

the owner on a board fastened to a pole or stake on or within the appropriated oyster land, or by the proper and visible metes and bounds, which description shall be reduced to writing under the oath of some competent surveyor and recorded, at the expense of the party locating or appropriating the same, in the office of the clerk of the circuit court for the county wherein such land may be located; and provided also that such location and appropriation shall not injure, obstruct or impede the free navigation of said waters; and provided that no natural bar or bed of oysters shall be so located or appropriated that twelve months' peaceable possession of all locations of oyster grounds, under the laws of this State, shall constitute a good and sufficient title thereto; but should any one within twelve months be charged with locating or appropriating any natural bed or bar hereinbefore prohibited, the question may be at once submitted by any person interested to the judge of the circuit court for the county where such question shall arise, who, after having given notice to the parties interested, shall proceed to hear the testimony and decide the case; and if his decision be in favor of the party locating said five acres, said decision shall be recorded with the original record of said five acres and shall in all cases be conclusive evidence of title thereto; provided also that if any stakes or bushes used as bounds shall be removed by accident or design, it shall not excuse any person from wrongfully taking such oysters if he knew the grounds to have been located and appropriated; but any title or pretended title to more than five acres, or otherwise contrary to this section, held or claimed by any person is hereby declared to be fraudulent and void; provided that no non-resident of this State shall be entitled to avail himself of the provisions of this section, whether he be sole or part owner of any land in this State; and in case of the death of any citizen who may have located and appropriated any lot under the provisions of this section, his executors or administrators shall have the exclusive use, possession and control of such lot as fully as the person so dying had, for the purpose of protecting, cultivating and removing the oysters planted on said lot for the period of three years from the date of the death of the person appropriating such lot; and any person or persons taking or attempting to take oysters thus planted or bedded shall be deemed guilty of a misdemeanor and upon conviction before a justice of the peace trying the case shall be fined a sum not less than fifty dollars nor more than one hundred dollars and be imprisoned in the house of correction for a period of three to six months, one-half of said fine to be paid to the informer and the other half to be paid to the county commissioners for the use of the public schools. This section not to apply to Somerset, St. Mary's and Calvert counties, for which special laws are enacted.

The provision of this section with reference to no one person owning more than one lot of five acres, can not be evaded. If an evasion is attempted, the party gets no title to the additional lots, nor do his assignees. The privilege given by this section has no element of a grant or patent, but is simply a revocable license. It is neither inheritable nor assignable. The oysters planted in pursuance of this section remain the personal property of the planter. Hess