

Passed December 30.

An ACT for the preservation of the breed of fish in Patuxent river.

Preamble.

WHEREAS the breed of fish, especially of herrings, in Patuxent river, is extremely injured by the custom which prevails of whipping and beating the water with poles for the purpose of driving the fish, whereby the spawn of said fish is destroyed; in order to prevent the like improper practices in future,

Penalty on free persons whipping the water, &c.

II. Be it enacted, by the General Assembly of Maryland, That if any free person shall whip or beat the water in the river Patuxent, with poles or sticks, for the purpose of driving the fish in the said river, at any time between the first day of February and the first day of June in each year, during the continuance of this act, such person, so offending, shall forfeit and pay the sum of one hundred dollars, to be recovered by action of debt, or by bill of indictment, in any county court within this state, one half to the informer, the other half to the use of the county.

Slaves offending to be punished, &c.

III. And be it enacted, That if any slave shall whip and beat the water in the said river 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 ten lashes; provided always, that the master or mistress of said slave, or any other person, may redeem said slave, so convicted, from said punishment, by the payment of ten dollars, one half to the informer, the other half to be paid to the said justice, for the use of the county; and provided, 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 the order shall be subject to the penalty of twenty dollars, to be recovered as aforesaid.

Justice to account, &c.

IV. And be it enacted, That every justice of the peace shall, at the levy court of his county, account for all sums of money received by virtue of this act, under the penalty of two hundred dollars.

Commencement, &c.

V. This act to commence on the first day of February next, and to continue and be in full force till the twentieth day of October, one thousand eight hundred and two, and until the end of the next session of assembly which shall happen thereafter.

Passed December 30.

An ACT to ascertain the allowance to jurymen and witnesses of the general court, and the several county and orphan courts in this state.

Allowance to jurors, &c.

See 1797 Ch. 87

BE it enacted, by the General Assembly of Maryland, That from and after the first day of January next, there shall be allowed to each grand and petit jurymen attending the general court on the western and eastern shores of this state, the sum of two dollars for each and every day such grand and petit jurymen shall attend for the discharge of his duty, besides itinerant charges.

Treasurers to pay, &c.

II. And be it enacted, That from and after the commencement of this act, the treasurers of the western and eastern shores, or either of them, shall and they are hereby authorized and directed to pay, out of any unappropriated or surplus money which shall be in their respective treasuries, unto each jurymen of the general court on the western and eastern shores, or his assigns, upon such jurymen, or his assigns, producing a certificate from either of the clerks of said court, such sum as may appear to be due upon the face of such certificate, and the said payments shall be made at the city of Annapolis, or the town of Easton.

III. And