

shall be described in writing, under the oath or affirmation, and recorded at the cost of the party applying, in the office of the clerk of the proper county: *And provided also*, that the said location and appropriation, shall not injure, obstruct, or impede the free navigation of any estuary or navigable stream in this state.

Navigation protected.

Right of pre-emption along shore.

SEC. 2. *And be it enacted*, That the proprietor of the adjacent shore shall have a right of pre-emption for one acre of superficies, extending along the shore from the ordinary low water mark, in the direction of the main channel, to be equi-lateral, or as nearly square as the situation and circumstances may admit of, subject, however, to the limitations herein before contained :

Conditions stipulated.

Right to inlets, &c.

And provided, that the said location shall be selected and completed on or before the first day of January next : *And provided also*, that no person or persons, other than the citizens of the county into which any creek or inlet may run, or extend, from any bay, sound, river, or other main stream, shall be entitled to select, stake out, and use, any part or portion, of any such creek or inlet, so running into, or being encompassed on either side by any one county ; and that any proprietor, into whose land a creek, cove, or inlet, may make, which at its mouth does not exceed one hundred yards in width, shall have the exclusive right of such creek, cove, or inlet, for the deposit and use of any oysters or other shell fish : *Provided always*, that no such selection or exclusive use of any oyster bar or bars, shall be authorized or allowed by this act.

Proviso.

Taking oysters, &c. from depots declared a misdemeanor.

Proviso.

SEC. 3. *And be it enacted*, That it shall not be lawful for any person or persons, to catch, or take any oysters or other shell fish, within the limits or adopted depot, of any citizen of this state, as described by this act, without permission first had and obtained from the proprietor of such depot ; and any such taking, either by day or by night, shall be deemed and held in law to be a trespass, and deemed a misdemeanor in the cases herein after mentioned ; *Provided however*, that the proper owner of such depot shall keep up, from year to year, and shall annually deposite, bed, or sow thereon, a quantity of oysters or other shell fish, for improvement, as contemplated by this act, sufficient to preserve the increase and growth of such oysters or shell fish, in the depot so selected, as aforesaid ; and the neglect or failure of such depositing, bedding, or sowing, shall be deemed and held to be a non-user, and the said depot, in that event, may be adopted and appropriated by any other citizen as aforesaid, for the purposes of this act, in the *summer** as if the said depot had been vacant, and subject to the like limitations, conditions and penalties, as are contained herein and provided for.

Non-user.

(*same manner)