

Passed Mar. 24, 1838. *An act for the regulation of Gates on the public roads in Prince Georges and Charles Counties.*

Persons breaking, opening, &c.

SECTION. 1. *Be it enacted by the General Assembly of Maryland, That if any person or persons shall hereafter tear down, destroy, remove, or leave open any gate on any public road in Prince George's or Charles counties, when the same shall be strongly and substantially made, and so hung as not to cause unnecessary delay or hindrance to travellers on said road, he or she shall be liable to prosecution before a justice of the peace or magistrates' court, in the county in which said offence shall have been committed, in the name of the State as for a misdemeanor; and if a slave, to be punished by the infliction of any number of stripes, not exceeding thirty-nine, at the discretion of the justice of the peace or magistrates court, before whom the case shall be heard and determined, and any other person or persons so offending may be punished at the discretion of said justice of the peace or magistrates' court by fine, not exceeding ten dollars, to be recovered as other fines are recovered for the use of the county in which said offence shall have been committed.*

Guilty of misdemeanor

Or if a slave

Fine

Appeal provided

SEC. 2. *And be it enacted, That any white person charged as aforesaid, who feels aggrieved by a judgment of the justice or justices in the premises, may appeal to the next county court, upon giving bond in the usual form to the State, for the prosecution of the appeal and payment of the fine and costs, if said judgment be affirmed; and if any person charged as aforesaid, shall require the same, the justice or justices shall issue a warrant to a constable or sheriff of the county, returnable in not less than ten days, to summon a jury to try the issue between the State and traverser, (the accused giving bond for his appearance, or in default thereof to be committed,) the verdict of which jury and judgment thereon shall be final, and if the judgment in any case under this act be in favor of the defendant, the levy court of said county shall assess and levy on said county the costs for the benefit of said defendant.*