

An Act, entitled, A supplement to an act (a), entitled, An act to prevent any obstruction of the navigation in the River Potomac. Lib. P.H. No. 1, fol. 274.

Passed Jan 4, 1807

(a) 1768, ch. 5.—See 1802, ch. 84.

WHEREAS the law to which this is a supplement has not had the desired effect of preventing obstructions in the river Monocacy; therefore,

Preamble.

2. BE IT ENACTED, by the General Assembly of Maryland, 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 Monocacy, below the mouth of Pipe Creek, shall be and they are hereby declared nuisances, and may by any person or persons be pulled down, 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 river, under the penalty of twenty pounds current money for every such offence, to be recovered in Frederick county court, with costs, by action of debt, bill of indictment on information, 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 the levy court of said county, towards defraying the county charges.

Fish dams declared nuisances and may be destroyed.

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.

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.

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.

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.