

Section 91. If residents of any county, exceeding twenty-four in number, shall, within four months after the filing of said survey and report in such county, file in the Circuit Court for said county a petition, in writing, attested by the oath of some one or more of the petitioners, alleging that five or more adjacent acres of oyster beds, bars or rocks, in such county, have been omitted from such survey, or that five or more acres of barren bottoms have been included in such survey, and designating the location of same by a plat, or as near as may be with reasonable certainty by such land marks as will locate and designate the beds alleged to have been omitted or included, a judge of the Circuit Court for the said county, after due notice given to the Board of Shell Fish Commissioners, shall proceed to hear testimony and decide the case, as provided in the succeeding section, but this section shall not apply where the ground claimed by the petitioners has been legally taken up prior to the approval of this Act.

CHAP. 711

Judge of
Circuit
Court to hear
testimony in
reference to
the omission
from survey
of oyster
beds, etc.

Section 92. Upon hearing a case presented by petition under the preceding section, the judge shall determine the question whether the ground referred to in said petition is a natural bed or barren bottom, and his finding on said question shall be final, and shall be entered upon the records of the Board of Shell Fish Commissioners in their office in the city of Annapolis, and properly marked on the copies of the plats as hereinbefore required.

Finding of
judge shall
be final.

Section 93. Such amended survey shall be filed in the offices of the clerks of the Circuit Court for the counties in which the original surveys hereinbefore provided are required to be filed, and when so filed shall be conclusive evidence in all the courts of this State as to whether the area embraced therein is or is not a natural oyster bed, bar or rock.

Amended
survey shall
be filed with
the clerk of
the Circuit
Court.

Section 94. Whenever a petition is filed in the Circuit Court for any county, as authorized in Section 91 of this Act, the parties so petitioning shall deposit twenty-five dollars, to be returned to the petitioners if the judge shall determine in favor of the petitioners; but if the judge shall determine adversely to the petitioners, then said sum to be applied, so far as necessary, to the payment of costs incurred in the proceedings under said petition, and the balance to be returned to said petitioners.

Deposit of
twenty-five
dollars shall
be made.