

CHAP. 711

Report to be completed within ninety days after survey.

Conclusive evidence of boundaries and limits of natural oyster beds, etc.

Proviso.

Judgment to be exercised liberally.

beds, bars and rocks, as established by said survey, and they shall take true and accurate notes of said survey in writing, and make an accurate report of said survey, setting forth such a description of land marks as may be necessary to enable the said board, or their successors, to find and ascertain the boundary lines of the said natural oyster beds, bars and rocks, as shown by a delineation on the maps and charts provided in this Act; said report shall be completed and filed in the office of the board in the city of Annapolis, within ninety days after the completion of the survey of any county. Said commissioners shall cause the same to be published in pamphlet form, and transmit copies of the same to the clerks of the Circuit Court for the respective counties, where the charts have been filed or directed to be filed as hereinafter provided; the said report to be filed by the clerks of the several counties in a book kept for that purpose. And the said survey and report, when filed, subject to the right of appeal hereafter provided for in this Act, shall be taken in all the courts of this State as conclusive evidence of the boundaries and limits of all natural oyster beds, bars and rocks, lying within the waters of the county wherein such survey and report are filed, and shall be construed to mean in all of the said courts that there are no natural oyster beds, bars or rocks lying within the waters of the counties wherein such report and survey are filed, other than those embraced in the survey authorized by this Act, and that all areas of the Chesapeake bay and its tributaries within the State of Maryland, not shown in the survey to be natural oyster beds, bars or rocks, shall be construed in all the courts of the State to be barren bottoms, and open for disposal by the State for the purpose of private planting or propagation of oysters thereon, under the provisions of this Act; provided, that the said survey and report shall not be so construed as to affect in any manner the holdings by citizens of this State in any lot which may have been appropriated or taken up under the laws of this State prior to the approval of this Act.

Section 90. The said board, in defining the natural beds and bars, shall exercise its judgment liberally in favor of the natural beds and bars, and allow a reasonable margin of the barren bottoms, rather than encroach on a natural bed or bar. The natural beds or bars shall be bounded by straight lines, even though some portions of barren bottoms may thus be necessarily included within such lines.