

any preference to any person or persons, but he shall attend to each in his proper turn, that is to say, the first that comes and applies to be the first ferried over, if the party shall so demand, and if the said ferryman shall wilfully neglect or refuse to perform the duties required of him by the county commissioners as aforesaid, under the provisions of this act, and shall thereby detain any person or persons for any time exceeding one hour, unless he shall have a lawful excuse as aforesaid, then and in that case he shall forfeit and pay to the party or parties so detained, the sum of two dollars for each and every offence, to be recovered before a justice of the peace, as small debts are now recoverable by law; *Provided always*, that the party prosecuting shall prove the same to the satisfaction of the magistrate before whom the case may be tried, by a competent and disinterested witness, that he was detained longer than the time allowed by this act, and the ferryman shall have the same right to prove by a competent disinterested witness his lawful excuse.

Penalties
for violating

Proviso.

Further and
general
powers.

SEC. 3. *And be it enacted*, That the commissioners of Washington county, be, and they are hereby authorized to make all such further and other regulations as regards the establishing and conducting said ferry, which they may deem necessary for the promotion of the public convenience, and for the purpose of carrying into effect the provisions of this act.

Annual ap-
pointment.

SEC. 4. *And be it enacted*, That the commissioners aforesaid, shall be required to make the appointment of the said ferryman annually in the month of May, or oftener if necessary.

FISH.

AN ACT for the preservation of the breed of Fish in Antietam Creek. 1823, ch. 82.

Preamble

WHEREAS, sundry inhabitants of Washington county, by their petition to the general assembly, have set forth, that it is their intention to introduce the fish of other streams to that of the Antietam creek, provided a sufficient protection can be given to those introduced, as well as the native fish of said stream, and praying the aid and interference of the legislature in their behalf; therefore,

Offence and
penalty.

SEC. 1. *Be it enacted, by the General Assembly of Maryland*, That if any free person shall whip or beat the water in the Antietam creek, or its tributary streams, Beaver creek, Long Meadow branch, and Little Antietam, as far up those tributary streams as the first mill-dams, from the Antietam, with poles, sticks or other things for the purpose of driving the fish into nets, seines, fish baskets, or other snare, or shall erect any fish pot, or suffer those already erected, to remain two months after the passage of this act, or shall fish with any net, basket, gig,