

said waters, shall have the exclusive privilege of using the same for protecting, sowing, bedding or depositing oysters or other shell fish within the lines of his own land, and any owner of land lying and bordering upon any of the waters of said county shall have power to locate and appropriate in any of the waters adjoining his or her lands, one lot of five acres for the purpose of protecting, depositing, bedding or sowing oysters or other shell fish; and any male or female citizen of full age, provided they are not members of the same immediate family, of the county wherein he or she resides, shall have power to locate and appropriate and hold one lot of five acres and no more, in any waters of said St. Mary's county not located or appropriated; provided, thirty days' notice in writing shall be given the owner or occupant of land bordering on said waters proposed to be located, that the owner or occupant may have priority claim, and if such owner or occupant shall fail to locate or appropriate the water mentioned in said notice, then it shall be open and free to any one under the provisions of this section; provided also, that the said location or appropriation shall be described and plainly marked by means of bushes, stakes or buoys; and provided, that no natural bar or bed of oysters shall be so located or appropriated, and that six 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 anyone within six 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 said county, 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 acres, said decision shall be recorded, and shall in all cases be conclusive evidence of title thereto; provided also, that if any stakes, bushes or buoys 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; and any person wilfully or maliciously removing such stakes, bushes or buoys shall be liable to all the penalties of this Act, but any title or pretended title to 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 St. Mary's county; 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 imprisoned in the house of correction for a period of three to six months;