

file a protest in writing against such application in the Circuit Court of the county in which or nearest to which, the area applied for is located, and the Clerk of said Court shall thereupon docket a suit at law in which the protestants are the plaintiffs and the Department of Tidewater Fisheries is the defendant. The Court, or any Judge thereof, shall thereupon pass an Order directing summons to issue for the defendant, to be served in the same manner as summons in action at law, and returned by some day to be named in said Order. Said Court or Judge shall also furnish the defendant with a copy of the petition and the defendant shall answer said petition within fifteen days after the return day to which it is summoned, unless the Court, for good cause, has extended time for answering it. After filing of said answer, or in default of answer within the time fixed, the Court shall proceed promptly to hear all evidence adduced by the parties, or either of them, and shall decide whether the area described in said petition is or is not within any of the prohibited areas set forth in subsection (b) of this section and for which a lease shall not be granted, and judgment shall be entered accordingly. The hearing in said Circuit Court shall be before a jury unless jury trial be waived by all parties, in which event the hearing shall be before any Judge or Judges of said Court. An appeal to the Court of Appeals of Maryland may be taken by either party to said cause from the judgment of said Circuit Court within thirty days thereafter, and the Court of Appeals shall have the power to review all questions of fact or law involved. If the final decision shall be that the area in question is a natural oyster bar or bed, Charts of the Oyster Survey of 1906 to 1912, on record in the office of the Department of Tidewater Fisheries, shall be amended accordingly. The parties filing petition in the Circuit Court, as herein provided, shall first file a bond, with sufficient surety, in the sum of Twenty-five Dollars (\$25.00), conditioned to pay Court costs incurred in the event said petition is dismissed, and the costs are imposed upon the petitioners; and the party or parties taking the appeal to the Court of Appeals shall file a similar bond in such sum as the Lower Court may fix, conditioned to pay Court costs incurred in the event the appeal to the Court of Appeals is dismissed, and costs are imposed upon the appellant.

SEC. 2. *And be it further enacted*, That this Act shall take effect June 1, 1947.

Approved April 25, 1947.