

[Section V.] And be it further enacted by the authority aforesaid, That so much of the said recited act of assembly as is hereby altered and supplied shall be and is hereby declared to be repealed, null and void, and that the residue thereof shall be and is hereby declared to be in full force and virtue to all intents and purposes as if this act had not been made.

Passed February 21, 1767. Referred for consideration by the King in Council, December 17, 1767, and allowed to become a law by lapse of time in accordance with the proprietary charter. See Appendix XXVI, Section II, and the note to the Act of Assembly passed February 8, 1766, Chapter 534; and the Act of Assembly passed February 21, 1767, Chapter 555.

CHAPTER DLIII.

AN ACT TO REGULATE THE FISHERY IN THE RIVER SCHUYLKILL.

Whereas it hath become a common practice for the inhabitants of this province living on or near the lower parts of the river Schuylkill to fish with divers seines or nets in the same pool or place in the said river, whereby the shad and other fish are in a great measure prevented from running up the same to the places where they usually spawn and breed, to the great diminution and scarcity of fish in the said river and the persons living on or near the upper parts thereof are thereby also deprived of a reasonable proportion of the said fish:

For remedy whereof:

[Section I.] Be it enacted by the Honorable John Penn, Esquire, Lieutenant-Governor under the Honorable Thomas Penn and Richard Penn, Esquires, true and absolute Proprietaries of the Province of Pennsylvania and counties of Newcastle, Kent and Sussex upon Delaware, by and with the advice and consent of the representatives of the freemen of the said Province in General Assembly met, and by the authority of the same, That from and after the publication of this act no more than one seine or net shall be cast, drawn or made use of by any person or persons whatsoever in any one pool or fishing place in the said

river in any one twenty-four hours, to begin from twelve of the clock at noon and to continue until the same hour the next day, and that if any person or persons shall cast, draw or make use of any seine or net in any pool or fishing place in the said river within the time aforesaid after any other seine or net has been within that time drawn out of the same, every such person or persons so offending, being thereof legally convicted before any justice of the peace in and for the county where he or they shall be apprehended, shall forfeit the sum of five pounds for every such offense, to be paid to the overseers of the poor of the township where such offender shall reside, to the use of the poor thereof.

And in order to ascertain what shall be deemed, held and understood to be a pool or fishing place within the meaning of this act:

[Section II.] Be it enacted, That so much of the said river as extends from one side or bank to the other side or bank thereof and from the place where seines or nets have been usually cast or thrown into the part or place where they have been drawn or taken out shall be deemed, held, taken and understood and is hereby declared to be one pool or fishing place within the meaning and intent of this act; and that where it shall so happen that two or more persons residing opposite to each other on or near the said river may have suitable landing places on their respective shores or on any island opposite thereto for drawing such seine or net from and out of such pool or fishing place, it shall and may be lawful for such persons respectively to fish with their nets or seines and to occupy such pool or fishing place alternately and not otherwise: That is to say, that the person or persons who shall reside on or near one side of the said river and shall possess such landing as aforesaid shall and may occupy such pool or place with one seine or net only for and during the time aforesaid, and that the person or persons residing on or near the opposite side of the said river and having such landing place as aforesaid shall and may occupy such pool or fishing place for and during the same space of time next following with one seine or net only, and so alternately during the season for taking of fish.

Provided always nevertheless, That nothing herein contained shall be deemed, held or construed to restrain, prohibit or prevent any person or persons whatsoever from making use of or fishing with hoop nets, but that all such nets may be used for the taking of fish in the said river in the same manner as if the provisions herein contained had not been made and enacted.

[Section III.] And be it enacted by the authority aforesaid, That this act shall continue and remain in force for and during the space of three years and from thence to the end of the next sitting of assembly and no longer.

Passed February 21, 1767. Referred for consideration by the King in Council, December 17, 1767, and allowed to become a law by lapse of time in accordance with the proprietary charter. See Appendix XXVI, Section II, and the note to the Act of Assembly passed March 14, 1761, Chapter 465; and the Act of Assembly passed March 9, 1771, Chapter 621. Expired.

CHAPTER DLIV.

AN ACT FOR AMENDING THE ACT, ENTITLED "A SUPPLEMENT TO THE ACT,¹ ENTITLED 'A SUPPLEMENT TO THE ACT, ENTITLED "AN ACT FOR REGULATING, PITCHING, PAVING AND CLEANSING THE HIGHWAYS, STREETS, LANES AND ALLEYS AND FOR REGULATING, MAKING AND AMENDING THE WATERCOURSES AND COMMON SEWERS WITHIN THE INHABITED AND SETTLED PARTS OF THE CITY OF PHILADELPHIA AND FOR RAISING MONEY TO DEFRAY THE EXPENSE THEREOF." "2

Whereas by an act of general assembly passed in the third year of His present Majesty's reign, entitled "A supplement to the act, entitled 'An act for regulating, pitching, paving and cleansing the highways, streets, lanes and alleys and for regulating, making and amending the watercourses and common sewers within the inhabited and settled parts of the city of Philadelphia and for raising money to defray the expense thereof,' "1 it was among other things enacted that from and after the first day of March which should be in the year of our

¹ Passed March 4, 1763, Chapter 485.

² Passed February 8, 1766, Chapter 537.