article. Provided, however, that no person shall be deemed to be in default under the provisions of this Section until the lapse of thirty days from the date on which he shall be required to obtain such license.

This section referred to as indicating that sec. 9 applies only to oysters taken from the waters of this state. *Tyler v. State*, 93 Md. 310.

Cited but not construed in *Givens v. State*, 76 Md. 485.

An. Code, 1924, sec. 24. 1912, sec. 22. 1904, sec. 21. 1894, ch. 380, sec. 20.

25. It shall not be lawful for the owner or master or any person on board of a vessel in this State to affix any crank, spool, winder or other machinery or equipment for operating or handling scoops or dredges or to have on board any vessel a scoop, scrape or dredge, with intent to affix the same to said vessel for use in taking or catching oysters, without having first obtained a license to take or catch oysters with a scoop or dredge as aforesaid, and the fact of having such scoop, dredge or scrape on board of any vessel shall be *prima facie* evidence of an intent to use the same contrary to this section.

The section of act of 1886, ch. 296, providing that having dredging instruments on board should be *prima facie* evidence of an intention to use vessel contrary to law, held constitutional and valid. *Dize v. Lloyd*, 36 Fed. 652.

An. Code, 1924, sec. 25. 1912, sec. 23. 1904, sec. 22. 1894, ch. 380, sec. 21. 1896, ch. 418.

26. The owner of such boat shall make oath before the comptroller or his clerk, or if the owner be a resident of Baltimore City he may make oath before the clerk of the court of common pleas, or if a resident of county he may make oath before the clerk of the circuit court for said county, at the same time exhibiting his custom-house license to said officer before whom he makes the oath that he is the *bona fide* owner of such boat described in the license; that he has been a resident of the State for the time hereinbefore prescribed; that there is no lien on said boat held by a non-resident, directly or indirectly, and that the said boat is not held and