

included in the boundaries of said Worcester county, with rakes and tongs, and not otherwise; but no person licensed as above, nor any other person, shall take or remove any oysters from the waters of said bay or its tributaries, on any Sunday, or in the night at any season, nor during the day from the first day of May to the first day of September, or any shells from natural rocks of said bay at any time; provided, that nothing herein shall be construed to forbid any person from taking or catching his own planted oysters at any time, or with any kind of instruments; and any person violating any of the provisions of this section shall be guilty of a misdemeanor, and upon indictment and conviction thereof shall be fined not less than twenty dollars nor more than one hundred dollars for each offence, and shall stand committed to the jail of Worcester county till the fine and costs are paid, or both fined as aforesaid and imprisoned in the jail of Worcester county for not less than sixty days, in the discretion of the court.

1888, ch. 246.

172. It shall be lawful for any resident citizen of Worcester county to plant or lay down oysters in any of the waters of the Synepuxent bay or its tributaries, except upon the natural rocks in said bay or its tributaries; and any person so planting shall keep the said oysters so planted, staked with stakes, bushes or buoys, and four stakes, bushes or buoys shall constitute a sufficient quantity to mark said ground so planted; that is to say, one at each corner of said ground; and in case of storms or ice taking up said stakes, bushes or buoys, or a part of them, one stake, bush or buoy shall be sufficient notice that oysters have been planted there, until the owner has sufficient time thereafter to re-stake said oyster grounds; and if any person, through mistake or ignorance, should plant upon a natural rock, or part of a rock, it shall be the duty of the county commissioners of said county, upon the sworn statement of any informant, to appoint and commission three disinterested men, on oath, to go on said oyster ground with the owner and examine and determine the same; and if they shall find a rock in said oyster ground so staked more than twenty feet square, in any one place in said ground, they shall value the same upon oath, and the person so planting shall pay the amount of said valuation to the county commissioners for the use of said