

SEC. 3. *And be it enacted*, That if any slave or slaves whatsoever shall put, place or erect, any such fish dam, or place or make any heap of stones, or other erection whatsoever, so as to obstruct the navigation aforesaid, upon complaint, upon oath, to a justice of the peace of said county, it shall be the duty of said justice to issue his warrant, directed to the constable, to apprehend said slave or slaves, and bring him or them before him, or some other justice of the peace for said county, and said offender or offenders shall be whipped, at the discretion of said justice, not exceeding thirty-nine lashes.

Penalty on slaves erecting any such.

SEC. 4. *And be it enacted*, That if any person or persons shall obstruct or hinder any other person or persons in or from pulling down, prostrating or abating, any such nuisances as aforesaid, or shall assault or wound any person for pulling down, prostrating or abating, any such nuisance as aforesaid, after attempting so to do, every such person, for every such offence, besides being subject to the action of the injured for damages, shall forfeit the sum of thirty pounds current money, to be recovered, with costs, and applied as aforesaid.

On persons preventing their being destroyed.

SEC. 5. *And be it enacted*, That in any action or suits 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, on affidavit, or other proof satisfactory to Frederick county court, where such suit or action is depending, or their being cause for bringing the same, the defendant shall and may be compelled to give good and sufficient special bail.

Defendants, in certain cases to give bail.

SEC. 6. *And be it 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.

Act deemed public, &c.

SEC. 7. *And be it enacted*, That this act, or any thing herein contained, shall not hinder, or be construed to hinder or prevent the erecting, or causing to be erected, any bridge or bridges over said river Monocacy, with convenient arches for admitting of boats, and other vessels of burthen, passing through the same, with the least obstruction that may be.

Not to prevent the erection of bridges.

SEC. 8. *And be it enacted*, That it shall be the duty of Frederick county court, at every term, to give this act in charge to the grand jury.

Act to be given in charge to grand jury.

AN ACT, entitled, an Act to repeal the first section of the Act of Assembly, passed at December session, eighteen hundred and six, chapter seventy-nine, and for other purposes.—1833, ch. 226.

SEC. 1. *Be it enacted by the General Assembly of Maryland*, That the first section of the act of assembly, passed at Decem- Repeal