

C H A P.
XXXVIII.

to make the top of the said dam twelve feet wide at the least, and make good and substantial bridges over the waste and race of the said mills and dams, and the same keep in good repair; and where any mill hereafter to be erected shall obstruct any public road, and it shall be thought convenient by the justices of the levy court of said county where such mill is so erected, that the said public road shall pass below the dam of the said mill, or where such public road now passes below the dam of any such mill or mills, that then and in every such case the owner or owners, possessor or occupier, of such mill or mills, shall and they are hereby required to raise and make a good and sufficient causeways across the branch or run on which the said mill is built, twelve feet wide at the least, and make a good and substantial bridge over the tail of the said mill, and the same keep in good repair; and if the owner or owners, possessor or occupier, of any such mill or mills, shall refuse or neglect to do what is by this act required, and shall be thereof legally convicted, he, she or they, shall forfeit and pay a sum not exceeding thirty dollars for each neglect or offence; provided, that such person or persons, owner or owners, possessor or occupier, of such mill or mills, shall not be obliged to work upon, or send any of their labourers or hands who shall reside in the precinct of such public road to work on, any part of such road, except such milldam, causeway, race and waste, as aforesaid.

Persons build-
ing mills to
make good
bridges, &c.

XXVII. AND BE IT ENACTED, That where any person or persons have built, or shall hereafter build or erect, any mill in Somerset county, on any branch or run below the places where public or main roads did or shall cross such branch or run, and by the building and erecting of such mill, or dam for the same, the public or main road which crossed, or shall cross, the branch or run as aforesaid, is or shall be any way affected or injured, or the passage therein any way obstructed or rendered difficult or incommodious, such person or persons, or the owner, possessor or occupier, of such mill or mills, shall and they are hereby obliged, by the last day of April next, where such mill or mills have already been built, or within one month after the building of any other mill or mills stopping or impeding the course of the water as aforesaid, to make good and sufficient bridges and causeways, twelve feet wide at the least, over the said branches or runs at the places where the public or main roads crossed, or shall cross, such branches or runs as aforesaid, and the said bridges and causeways maintain and keep in good repair, under a penalty not exceeding thirty dollars for each neglect or offence; provided, that such person or persons, owner or owners, possessor or occupier, of such mill or mills, shall not be obliged to work upon, or send any of their labourers or hands who shall reside in the precinct of such public road to work on, any part of such road, except on such bridges and causeways as aforesaid.

Several acts re-
pealed.

XXVIII. AND BE IT ENACTED, That from and after the first Monday in April next, that the act of assembly passed at October session, one thousand seven hundred and four, entitled, An act for the marking of highways, and making the heads of rivers, creeks, branches and swamps, passable for horse and foot, and the several supplementary acts thereto, the act passed at September session, one thousand seven hundred and twenty-three, entitled, An act directing the manner of recovery of fines for not appearing at the clearing of the highways, the act of assembly passed at October session, one thousand seven hundred and fifty-three, entitled, An act for repairing public roads in this province, and the supplement thereto, the act passed at November session, one thousand seven hundred and ninety-four, entitled, An act relating to public roads in this state, and to repeal the acts of assembly therein mentioned, and the supplements thereto, the act passed at November session, one thousand seven hundred and ninety-seven, entitled, An act respecting the roads of Somerset and Worcester counties, and the supplement thereto, so far as they relate to Somerset county, be and the same are hereby repealed.

C H A P. XXXIX.

Passed Jan. 15. An ACT to prevent the firing of woods in the several counties in this state therein mentioned.

Preamble.

WHEREAS it hath been represented to this general assembly, that numbers of persons are in the custom of setting fire to the woods in this state for different purposes, thereby producing an extensive conflagration, detrimental to the soil, destructive of the timber, and injurious to the progress of improvement; therefore,

Penalty for
setting woods
on fire, &c.

II. BE IT ENACTED, by the General Assembly of Maryland, That whosoever shall, at any time hereafter, wilfully and maliciously set on fire any woods, fences, marshes, lands, leaves or rubbish thereon, within Baltimore, Anne-Arundel, Frederick, Montgomery, Allegany, Queen-Anne's, Harford, Cæcil and Prince-George's counties, so as thereby to occasion any loss, damage or injury, to any other person or persons, every such person or persons so offending, and being thereof legally convicted in the court of the county where such firing and damages shall take place, shall pay a fine, not exceeding one hundred dollars, one half thereof to the informer, the other half to the use of the county where the firing and damage shall take place, the said fine to be recovered by indictment before the county court where the offence was committed; and if it shall happen that any person or persons convicted under this act shall not be able to pay the fine imposed, such person or persons shall suffer imprisonment, not exceeding six months, at the discretion of the court, without the privilege of being let to bail.

Slaves offend-
ing to be whip-
ped, &c.

III. AND BE IT ENACTED, That where any offence shall be committed against the tenor of this act by any slave or servant, without the direction of his or their master, or mistress or overseer respectively, and such offender be thereof duly convicted before a single magistrate, such offender or offenders, unless his or her master or mistress will pay the fine imposed, at the discretion of the magistrate, not exceeding ten pounds, with costs of suit, shall receive not exceeding thirty-nine lashes on his or her bare back, at the discretion of the said magistrate.

Persons liable
for damages.

IV. AND BE IT ENACTED, That where any person or persons so offending as thereby to occasion any loss, damage or injury, to any other person or persons, every such person or persons so offending