

1906, ch. 711, sec. 102. 1912, ch. 539, sec. 102.

**104.** When the period of sixty days shall have elapsed after said survey shall have been completed, and after the lands beneath the waters of any area shall have been opened to leasing under section 101 of this article, the Board of Shell Fish Commissioners shall endeavor to lease the remaining portions of land so open to oyster culture under the provisions of this sub-title to applicants, who shall be residents of Maryland, in the order of their applications received and opened by said commissioners.

1906, ch. 711, sec. 103. 1914, ch. 265, sec. 103.

**105.** Any person who may desire to plant and cultivate oysters in the area hereinbefore designated shall file with the Board of Shell Fish Commissioners an application substantially in the form prescribed in Section 103 of this article. The applicant, who must be a resident of the State of Maryland, shall indicate plainly the location of the land he desires to lease. The application shall be sworn to before a Justice of the Peace of this State. A fee of five dollars shall be paid by the applicant to the Board of Shell Fish Commissioners at the time of filing the application which fee shall be returned to the applicant if his application shall be for any reason declined. All applications for leases pending at the time of the passage of this Act, but not then actually issued and in force, and all applications hereafter made shall be advertised by said Board once a week for four successive weeks in a newspaper published in the County in which or nearest to which the area applied for is located, said advertisement to describe the location of the area applied for and to give the name and residence of the applicant, and the Board shall have no power to issue any lease without such advertisement. Any three or more residents of this State may within the period of thirty days after the last insertion of such advertisement file a protest in writing against such application in the Circuit Court for the County in which or nearest to which the area applied for is located, and the Clerk of said Court shall thereupon docket a suit at law in which the protestants are to be the plaintiffs and the Board of Shell Fish Commissioners the defendant, and the said case shall thereafter proceed as set forth in Section 96B, with the right of appeal as provided in said Section; provided, however, that no such protest may be filed if it shall appear that the character of the area in question has been adjudicated in proceedings theretofore taken under the provisions of Section 96B, or that proceedings under said Section are then pending. If no protest is filed within the time herein provided, all leases issued after the passage of this Act, in accordance with its provisions, shall be binding on the respective parties thereto and conclusive as to the nature of the area leased, notwithstanding the provisions of Sections 96A, 96B and 96C of this article.