

county as is by this act altered or supplied be and the same is hereby repealed.

SIMON SNYDER, *Speaker*
of the House of Representatives.

ROBERT WHITEHILL, *Speaker*
of the Senate.

APPROVED—the sixth day of February, in the year of our Lord one thousand eight hundred and four.

THOMAS M'KEAN, *Governor*
of the Commonwealth of Pennsylvania.

CHAPTER XXVI.

An ACT to regulate the Fisheries in the river Delaware and its Branches, and for other Purposes.

WHEREAS experience hath fully shewn, that the existing laws for regulating the fisheries, and preserving the young fish in the river Delaware and its branches, are ineffectual: Therefore,

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 no sein, or net, shall be cast, or drawn, or in any wise made use of, by any person, or persons whosoever, in the river Delaware, or its branches, (so far as the same is, or shall be hereafter declared a public highway,) for the

Regulations
with respect to
the drawing of
seins or nets.

purpose of taking fish, from sun setting on Saturday evening, until sun rising on Monday morning next following; and that no more than one-sein, or net, shall be drawn, or in any wise made use of, in any one pool or fishing-place, by any person, or persons whosoever, in the aforesaid river, or its branches, from the station point, or north-west corner of the State of New-Jersey, to the southern point of Newbold's island; nor more than two seines, or nets, from the said Newbold's island, to the circular boundary of the State of Delaware, within any one term of twenty-four hours, to begin at sun rising and to continue until sun rising the next day following; and if any person, or persons whosoever, shall cast, draw, or make use of any sein, or net, in the said river, or its branches, or shall be aiding, or assisting therein, within the term, or terms aforesaid, contrary to the true intent and meaning of this Act; every person, or persons so offending, and being thereof legally convicted, before any justice of the peace, of the county where the offence is committed, shall forfeit and pay the sum of fifty dollars, for each and every such offence, together with the costs of prosecution, to be paid to, and applied by the supervisor, or supervisors of the roads, in the township where the offence has been committed, for repairing the public roads in the same.

Penalty for acting contrary to said regulations.

Appropriation.

Penalty on casting or drawing seines or nets, in certain parts of the river Delaware, within given periods of the year.

Sec. 2. And be it further enacted by the authority aforesaid, That if any person, or persons, shall cast, draw, or make use of any sein, or net, for the purpose of catching shad, in the river Delaware, within the limits of this State, below the falls of Trenton, after the twenty-fifth day of May, or between the said falls, and opposite the mouth of the river Lehigh, after the
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the first day of June, or in any other part of the said river Delaware, or its branches, between the mouth of the river Lehigh, and the station point, or north-west corner of the State of New-Jersey, after the fifth day of June, in each, and every year; every person, or persons, so offending, and being thereof legally convicted, before any justice of the peace, in, and for the county, where he, or they may be apprehended, shall forfeit and pay the sum of fifty dollars, for each, and every such offence, to be applied to the use aforesaid, and likewise to pay the costs of prosecution.

Sec. 3. And in order to ascertain what shall be deemed and held to be a pool or fishing-place, within the meaning of this act, *Be it enacted by the authority aforesaid*, That from the place, or places, where seines, or nets, have been usually thrown into the water, to the place or places, where they have been usually taken out, or from the place or places, where they may be hereafter thrown into the water, to the place or places, where they may be taken out, shall be deemed, and held, and is hereby declared, to be a pool, or fishing-place, within the meaning of this act.

Description of what shall be deemed and held a pool or fishing place.

