

appropriation of five acres before the passage of this act, oysters have been caused to grow where there were no oysters before said location, that is to say: where there is an artificial bar or bed of oysters, it shall not be construed to be a natural bar or bed of oysters, under the provisions of this act.

E. It shall not be lawful for any person or persons to locate or appropriate any water or bottom thereunder for the purposes set forth in this act, where the said bottoms are grassy or suitable for the catching of crabs; and whenever any person or persons in Somerset county shall feel himself or themselves aggrieved by the location of any water or the bottom thereunder, under the provisions of this act, or whenever any water or bottom thereunder may have been located or appropriated for the purposes aforesaid, which locations in fact is a violation of the provisions of this act, said person or persons shall have the right to petition the circuit court for Somerset county at any time, within twelve months after said location, and cause the said owner or owners of said lot to appear by summons in said court; after which said court shall hear and determine the matters and things set forth in said petition, and if the said court should determine that the said lot has not been located and appropriated according to the provisions of this act, then the said location shall be declared null and void; and the said court may hear and determine the said matter either during the regular terms of said court, or in the recess.

F. Any person who shall wilfully and unlawfully steal, take, catch or carry away any oysters which may have been planted, bedded or sown under the existing laws of this State, or who may hereafter steal, take, catch, carry away oysters planted, bedded or sown under the provisions of this act, shall on indictment and conviction in the circuit court for Somerset county be fined not less than one hundred nor more than five hundred dollars, and shall stand committed to the jail of Somerset county until the said fine and costs are paid or be sentenced to the house of correction for not less than one year nor more than three years in the discretion of said court; but whenever the owner or owners of any lot heretofore located, or located under the provisions of this act shall not maintain and keep up the stakes or other prominent boundaries provided for in section A of this act for the space of three consecutive months, so that the boundaries of said lot cannot be determined, then there shall be no prosecution for removing said oysters on said lot under the provisions of this section; but whenever any person or persons shall intentionally or maliciously break, tear down or remove any steps or other prominent boundaries which have been planted or erected for the purpose of designating the lines or limits of any lot located as aforesaid, so that the lines and limits of said lot are obliterated, the person or persons so offending shall be liable to a fine of not less than twenty-five dollars nor more

Unlawful.

May petition.

Penalty.

Maliciously destroy.