

1788.

CHAPTER MCCCLXVI.

A SUPPLEMENT to an act, entitled "An Act for regulating the fishery in the river Conestogoe, in the county of Lancaster."

SECT. I. WHEREAS, since the passing of an act for regulating the fishery in the river Conestogoe, in the county of Lancaster, passed the twenty-second day of January, one thousand seven hundred and seventy-four, it has been found that many means and contrivances, not guarded against in the said law, have been used, whereby the fish have been obstructed from going up the said river, and also whereby the spawn, fry or brood of fish have been destroyed or spoiled: Wherefore, for remedying such mischiefs, and for the more easy and effectual recovery of the fines and forfeitures in this act mentioned,

SECT. II. *Be it enacted, and it is hereby enacted by the Representatives of the Freemen of the commonwealth of Pennsylvania, in General Assembly met, and by the authority of the same,* That if any person or persons whatsoever, from and after the passing this act, shall use or practise any of the means specified in the said act, to which this is a supplement, to obstruct the said fish from going up the said river, or destroy or spoil any spawn, fry or brood of fish, of any kind whatsoever, or shall, by using any sweep-net, draw-net, draught-net, cast-net, stalker, sturchel, or shove-net, or nets of any other name or description, or who shall use any seine or seines (except for the taking of shad-fish in due season) in the said river, below the mouth of Muddy-creek,* for the taking of fish, every person so offending, being thereof legally convicted, by the oath or affirmation of one or more witnesses, or by his or her own confession, before any Justices of the county of Lancaster, shall forfeit and pay the sum of five pounds, lawful money of this commonwealth, for every such offence, or suffer two months imprisonment, without bail or mainprize; one moiety of which forfeiture shall be paid to the informer or prosecutor, and the other moiety to the overseers of the poor of the township or borough where such offender shall reside.

Provided always nevertheless, That nothing in this act contained shall be construed or understood to deprive or hinder any person or persons from drawing a seine or net, for the taking of shad-fish, from the fifteenth day of April, to the twenty-fifth day of May, in every year, in any part of the said river of Conestogoe. *And provided also,* That if either the prosecutor, or person charged with an offence against this act, or the act to which this is a supplement, shall be aggrieved by the judgment of the said justice, then and in such case, either party may appeal to the next General Quarter Sessions of the peace, who are to hear and determine the said appeal.

SECT. III. *And be it further enacted by the authority aforesaid,* That so much of the aforesaid act, as relates to the forfeiture and imprisonment mentioned in the second section of the aforesaid act, to which this is a supplement, be, and is hereby repealed, and made null and void, any thing to the contrary thereof in the said section contained notwithstanding.

[Original act, vol. 1, page 416, chap. 692.]

Penalty on obstructing the fish, &c. from going up the Conestogoe.

*[See the act of 1st of April, 1805, chap. 2586, which repeals part of this section.]

When the shad fishery may be carried on.

Appeal allowed

Repeal of part of a former law.

SECT. IV. *And be it further enacted by the authority aforesaid, 1788.*
 That the person or persons who shall hereafter prosecute, in the name of the commonwealth, any person offending against this act, or the act to which this is a supplement, shall and may be a legal witness to prove such offence either before the justice, or on an appeal, notwithstanding he, she or they are to receive one half of the forfeiture, as aforesaid.

The prosecutor *quis tam* may be a witness.

Passed 4th October, 1788.—Recorded in Law Book, No. III. page 435.

CHAPTER MCCCLXIX.

An ACT to incorporate the members of the religious society of German Roman Catholics of the church called the Holy Trinity, in the city of Philadelphia.

Passed 4th October, 1783.—Private Act.—Recorded in Law Book No. III. page 437.