Sec. 4. *And be it further enacted by the authority aforesaid*, That wherever any fishery is occupied upon the river Delaware, within the limits aforesaid, either the landholder, tenant in possession, or some respectable person, appointed by the fishing company, shall apply to the prothonotary of the respective county, where such fishery may be, and give a bond, with one or more sufficient sureties, in the sum of three hundred dollars, conditioning to be accountable to the supervisors of the roads, of the respective

Mode of obtaining licence to fish.

tive

Penalty on persons undertaking to fish, contrary to the provisions of this section.

tive township, where such fishery may be, for all fines and penalties, that may occur on account of any transgressions of this act, that may, or shall be committed, at his, or their respective fishery, and shall moreover give unto the said prothonotary, a description in writing of their pool, or fishing-place, together with the name of the township, or place, in which it is situated; which the said prothonotary shall file, together with the bond, in his office, and give them a certificate, with a receipt for the same, on their paying him the sum of seventy-five cents; and if any person, or persons, shall undertake, and fish contrary to the true intent and meaning of this act, without having previously entered security as aforesaid, or without the permission of the person that has entered security; he, or they, shall forfeit and pay the sum of one hundred dollars, for each, and every such offence, together with costs to be levied, and recovered as other sums to the same amount, are recoverable by the laws of this State, to be paid, and applied for the use as aforesaid.

Additional penalty.

Sec. 5. *And be it further enacted by the authority aforesaid,* That if any person, or persons, shall be found making use of any sein, or net, contrary to the true intent and meaning of this act, every such person, or persons, so offending, shall in addition to the penalty aforesaid, forfeit the sein, or net, so made use of, which sein, or net, shall by order of the justice of the peace, or justices of the courts of Quarter Sessions, before whom such person, or persons, shall be convicted, be exposed to public sale, after giving five days previous notice thereof, by advertisement; and the money arising therefrom, shall be paid, and applied in the manner, and for the use aforesaid,

faid, the costs of fuch profecution and fale; being firft deducted.

Sec. 6. And whereas the exifling laws, for preventing the erection of fish-dams, baskets, &c. have been found ineffectual: Therefore, *Be it enacted by the authority aforefaid*, That if any person, or perfons whofoever, shall erect, build, fet up, repair or maintain, or fhall be aiding, affifting or abetting, in erecting, building, fetting up, repairing or maintaining, any weir, rack, basket, fifhing-dam or pound, or fhall make ufe of any fwab, or bufhnet, or fhall fix, faften or fet, any gilling fein, anchor any engine, or make ufe of any device whatfoever, except fifhing with fweeping-feins, hooks and lines, darts, hoop-nets and eel-boxes, for taking of fish in the river Delaware, or its branches, which are, or may be hereafter declared public highways; every person, or perfons fo offending, contrary to the true intent and meaning of this act, and being legally convicted thereof, by the oath, or affirmation of one or more creditable witnefs, or by his, or their own confeffion, before the juftices of the court of Quarter Seflions, of the proper county, where fuch offender may be apprehended, fhall forfeit and pay the fum of one hundred and forty dollars, together with costs of fuit, to be applied as

Penalty on any person fetting up or maintaining, in faid river, weirs, racks, baskets, fifhing-dams, &c.

Appropriations

aforefaid.

Sec. 7. And whereas, various wing-dams, and other obftructions, have been erected and fet up, prejudicial to the navigation of faid river: For remedy whereof, *Be it enacted by the authority aforefaid*, That if any person, or perfons whofoever, shall erect, build, fet up, repair, or maintain, or fhall be aiding, or affifting in erecting, building, fetting up, repairing or maintaining

Penalty for obftructing the navigation of the river.

taining any wing-dam, or placing any other obstruction, injurious to the navigation of said river, or its branches as aforesaid, except such mill-dams as have been heretofore erected, in pursuance of any special act of the Legislature ; and being thereof legally convicted, before the Court of Quarter Sessions, of the county where the offence has been committed, shall forfeit and pay the sum of one hundred dollars, to be paid to, and applied for the use as aforesaid.

