

such lot; and any person committing a trespass upon said lot, or taking oysters bedded thereon, without the consent of such executor or administrator, shall be liable to the penalties imposed by this article for taking bedded oysters.

1886, ch. 296, sec. 45.

40. If any creek, cove or inlet, not exceeding one hundred yards at low water in breadth at its mouth, make into the lands, or if any creek, cove or inlet of greater width than one hundred yards at low water mark, make into the lands, the owner or other lawful occupant shall have the exclusive right to use such creek, cove or inlet when the mouth of said creek, cove or inlet is one hundred yards or less in width; and when the said creek, cove or inlet is more than one hundred yards in width at its mouth at low water, the said owner or other lawful occupant shall have exclusive right to use such creek, cove or inlet so soon as said creek, cove or inlet in making into said land or lands shall become one hundred yards in width at low water, for preserving, depositing, bedding or sowing oysters or other shell fish, although such cove, creek or inlet may not be included in the lines of any patent; and in all such cases such right of the riparian proprietor shall extend to the middle of such creek, cove or inlet.

Ibid. sec 46.

41. It shall be unlawful, without authority from the owner, for any person to take or catch planted or bedded oysters, knowing them to be so planted or bedded, or to remove, break off, destroy or otherwise injure or alter any stakes, bounds, marks, buoys, or other designation, of any of said beds; any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and on conviction in the circuit court for the county wherein the oysters were bedded, shall be fined not less than five dollars nor more than fifty dollars, or be sentenced to the house of correction for a term of not less than three months nor more than one year, at the discretion of the judge or justice trying the case.