

23. Any citizen of this State owning lands lying in any of the navigable waters of this State, the lines of such lands, including any land covered by such waters, may deposit, plant, bed, sow oysters or other shell fish in the waters so included within the lines of his land; and any citizen of any county owning land lying or bounding upon the waters of this State, may locate and appropriate in any of the waters thereof contiguous thereto, five acres for the purpose of preserving, depositing, bedding, or sowing oysters or other shell fish; *provided*, that the said location or appropriation shall be described by stakes, bushes, or other visible and proper marks, or metes and bounds, which description shall be reduced to writing under oath, and recorded at the expense of the party, in the office of clerk of the Circuit Court of the proper county, and that the said location and appropriation shall not injure, obstruct or impede the free navigation of any navigable waters; but no such location or appropriation shall interfere with the rights reserved by sections twenty-three and twenty-four of this act.

24. If any creek, cove or inlet, not exceeding one hundred yards in breadth at its mouth, makes into the land or lands, the owner or owners, or other lawful occupant or occupants, shall have the exclusive right to use said creek, cove or inlet, for depositing, planting, bedding and sowing of oysters and other shell fish, although such creek, cove or inlet may not be included in the lines of any patent.

25. Any person who shall take with a drag, dredge, scoop, rakes, tongs, or any other instrument, or by any means or method whatever, any oysters or other shell fish embedded, planted, or sown in accordance with the provisions of sections twenty-three and twenty-four, or shall carry or attempt to carry the same away, shall, on conviction thereof in a court having jurisdiction in such case, be deemed guilty of felony, and shall be sentenced by the judge of such court, to the penitentiary for a term not exceeding five years, nor less than one year, at the discretion of the court.