Sec. 8. And for the more effectual detecting and punishing offenders against this act: *Be it enacted by the authority aforesaid*, That the constable of each respective township, borough or district, which shall be bounded by, or adjoining to any part of the river Delaware, or its branches, as aforesaid, shall, and he is hereby strictly enjoined, and required diligently to enquire, and carefully to inspect, and view once every week from the first day of April, until the tenth day of June, in every year, such parts of the said river, or its branches, as shall be adjoining his respective township, borough or district ; and having any knowledge, of any offences against this act, he shall forthwith give information thereof, to some justice of the peace, who shall immediately issue forth his warrant, directing the constable to bring forthwith before him, such transgressor, or transgressors, and have them dealt with according to law ; and if any of the aforesaid constables, shall neglect, or refuse to perform the duties enjoined on him, or them, by this act, he, or they so offending, and being thereof legally convicted, before any justice of the peace, or before the justices of the court of Quarter Sessions, of the proper county, where such delinquent may reside, shall forfeit and pay the sum of twenty-five dollars, to be levied,

Duties enjoined on constables of the Townships, bounded by the river.

Penalty for not performing said duties.

levied, and recovered as other sums; to the same amount, are recoverable by the laws of this State, to be paid to, and applied for the use as aforesaid. And each of the constables, while performing the duties enjoined on them by this act, shall be allowed at the rate of one dollar per day, to be paid by the supervisor of their respective township, borough or district; each constable having an exact account of the number of days, he, or they have been employed, under the directions of this act, regularly attested before one of the justices of the peace, of their respective township.

Their compensation.

Sec. 9. *And be it further enacted by the authority aforesaid,* That the supervisors of the public highways of each township, borough or district, which shall be bounded by, or adjoining to any part of the said river, or its branches as aforesaid, shall every year, before they settle their accounts, enquire of the justices of the peace of their respective townships, to know whether they have any money in their hands, arising from such forfeitures as aforesaid; which money, if any there should be, they are hereby authorized to receive, with giving the magistrate a receipt, and their respective township credit for the same; and if either of the supervisors, from his, or their own knowledge, or the information of any other person, shall have any knowledge of any transgressions against this Act, which either of the aforesaid constables have either neglected, or refused to prosecute, agreeably to the directions of this act, he, or they, are hereby strictly enjoined, and required, under the penalty of twenty-five dollars, immediately to give information, to one of the justices of the peace, of their respective township, borough or district, which said justice is hereby enjoined, and

Duties of the supervisors of the highways of the townships adjoining said river.

and required, forthwith to proceed against any such delinquent, agreeably to the directions of this act.

Further duties of the constables.

Sec. 10. *And be it further enacted by the authority aforesaid,* That the constables of each respective township, borough or district, which shall be bounded by, or adjoining to the said river Delaware, or its branches, from the tide-water, up to the station point, or north-west corner of the State of New-Jersey, which have been, or may hereafter be declared a public highway, shall be, and they are hereby enjoined, and required, under the penalty of fifty dollars, to view once, at least, in every fourteen days; from the first day of August, to the first day of December, in every year, such parts of the said river, and its branches, as shall be adjoining his, or their respective township, borough or district; or bounding on the same; and if on any such view, he, or they shall find any fish-dam, basket, pound or such like devise, for taking fish, within the said river, or its branches, he shall thereupon give notice to the next justice of the peace, of the township, or county so adjoining, which justice is hereby enjoined, and required, to issue forth his warrant to the supervisors of the highways of each, and every township, next adjacent to the fish-dam, basket, pound or other device as aforesaid, so erected, or in which they, or any of them, shall be erected, enjoining, and requiring the said supervisors, respectively forthwith, to remove, or cause to be removed, every such fish-dam, basket, pound or other device aforesaid, and for that purpose to summon so many of the inhabitants of the respective townships as may be necessary, to throw down, remove and destroy, such fish-dam, basket, pound or other device aforesaid, giving them three days

Of the supervisors.

