

device, built or set up contrary to the true intent and meaning of this act, it shall and may be lawful for such person or persons to plead the general issue, and give this act and the special matter in evidence, and if upon trial the plaintiff or plaintiffs shall be non-suit, or shall discontinue his or their suits, then and in such case the defendant or defendants shall recover double costs.

Seans may  
be drawn in  
Patuxent,  
&c.

SEC. 5. *And be it further enacted*, That no person or persons whatsoever shall, from and after the twentieth day of February next until the twentieth day of May ensuing, and so yearly and every year during the times aforesaid, hale, draw or lay across, any sean or seans, thereby to catch or take any kind of fish in the said river of Patuxent, from Mount Calvert to the head thereof, except on Tuesday, Wednesday, Thursday and Friday, in each week, during the times aforesaid and the continuance of this act; and that if any person or persons shall hale, draw or lay across, any sean or seans, on the other day or days, except as before excepted, during said time, and be thereof legally convicted, by the oath of one or more credible witness or witnesses, or by his or their confession, shall forfeit and pay the sum of ten pounds current money, to be recovered and applied as aforesaid.

Proviso.

SEC. 6. *Provided always*, That nothing in this act contained shall prevent any person or persons whatever from erecting such wears as are commonly set in the sides of the rivers, any where in the river Susquehanna where the tide ebbs and flows, nor in any part of the river Patuxent below the place commonly called Mount Pleasant.

Enacted into a permanent law by 1798, ch. 71.

#### CHAPTER 5.

AN ACT to prevent any obstruction of the navigation in the river Patowmack.

See note to May 1768, ch. 7.

Preamble.

WHEREAS it is represented to this general assembly, that the water carriage is greatly obstructed by erecting fish-dams above the falls in the river Patowmack, and also in Monococy river;

Fish-dams,  
&c. deemed  
nuisances,  
&c.

SEC. 2. *Be it therefore enacted, by the right honourable the Lord Proprietary, by and with the advice and consent of his lordship's Governor, and the Upper and Lower Houses of Assembly, and the authority of the same*, That all fish-dams, or other devices for catching of fish, already made, or hereafter to be made, and all other erections hereafter to be made, in the river Patowmack, between the Great Falls and Wills's creek, or in the river Monococy below the dividing thereof into the two Pipe creeks, shall be and are hereby deemed and declared nuisances, and may, by any person or persons, be pulled down,