

No. 40.

A N A C T

To prevent the destruction of fish in the river Delaware.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That any person or persons who shall make use of coculus indicus, lime, or any other poisonous admixture in the shape of pills, or otherwise, by throwing, or causing the same to be thrown into the river Delaware, within the concurrent jurisdiction of this state, and the state of New Jersey, for the purpose of taking, catching, or destroying fish, such person or persons, so offending, on conviction thereof, on the testimony of one or more witnesses, before a justice of the peace in the county where such offender shall be apprehended, shall forfeit and pay a fine of five ^{Fine.} dollars for every such offence, to be recovered with costs, as debts of equal amount are by law recoverable, by any person or persons who may sue for the same, in the name of the commonwealth of Pennsylvania, one moiety thereof to be paid to the informer, and the other moiety to the treasurer of the county where such conviction shall take place: *Provided however,* That such suit or prosecution shall be commenced within thirty days after such offence shall have been committed: ^{Proviso.} *And provided also,* That said informer may be a competent witness to prove such offence, and by whom committed, notwithstanding his or her right to a moiety of the penalty aforesaid.

SECTION 2. Any person or persons who shall be convicted aforesaid, and shall neglect or refuse to satisfy the fine imposed on him or them, ^{Proceedings} and sufficient goods and chattels cannot be found, whereof to levy and ^{when fine is not} pay the same, the said person or persons so convicted, shall be committed to the jail of the county where such conviction shall have taken place, for the term of five days.

SECTION 3. That this act shall not take effect, or go into operation, ^{Concurrence of} until the legislature of the state of New Jersey shall pass a law to ratify, ^{New Jersey re-} allow and approve of the same; and that it shall be the duty of the gov- ^{quired.} ernor of this commonwealth, within ten days after its passage, to transmit a duly certified copy of the same, to the governor of the state of New Jersey.

JAMES ROSS SNOWDEN,
Speaker of the House of Representatives.

WILLIAM BIGLER,
Speaker of the Senate.

APPROVED—The twenty-sixth day of February, one thousand eight hundred and forty-four.

DAVID R. PORTER.