days previous notice ; and the said supervisors shall make return of their proceedings, to the next court of Quarter Sessions, of the county, in which the said fish-dam, basket, pound or other devise, shall have been so destroyed ; and if any such supervisor, or supervisors of the highways, to whom such warrant shall be directed, shall refuse, or neglect to discharge, and perform the duty hereby enjoined, and required of him, or them, he, or they, so offending, and being thereof legally convicted, by a jury of the county, or by his, or their own confession, before the said court of Quarter Sessions, shall for every such offence, forfeit and pay to the overseers of the poor, of the township, borough or district, where such offender, or offenders shall reside, the sum of one hundred dollars, for the use of the poor of said township, borough or district ; and if any inhabitant so summoned, shall refuse, or neglect to attend in person, or to send another able person in his room, to assist in throwing down, removing and destroying such fish-dam, basket, pound or other device aforesaid, so erected, built or set up, in such manner as the said supervisor, or supervisors shall order and direct, he shall forfeit and pay the sum of four dollars, for every such offence, to the overseers of the poor, of the township, borough or district, whose inhabitants are so summoned, for the use of the poor, of the same, to be recovered and levied as debts of like amount are by law recoverable: *Provided always*, That any person, or persons who shall be convicted under this act, before any justice of the peace, he, or they shall have a right to appeal to the court of Quarter Sessions, within ten days after such conviction, and be entitled to a trial by jury.

And penalty
for not per-
forming the
same.

Appeal allow-
ed to the
Quarter Sessi-
ons.

Mode of trying offences committed against the true intent and meaning of this act.

Sec. 11. *And be it further enacted by the authority aforesaid,* That all, and every of the offences, which shall hereafter be committed against the true intent and meaning of this act, within the said river, or its branches as aforesaid, the justices of the court of Quarter Sessions, of the county, which shall so adjoin the part of the said river, or its branches, where the offence is committed, are hereby authorised, empowered and required, to hear, try and determine the same, by a jury of the county, in the same manner as other criminal offences committed within their respective counties, are usually heard, tried and determined before them; and the constables of each respective township, borough or district, which shall so adjoin the said river Delaware, or its branches, as aforesaid, shall to the best of their knowledge, present on oath, or affirmation, every such offence to the justices of the court of Quarter Sessions, of their respective counties, together with the name, or names of such offender, or offenders, that he, or they may be tried according to the directions of this act, which oath or affirmation, the said justices are hereby required, duly, and carefully to administer.

When this law shall go into operation.

Sec. 12. And whereas the river Delaware, is the division line between this Commonwealth and the State of New-Jersey, and without a mutual co-operation of both States, the evils complained of, can never be effectually removed: Therefore, *Be it enacted by the authority aforesaid,* That so soon as the Legislature of the State of New-Jersey, shall have enacted a law containing provisions similar to those herein before enacted, that then this act shall, and is hereby declared, to be in full force and effect.

Sec. 13. *And be it further enacted by the authority aforesaid,* That all laws, and parts of laws, heretofore passed, upon the same subject, so far as they relate to the river Delaware, or its branches, excepting the river Schuylkill, which is hereby exempted from the restrictions, and regulations of this act, which are altered or supplied by the provisions contained in this act, be, and the same are hereby repealed, so soon as this act shall go into operation.

Repeal of former laws on the same subject, which are hereby altered, &c.

SIMON SNYDER, *Speaker*

of the House of Representatives.

ROBERT WHITEHILL, *Speaker*

of the Senate.

APPROVED—the eighth day of February, in the year of our Lord one thousand eight hundred and four.

THOMAS M'KEAN, *Governor*

of the Commonwealth of Pennsylvania.

CHAPTER XXVII.

An ACT prohibiting the Commissioners of the respective Counties of this Commonwealth from selling, for a limited time, unseated Lands for Taxes.

WHEREAS by the Act, entitled “An Act, to raise and collect county rates and levies,” passed April the eleventh, one thousand seven hundred and ninety-nine, the commissioners of the respective counties, are authorized under