

Dec. Ses. 1823

on or before the first day of May, in every year, as aforesaid, and shall continue to use or keep up such gate or gates, such person shall forfeit all the protection afforded by the provisions of this act, and shall be in the same situation respecting their gates as if this act had not passed.

Disposition
of money.

6. *And be it enacted,* That all monies collected by the collector of the said county under the provisions of this act, shall be paid over to and applied by the Levy court of said county towards defraying the county charges.

Tenants au-
thorised.

7. *And be it enacted,* That in all cases where tenants shall reside on lands through which public roads may pass and shall keep gates thereon, it shall and may be law for such tenants to enter such gates in the manner prescribed by the fourth section of this act, and to pay the tax thereon, who shall be allowed the same by his landlord in his rent, upon producing the collectors receipt shewing that he has paid the same.

Slaves of-
fending.

8. *And be it enacted,* That if any slave shall cut down, destroy, injure, or wilfully leave fixed open, any gate upon the public roads, which shall have been entered in the manner prescribed by the fourth section of this act, such slave shall be punished for every such offence, on conviction before a justice of the peace by the oath of one or more witnesses, by whipping on his or her bare back, in the discretion of the said justice, not exceeding for each offence the number of ten lashes: *Provided always,* that the master or mistress of such slave, or any other person in their behalf, may redeem said slave so convicted from said punishment by the payment of the fine to the owner or owners of such gate, imposed by this act, upon free persons for like offences: *and provided also,* that no free citizen shall be fined or slave punished under the provisions of this act, in any case where such gates shall be found carelessly standing open, not hung upon good iron hinges, or otherwise in bad order and repair.

Repeal.

9. *And be it enacted,* That all and every law usage or custom heretofore existing, or in use which is repugnant to or inconsistent with the provisions of this act, shall be, and is hereby declared to be annulled, abrogated and repealed so far as respects the county herein mentioned.

CHAPTER 107.

Passed Feb.
7, 1824.
Preamble.

An act authorising gates to be kept on the public roads in Queen Ann's county. WHEREAS, it has long been a practice of the citizens of this state owning or residing on lands through which public roads have passed to keep gates on said roads, for their own private use and convenience, without any legal authority for so doing; *and whereas,* the county court of Queen Ann's county, at their last May term, after a full investigation of the subject, hath decided that gates on the public roads were public nuisances, thereby subjecting the owners or keepers of them to all the penalties imposed by law on such as shall impair or obstruct the public high ways, whereby the real estates of many citizens would be rendered of little value, and not a few of them totally ruined for want of materials to enclose their fields;—
Therefore,

Conditional
privilege.

SEC. 1. *Be it enacted by the General Assembly of Maryland,* That from and after the passage of this act, it shall and may be lawful for any of the citizens of Queen Ann's county, to keep on the public roads in said county, all such gates as are now erected on the public roads, for their own private use and convenience, upon the express