

prostrated and abated as such; and that no person or persons whatsoever shall hereafter put, place or erect, any such fish-dam, or place or make any heap of stones, or other erection whatsoever, within the said parts of either of the said rivers, under the penalty of fifteen pounds current money for every such offence, to be recovered in any court of record within this province, with costs, by action of debt, bill of indictment, or information, wherein but one imparlance shall be allowed, one-half to the informer, or him or them that will sue or prosecute to effect for the same, and the other half thereof to be paid to the sheriff of Frederick county, to be by him accounted for and paid to the justices of said county, and by them applied towards clearing or improving the navigation of the said rivers.

SEC. 3. *And be it further enacted,* That if any person or persons shall obstruct or hinder any other person or persons from pulling down, prostrating or abating, any such nuisance as aforesaid, or shall assault or wound any person for pulling down, prostrating or abating any such nuisance as aforesaid, or for attempting so to do, every such person, for every such offence, besides being subject to the action of the injured party, for damages, shall forfeit the sum of twenty pounds current money, to be recovered with costs, and applied as aforesaid.

Penalty on persons obstructing, &c.

SEC. 4. *And be it further enacted,* That in any action or suit for recovery of any of the said penalties, and also in any action for an assault, beating or wounding, for pulling down, prostrating or abating, such nuisance as aforesaid, or for attempting so to do, upon an affidavit, or other proof satisfactory to the court where such suit or action is depending, of there being cause for bringing the same, the defendant shall and may be compelled to give good and sufficient special bail.

On suit, bail to be given.

SEC. 5. *And be it also enacted,* That this act shall be deemed a public act, and the same shall and may be given in evidence, in justification of or for any matter or thing done by virtue thereof, on the general issue, without specially pleading the same.

Deemed a public act.

SEC. 6. *Provided always,* That this act, or any thing therein contained, shall not hinder, or be construed to hinder or prevent, the erecting, or causing to be erected, any bridge or bridges over the said river Monococy, with convenient arches for admitting of boats and other vessels of burthen passing through the same, with the least obstruction that may be.

Proviso.

CHAPTER 10.

AN ACT for the recovery of certain amerciaments, and also upon defaults on executions.

This law is merged in 1794, ch. 54, sec. 1, 2, 3.