

ought to have prevented the said mischievous custom, have not been subject to any penalty for neglecting their duty therein; wherefore it is prayed that it may be enacted,

C H A P. XVI.

II. AND BE IT 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 from and after the publication of this act, if any ballast shall be taken, unladen, or cast out of any ship or other vessel, on any pretence whatsoever, within the limits hereafter mentioned, but in the day-time; that is to say, between the rising and setting of the sun, or if any ballast shall be unladen, or taken out of any ship or vessel, in the bay of Chesapeake, above Cedar point, below the mouth of Patuxent river, in any river, creek or harbour, within this province, and cast into the bay above Cedar point aforesaid, or into any river, creek or harbour, below high-water mark, that the master, or other person having the charge or command of such ship or vessel, shall forfeit and pay the sum of fifty pounds current money, one half thereof to the lord proprietary, for the support of government, the other half to him or them who will sue, for the same, to be recovered in any court of record within this province by action of debt, bill, plaint or information, wherein no essoin, protection, or wager of law to be allowed.

Ballast not to be unladen, &c.

By 1774, ch. 18, in all actions, &c. under this act, special bail may be awarded, on affidavit being made, and full costs to the plaintiff or informer on judgment.

III. AND BE IT ENACTED, by the authority aforesaid, That no person whatsoever shall presume to build any wear or hedge cross any river, creek or branch, below any public landing place, so as to prejudice or dam up the channel, or to obstruct the passage of boats, on pain of forfeiting ten pounds current money of Maryland, to be recovered in the proper county court by action of debt, bill, plaint or information, wherein no essoin, protection, or wager of law shall be allowed.

Wears, &c. not to be built, &c.

IV. AND, to the end, that all masters, and other persons having the command or charge of ships or vessels, may have due notice of this act, and not pretend ignorance, BE IT ENACTED, by the authority aforesaid, That every naval officer within this province shall set up, and keep fixed in some public place in his office, a copy of this act, (for which copy the said naval officers shall be allowed ten shillings in the public levy,) on pain of forfeiting ten pounds current money of Maryland, to be recovered as aforesaid, to the uses aforesaid.

Copies to be set up, &c.

This section is rendered inoperative by the naval officers being under the direction of the general government.

V. AND BE IT FURTHER ENACTED, That an act, entitled, An act for the preservation of the several harbours within this province, made at an assembly, held at Annapolis the fifth day of December, in the year of our Lord one thousand seven hundred and four, \* shall be, and is, by virtue of this act, repealed and abrogated.

Act repealed.

\* 1704, ch. 90.

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

Duration.

This act was farther continued by 1740, ch. 8, and 1744, ch. 6, for three years, &c. but by 1747, ch. 13, is made perpetual.

C H A P. XVII.

An ACT to supply some defects in an act, entitled, \* An additional and supplementary act to the several acts for the administration of justice in testamentary affairs. Lib. BLC. fol. 134.

Passed 23d of April, 1735. \* 1729, ch. 24.

This act appears to be repealed by 1798, 101, and the provisions which it contained are supplied by ch. 14, section 11, of that act.

C H A P. XVIII.

An ACT for reviving an act of assembly, entitled, (a) An act for the advancement of justice, as also an act of assembly, entitled, (b) A supplementary act to the act for the advancement of justice. Lib. BLC. fol. 136.

(a) 1723, ch. 12. (b) 1730, ch. 10, hereby continued three years, &c.

C H A P. XIX.

An ACT continuing and reviving the several (c) acts therein mentioned. Lib. BLC. fol. 136.

(c) 1714, ch. 4, and 1728, ch. 24, hereby continued three years, &c. Expired.

C H A P. XX.

An ACT for limitation of the time of shipping tobacco. Lib. BLC. fol. 137. Repealed 1737, ch. 15.

C H A P. XXI.

An ACT to confirm a deed of mortgage already recorded from a certain Thomas Howel, of Kent county, to Edward Beck, of the said county, attorney in fact for a certain Casper Hoodt. Lib. BLC. fol. 137. A Private Act.

C H A P.