

be given the owner or occupant of any land bordering on the waters proposed to be located, and if such owner fails to locate or appropriate to his own use the waters mentioned in said notice within thirty days after receiving the same, then it shall be open and free to any one under the provisions of this section, giving always the right to the party who shall have given the first notice; provided, second, that said location shall be marked by stakes or other designating marks; provided, third, that said location shall be made by a competent surveyor, describing the same by metes and bounds, and plat the same, which plat, with its metes and bounds shall be recorded among the land records of said county; and provided also, that such location shall not interfere with or impede the free navigation of said waters, and that no natural bar or bed of oysters shall be located or appropriated. The term natural bar or bed whenever it may appear is to be construed to be shelly bottoms and where oysters grow and where persons have resorted to within the last twelve months prior to the taking up of such lots; and any person who desires to take up such lot shall file a petition with the county commissioners of said county, stating the location of the lot desired to be appropriated, and the county commissioners of said county shall, in their discretion, appoint a commission of three to determine whether or not the location so desired to be appropriated is a natural oyster bar or bed; and at the time of making application the party desiring to make the location as aforesaid shall deposit with the said county commissioners the sum of ten dollars to pay for any expenses incident to the examination to determine whether or not the location desired is a natural oyster bar or bed, and the commissioners so appointed shall receive three dollars per day each for their services, and any amount of said ten dollars not expended shall be refunded to the applicant; and when the commission appointed by the said county commissioners shall have investigated the question as to whether or not the lot desired to be appropriated and located is a natural oyster bar or bed, then they shall report the same to the said county commissioners, and if the same be declared a natural bar or bed they shall refuse to grant to the applicant the right to take up the property so desired to be located. But if after the examination hereinbefore required to be made the said commission shall decide that the lot sought to be appropriated is not a natural oyster bar or bed, and after the same