

## CHAP. 31.

Passed Jan. 25 1805

## CHAP. XXXI.

*An Act to prevent persons from staking out Seines across the Rivers Transquakin and Chickwiccomico, in Dorchester County. Lib. TH. No. 1, fol. 30.*

## Preamble.

WHEREAS it is represented to this general assembly, by the petition of sundry inhabitants of Dorchester county, that they have sustained great injuries and inconveniencies, from persons staking out seines across the rivers Transquakin and Chickwiccomico, and thereby deprived of those providential benefits arising from the waters of the said rivers, in the procuring of fish at particular seasons of the year: And whereas it is deemed improper that any person or persons should be tolerated to invade and destroy the periodical benefits offered by the benevolent hand of nature; therefore,

Penalty for fixing  
seines by which  
fish may be ob-  
structed in going  
up or coming  
down rivers.

2. BE IT ENACTED, by the General Assembly of Maryland, That if any person or persons, after the passage of this act, shall fix or set any seine or seines across the rivers Transquakin and Chickwiccomico, or aid and assist therein, by which fish may be obstructed in going up or coming down said rivers, every such person or persons so offending, shall forfeit and pay the sum of one hundred dollars for every such offence, one half of which sum shall be given to the informer, and the other half thereof to be paid to the sheriff of the county where the recovery shall be had, to be by him paid and accounted for to the justices of the levy court of said county, and by them applied towards defraying the public charges of said county, to be recovered by action of debt, bill, plaint or information, with full costs of suit, in any county court of this state where such offender or offenders shall be apprehended or reside.

Penalty on slaves  
fixing seines, &c.

3. AND BE IT ENACTED, That if any slave shall fix any seine or seines across said rivers, by which fish may be obstructed as aforesaid, such slave shall be punished for every such offence, on conviction thereof before any justice of the peace, by the oath of one or more credible witness or witnesses, by whipping on his back, in the discretion of the said justice, not exceeding for each offence the number of thirty-nine lashes; *Provided always*, that the master or mistress of said slave, or any other person, may release said slave so convicted, on the payment of fifty dollars, one half to the informer, and the other half to be paid to the justice, and by him applied to the use of the county; *And provided further*, that if such slave shall act as aforesaid by the order of his owner or employer, he shall not be subject to whipping as aforesaid, but the owner or employer giving him the order shall be subject to the penalty of one hundred dollars.

## Provisos.

Seines so fixed  
may be destroyed.

4. AND BE IT ENACTED, That it shall and may be lawful for any person or persons whatsoever to destroy or remove any seine or seines laid across said rivers to obstruct the passage of fish as aforesaid.

Persons sued for  
destroying them  
may give this act  
in evidence.

5. AND BE IT ENACTED, That if any person or persons shall be sued or impleaded for destroying any such seine or seines, laid across said rivers contrary to the true intent and meaning of this act, it shall and may be lawful for such person or persons to plead the general issue, and give this act and the special matter in evidence, and if, upon trial, the plaintiff or plaintiffs shall be nonsuited, or shall discontinue his or their suits, then and in such case the defendant or defendants shall recover double costs.