

## CHAPTER 284.

(Senate Bill 174)

AN ACT to repeal and re-enact, with amendments, Sub-section (i) of Section 1 of Article 72 of the Annotated Code of Maryland (1939 Edition), title "Oysters and Clams", sub-title "Definitions", as said Article was recodified by Chapter 929 of the Acts of 1945, further defining a natural oyster bar.

SECTION 1. *Beit enacted by the General Assembly of Maryland,* That Sub-section (i) of Section 1 of Article 72 of the Annotated Code of Maryland (1939 Edition), title "Oysters and Clams", sub-title "Definitions", as said Article was recodified by Chapter 929 of the Acts of 1945, be and it is hereby repealed and re-enacted, with amendments, to read as follows:

## 1.

(i) Natural Oyster Bar—Any submerged oyster bar, reef, rock or area represented as an oyster bar on the Charts of the Oyster Survey of 1906 to 1912, or amendments thereto, or any such area which has or shall be declared by any Circuit Court to be a natural oyster bar, or any area on which the Department of Tidewater Fisheries has planted or shall plant oysters or shells; all such areas, bars, rocks or reefs, being delineated on charts in the office of the Department of Tidewater Fisheries.

A "natural oyster bar" whenever used in this Article, shall also be construed to mean and include all oyster beds and bars under any of the water of this State whereon the natural growth of oysters is in such abundance that the public have successfully resorted to such beds or bars for a livelihood, whether continuously or at intervals, during any oyster season within five years prior to the filing of the application for a lease of the area in question, or within five years prior to the making of a re-survey under this section, provided that the actual condition of the area in question at any time within said respective periods of five years or up to the date of the hearing of shall be taken into consideration in determining whether or not said area is a natural bed or bar, as herein defined.

SEC. 2. *And be it further enacted,* That this Act is hereby declared to be an emergency measure and necessary for the immediate preservation of the public health and