

may be set aside by the Conservation Commissioner for seed oysters. In case money is paid in lieu of the ten per cent of shells, the Conservation Commissioner shall convert same into shells or seed oysters to be transplanted in like manner.¹

Oyster Culture.

111.

This section referred to in discussing meaning of term "citizen"—see notes to art. 25, sec. 143. *Fitzwater v. Hydro-Elec. Corp.*, 149 Md. 466.

An. Code, 1924, sec. 116. 1912, sec. 100. 1906, ch. 711, sec. 98. 1912, ch. 539, sec. 98. 1914, ch. 265, sec. 98. 1927, ch. 610.

116. After the survey or resurvey provided for herein shall have been completed, it shall be the duty of the Conservation Department to lease, in the name of the State of Maryland, tracts or parcels of land beneath the waters of this State, whether within the limits of the Counties or elsewhere, in the area to be opened for oyster culture, according to the provisions of this sub-title; provided, that no tract so leased, if situated within the territorial limits of any County in this State, shall contain less than one acre of land, and if situated in any other place, no tract so leased shall contain less than five acres. It shall be the duty of said Department to require that the tracts so leased shall be as nearly rectangular as is convenient. It shall be the duty of the said Department to demand from each lessee payment of the rent each year in advance. No person shall be permitted, by lease, assignment or in any other manner, to acquire a greater amount of land than thirty acres situated within the territorial limits of any of the Counties, or five hundred acres in any other place; provided, however, that an individual may acquire a tract not exceeding one hundred acres of land beneath the waters of Tangier Sound. Leases of such lands shall be made only to residents of Maryland. The term of such leases shall be twenty years, and the annual rent therefor shall be such sum as in the judgment of the Conservation Department is a proper one and commensurate with the value of the land so leased; provided, however, that no land shall be leased at a less price than one dollar (\$1.00) per acre. If any part of the rent reserved under such leases shall remain unpaid for more than sixty days after the same becomes due, such lease or leases may at the option of said Department be declared void, and in that event the land shall revert to the State and may be leased again in accordance with the provisions of this section. The said Department may, at the request of any lessee, if it shall appear equitable so to do, upon cause shown in writing, cancel his lease as to the whole or a part of the lands leased. At the expiration of any lease now in force, there shall be allowed an additional period of 3 years to all such lessees and at the expiration of the said 3-year additional period, the leased bottoms shall revert to public use and anyone desiring to lease the same shall make application in the manner now prescribed by law; provided, however, that the application of lessees shall be considered as having prior right and shall be given first consideration in making such leases.

¹ Sec. 3 of ch. 119 of the acts of 1927 repealed all laws inconsistent therewith to extent of inconsistency.