

Fine for violation.

by the preceding section of this article, in taking or catching oysters with rakes or tongs, except for private use, he shall, upon conviction thereof before a justice of the peace for the county wherein the offence has been committed, be fined not less than twenty nor more than one hundred dollars, and in case of refusal to pay the said fine said party shall be confined in the House of Correction for a period not less than three months nor more than three years.

Fines to be paid into treasury.

SEC. 22. *And be it enacted*, That all moneys arising from fines, penalties or forfeitures imposed under this article shall, upon warrant of the Comptroller, be paid into the treasury and placed to the credit of the oyster fund, and the Comptroller is hereby required to state in his annual report, particularly the receipts and expenditures on account of said fund, the balance standing to the credit of the State at the time of making such report.

Have exclusive privilege

Power to locate five acres

SEC. 23. *And be it enacted*, That the owner or owners of any land bordering on any of the navigable waters of this State, the lines of which extend into and are covered by said waters, shall have the exclusive privilege of using the same for protecting, sowing, bedding or depositing oysters or other shell fish within the lines of their own land; and any owner or owners of land lying and bordering upon any of the waters of this State shall have power to locate and appropriate in any of the waters adjoining his, her or their lands, five acres, for the purpose of protecting, preserving, depositing, bedding or sowing oysters or other shell fish; and that any other citizen of the State shall have power to locate and appropriate five acres in any waters in said State not located or appropriated; provided thirty days' notice in writing shall be given the owner or owners, occupant or occupants of land bordering on said waters proposed to be located, that the owner or owners, occupant or occupants, may have priority of claim, and if they shall fail to locate or appropriate the water mentioned in said notice within thirty days after receiving the same, then it shall be open and free to any one under the provisions of this section; provided, also, that the said location or