

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 appropriation shall be described by stakes, bushes, and with the name of the owner on a board fastened to a pole or stake on or within the appropriated oyster land or other proper and visible metes and bounds, which description shall be reduced to writing, under the oath of some competent surveyor, and recorded at the expense of the party locating or appropriating the same, in the office of the clerk of the circuit court in the county wherein such land may be located; and provided also that such location and appropriation shall not injure, obstruct or impede the free navigation of said waters; and provided that no natural bed or bed of oysters shall be so located or appropriated, and that twelve months peaceable possession of all locations of oyster grounds under the laws of this state shall constitute a good and sufficient title thereto; but should any one within twelve months be charged with locating or appropriating any natural bed or bar hereinbefore prohibited, the question may be at once submitted, by any person interested, to the judge of the circuit court in the county where such questions shall arise, who, after having given notice to the parties interested, proceed to hear the testimony and decide the case, and if decision be in favor of the party locating said five acres, said decision shall be recorded with the original record of said five acres, and shall in all cases be conclusive evidence of title thereto; provided also that if any stakes or bushes, used as bounds, shall be removed, by accident or design, it shall not excuse any person from wrongfully taking such oysters if he knew the grounds to have been located and appropriated; but any title, or pretended title to more than five acres or otherwise contrary to this section, held or claimed by any person, is hereby declared to be fraudulent and void; provided that no non-resident of this state shall be entitled to avail himself of the provisions of this section, whether he be sole or part owner of any land in this state.

Proviso.

Proviso.

Evidence of title.

Proviso.