

1931, ch. 432, sec. 154B. 1933, ch. 300. 1933 (Special Sess.), ch. 77, sec. 154B.
1935, ch. 221.

154B. The Waters of Worcester County, except those exempted by Section 125, and such waters as are or may be designated as clamming grounds, provided for in Section 154BB, are hereby declared to be open for oyster culture, according to the provisions of this sub-title and as herein provided.

Any resident of Maryland who may desire to plant or cultivate oysters on said area may apply to the Conservation Department for a lease, not exceeding fifty acres to any one person.

At the time of the filing the application the applicant shall stake out the ground applied for and designate same by four suitable stakes or markers, one of which shall be placed on each corner of said lot, and shall plainly mark his name on the two outer stakes. Said stakes when properly placed shall designate the lot applied for and give the applicant prior rights to said ground until the surveyor of the department shall have an opportunity to survey same in order to get the proper boundaries. After said ground has been so surveyed, the stakes or buoys must be kept up as is required in the case of other leased ground in the State.

Whenever the Conservation Commission shall consider that the Ocean City Inlet is sufficiently advanced to warrant the leasing of oyster bottoms, he shall give notice, by publication in a newspaper of general circulation in Worcester County, that on a day to be named in said notice, he will receive applications for lease; and no application shall be acted upon by the Conservation Commission until after the giving of said notices as herein provided.

All applications shall be given priority in the order in which they are received, except that for a period of thirty days after the effective date named in said notice priority rights shall extend to any bona fide owner or occupant of a planted area in any of these waters.

After said thirty days have elapsed, any resident of Worcester County shall have prior right over all other applicants for a period of thirty days.

No assignment or transfer of any interest acquired by this sub-title shall be valid for any purpose if made to a non-resident of this State, a corporation or joint stock company. If any such assignment is attempted to be made, or if any assignment of any interest created by this sub-title is attempted to be made, in such a way that the assignee shall become the holder of more than fifty acres, all interest of the grantor or assignor shall revert to the State as if no lease had ever been made.

Provided, however, that the Conservation Commission shall not act upon any application, or execute any lease of oyster bottom, in that part of Chincoteague Bay lying south of a line drawn from the mouth of Tanhouse Creek (as shown on Conservation Department Chart No. 2 on file in the office of the Clerk of the Court of Worcester County), thence running due east to the beach on the eastern side of Chincoteague Bay above Sugar Point, until he shall determine that the salinity of the waters therein