

An. Code, sec. 48. 1904, sec. 47. 1900, ch. 380, sec. 46A.

**50.** It shall be unlawful for any person or persons or corporation to locate or appropriate any natural bar or bed of oysters by certificate, as provided in section 49 of this article, and such unlawful location is hereby declared a misdemeanor, and upon conviction before a court of competent jurisdiction or justice of the peace, there shall be a fine of not less than fifty dollars or imprisonment for not more than three months, or both fine and imprisonment, in the discretion of the court.

See notes to sec. 49.

An. Code, sec. 49. 1904, sec. 48. 1894, ch. 380, sec. 47.

**51.** If any creek, cove or inlet not exceeding one hundred yards at low water in breadth at its mouth make into the land, or if any creek, cove or inlet of greater width than one hundred yards at low water mark make into the land, the owner or other lawful occupant shall have the exclusive right to use such creek, cove or inlet when the mouth of said creek, cove or inlet is one hundred yards or less in width; and when the said creek, cove or inlet is more than one hundred yards in width at its mouth at low water, the said owner or other lawful occupant shall have exclusive right to use such creek, cove or inlet so soon as said creek, cove or inlet in making into said land or lands shall become one hundred yards in width at low water, for preserving, depositing, bedding or sowing oysters or other shell fish, although such cove, creek or inlet may not be included in the lines of any patent; and in all such cases such rights of the riparian proprietor shall extend to the middle of such creek, cove or inlet.

There is no conflict between this section and sec. 49. If more than twelve months subsequent to location of a private bed, the creek becomes less than one hundred yards wide, right to said bed is no longer good as against riparian owner. Equity has jurisdiction to protect and enforce rights of a riparian owner under this section, subject to right of the original owner of the bed to remove oysters already planted, within a reasonable time. *Powell v. Wilson*, 85 Md. 358.

Cited but not construed in *Windsor v. State*, 103 Md. 613.

See notes to sec. 49.

An. Code, sec. 50. 1904, sec. 49. 1894, ch. 380, sec. 48. 1896, ch. 418.

**52.** It shall be unlawful, without authority from the owner, for any person or persons to take or catch planted or bedded oysters, knowing them to be so planted or bedded, or to remove, break off, destroy, or otherwise injure or alter any stakes, bounds, marks, buoys or other designation of any of said beds; any person or persons violating the provisions of this section or section 51 of this article shall be guilty of a misdemeanor and upon conviction thereof before the circuit court or a justice of the peace for the county where the oysters were bedded, shall be liable to the fines and penalties in section 49 of this article.

An. Code, sec. 51. 1904, sec. 50. 1894, ch. 380, sec. 49.

**53.** Any person convicted before a justice of the peace under any of the preceding provisions of this article shall in all cases have the right of an appeal to the circuit court for the county.

No appeal lies from the judgment of the circuit court under this section, whether the justice had jurisdiction or not. *Messick v. State*, 82 Md. 585.