

taken from the bottom. Any person caught at work on any planted oysters in the Synepuxent Bay or its tributaries, without proper authority from the owner, upon sufficient proof and conviction before a justice of the peace, or the Circuit Court for said county, shall be fined not less than twenty dollars nor more than one hundred dollars for each offense, and shall stand committed till fines and costs are paid.

P. L. L., 1888, Art. 24, sec. 174. 1920 Code, sec. 217.

170. No person shall catch, take or remove any shells or oysters from the natural beds in the waters of Synepuxent Bay or its tributaries, with scrapes, scoops, dredges or drags, or with any instrument in the working of which any other than hand power is used; and any person violating any of the provisions of this section shall, upon indictment and conviction thereof, be fined not less than fifty nor more than three hundred dollars for each offense, with costs.

P. L. L., 1888, Art. 24, sec. 175. 1920 Code, sec. 218.

171. It shall be lawful for any citizen of said county to stake off, not exceeding five acres in any one place in the waters of Synepuxent Bay and its tributaries, except upon the natural rocks of said bay and its tributaries, and to plant and lay down oysters in said waters so staked off; and no person except the owner of said planted or laid down oysters, or his employee, shall work upon or among said oysters, or in the waters so staked off; provided, that that portion of the said waters in which oysters are, or are intended to be planted or laid down, not exceeding five acres in any one place, be kept plainly marked by means of bushes, stakes or buoys; and any person wilfully or maliciously removing said bushes, stakes or buoys, shall be liable to all the penalties of this section; and provided further, that nothing in this section shall affect the rights of owners of land to the exclusive use of any creek, cove or inlet within their said lands, not exceeding one hundred yards in width at its mouth; and any person violating any of the provisions of this section, shall be liable to be sued as for damages to any other property, and also to indictment by the grand jury of said county, and upon conviction of any such violation shall be fined not less than ten dollars nor more than one hundred dollars, with costs, or be imprisoned not less than one month nor more than six months in the county jail, or both, in the discretion of the court, for each offense; and in any prosecution for violating any of the provisions of this section it shall not be necessary in order to convict, to prove that the offender was actually taking up oysters but only that he was at work in the water so staked off by bushes, stakes or buoys as aforesaid.

P. L. L., 1888, Art. 24, sec. 176. 1920 Code, sec. 219.

172. Any person, except the owner or his employee, who shall take or remove any oysters from the waters of the Synepuxent Bay or its tributaries in Worcester County, staked off and kept plainly marked by means of bushes, stakes or buoys, as provided in the preceding section, shall be