

under the provisions of this act, then the same shall not be located or appropriated; but if the said commissioners, or a majority of them, should determine after a careful examination as aforesaid, that the said water or the bottom thereunder is subject to location and appropriation under the provisions of this act, then it shall be lawful for the person desiring to locate and appropriate the same as aforesaid to cause the same then and there to be surveyed by a competent surveyor, and in the presence of said commissioners, or a majority of them, and then and there also cause the lines, bounds and limits of said lot to be marked, designated and bounded by stakes or other prominent boundaries so that the said lot and the limits thereof may be easily known and designated, which said survey shall be reduced to writing by said surveyor and a plat thereof made, which said written description and plat thereof shall be approved by the commissioners aforesaid, or a majority of them, and filed for record with the clerk of the circuit court for Somerset county, who shall record the same charging therefor the usual fee allowed by law; and at the time of filing the same for record, the party so filing the same shall also pay the said clerk the sum of one dollar for the benefit of the public schools of Somerset county; and the said clerks shall every six months account and pay over to the treasurer of the school board of said county the amount which he shall have in hand from this source, and for which his bond shall be liable; the person or persons causing the said survey to be made shall pay the said surveyor for the said survey, description and plat a sum not exceeding four dollars for each lot so surveyed, described and platted; and shall also pay the said commissioners who may have examined the said water and the bottom thereunder, each the sum of two dollars for each lot so examined, whether so located or not, which said sum shall be paid before any approval of any survey or plat as hereinbefore required in order that the said survey and location shall be valid.

For record

Shall pay.

C. Whenever five acres of water or the bottom thereunder shall have been located and appropriated as required by the preceding sections of this act, the person or persons so locating and appropriating the same shall have an easement in said lot for the purpose of planting, bedding, protecting, preserving, depositing and sowing oysters, shells and other shell-fish thereon, which said easement may be transferred by deed to any male citizen of full age, of Somerset county, who is not at the time of said transfer possessed of one of said lots which said deed shall be executed, acknowledged and recorded, as others deeds now are; and any such easement in any lot located under the provisions of this act as aforesaid, and the oysters on said lot shall be liable to assessment and taxation as other property; but the said interest or easement aforesaid in said lots shall cease upon the death of the

Easement.