

this act; and that if any person or persons shall hale, draw or lay across, any lean or feans, on any other day or days, except as before excepted, during said time, and be thereof legally convicted, by the oath of one or more credible witnesses or witnesses, or by his or their confession, shall forfeit and pay the sum of ten pounds current money, to be recovered and applied as aforesaid.

CHAP. IV.

VI. **Provided** always, That nothing in this act contained, shall prevent any person or persons whatever, from erecting such wears as are commonly set in the sides of the rivers, any where in the river Susquehanna where the tide ebbs and flows, nor in any part of the river Patuxent, below the place commonly called Mount-Pleasant.

Provide.

VII. This act to continue for and during the term of three years, and to the end of the next session of assembly which shall happen after the end of the said three years.

Continuance.

Continued for three years, &c. by the act of 1771, ch. 16, and for seven years, &c. by the act of February, 1777, ch. 17, and for seven years, &c. by the act of 1784, ch. 83.

C H A P. V.

An ACT to prevent any obstruction of the navigation in the river Patowmack.

WHEREAS it is represented to this general assembly, That the water carriage is greatly obstructed by erecting fish-dams above the falls in the river Patowmack and also in Monococy river;

Preamble.

II. **Be it therefore enacted**, by the right honourable the lord proprietary, by and with the advice and consent of his lordship's governor, and the upper and lower houses of assembly, and the authority of the same, 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 Patowmack, between the Great Falls and Wills's creek, or in the river Monococy, below the dividing thereof into the two Pipe creeks, shall be, and are hereby deemed and 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 parts of either of the said rivers, under the penalty of fifteen pounds current money, for every such offence, to be recovered in any court of record within this province, with costs, by action of debt, bill of indictment, or information, wherein but one imparlance shall be allowed; 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 said county, and by them applied towards clearing or improving the navigation of the said rivers.

Fish-dams, &c. erected between the Great Falls and Wills's creek, &c. deemed nuisances.

No more to be erected under a penalty.

III. **And be it further 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 nuisance as aforesaid, or shall assault or wound any person for pulling down, prostrating or abating, any such nuisance as aforesaid, or for attempting so to do, every such person, for every such offence, besides being subject to the action of the injured party for damages, shall forfeit the sum of twenty pounds current money, to be recovered with costs, and applied as aforesaid.

Persons obstructing the pulling down such nuisance, to forfeit 20l. &c.

IV. **And be it further enacted**, That in any action or suit 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 an affidavit, or other proof satisfactory to the court where such suit or action is depending, of there being cause for bringing the same, the defendant shall and may be compelled to give good and sufficient special bail.

On suit brought for said penalties, &c. bail to be given.

V. **And**