

said Province in General Assembly met, and by the authority of the same, That the freeholders and inhabitants of the said county of Berks qualified by the laws of this province to vote at the general election shall, at the same time the inhabitants of the other counties meet for like purposes, assemble at their county town of Reading and elect for the said county two representatives or delegates to serve them in assembly in the same manner as by the charter and laws of this province is directed in respect to the other counties, which said representatives so chosen shall be members of the general assembly of this province of Pennsylvania and sit and act as such as fully and freely as any of the representatives of the other counties within this province do, may, can or ought to do.

[Section II.] And be it further enacted by the authority aforesaid, That so much of the said act of general assembly passed in the twenty-fifth year of the reign of George the Second to which this act is a supplement as relates to the election of one member of assembly for the said county shall be and is hereby declared to be repealed and made null and void.

Passed March 9, 1771. Referred for consideration by the King in Council, October 9, 1771, and allowed to become a law by lapse of time in accordance with the proprietary charter. See Appendix XXIX, and the note to the Act of Assembly passed March 11, 1752-53, Chapter 392.

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## CHAPTER DCXX.

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### AN ACT TO PREVENT THE DESTRUCTION OF ROCKFISH AND OYSTERS.

Whereas the catching small rockfish and the taking oysters at improper times tend to deprive the markets in this province of such supplies of them as by prudent regulations may be continued:

[Section I.] Be it therefore 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 if any person or persons whatsoever shall at any time between the first day of March and the first day of December in any year after the publication of this act at any place within this province offer to sale any rockfish which shall not measure twelve inches at least from the eye to the fork of the tail thereof, or if any person or persons shall at any time between the tenth day of May and the first day of September in any year after the publication hereof at any place within this province offer to sale any oysters whatsoever, the person or persons so offending shall forfeit such fish or oysters, and the clerk of the market or any overseer of the poor or constable in the city of Philadelphia, or any overseer of the poor or constable of the borough, district or township respectively in which any fish or oysters shall be offered to sale contrary to this act shall and are hereby required immediately to seize the same for the use of the poor of such city, borough, district or township.

And whereas it has been a practice with some persons who carry about oysters for sale to cover such oysters with clams, alleging that they do not offer such oysters to sale, yet dispose thereof contrary to law, falsely pretending to sell clams only:

[Section II.] Be it therefore further enacted by the authority aforesaid, That if any person or persons shall at any time between the tenth day of May and the first day of September as aforesaid, at any place within this province, carry about or have in his possession at the same time any oysters together with clams or other articles, offering such clams or other articles for sale, every such person or persons so offending shall forfeit such clams or other articles together with such oysters, and the clerk of the market or any overseer of the poor or constable of the city of Philadelphia or any overseer of the poor or constable of the borough, district or township respectively in which such clams or other articles shall be so offered to sale shall immediately seize the same, together with such oysters, for the use of the poor of such city, borough, district or township.

[Section III.] Provided always and be it further enacted by the authority aforesaid, That if any person or persons shall think him, her or themselves aggrieved by such seizure as aforesaid, he, she or they may appeal to any justice of the peace in and for the city, borough or county where such seizure shall be made, who is hereby empowered to hear and finally determine the same; and if thereupon it shall be adjudged by such justice that the seizure was legally made the person or persons so appealing shall further forfeit ten shillings for the use of the poor of the city, borough, district or township respectively in which such seizure shall be made.

[Section IV.] And be it further enacted by the authority aforesaid, That the act, entitled "An act to prevent the destruction of small rockfish and taking of oysters and bringing them into this province out of season,"<sup>1</sup> passed in the sixth year of His present Majesty's reign, be and the same is hereby repealed and made void.

Passed March 9, 1771. Referred for consideration by the King in Council, October 9, 1771, and allowed to become a law by lapse of time in accordance with the proprietary charter. See Appendix XXIX, and the Acts of Assembly passed January 26, 1802, P. L. 23; May 4, 1871, P. L. 250; April 10, 1873, P. L. 69; May 2, 1879, P. L. 46; June 2, 1891, P. L. 169; May 29, 1901, P. L. 302.

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## CHAPTER DCXXI.

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### AN ACT TO REGULATE THE FISHERY IN THE RIVER SCHUYLKILL.

Whereas it hath become a common practice to fish in the lower parts of the river Schuylkill with divers seines or nets in the same pool or fishing-place, so that shad and other fish are in a great measure prevented from running up the same to the places where they usually spawn, whereby their numbers are too much diminished and the inhabitants of this province dwelling near the upper parts of the said river are deprived of a reasonable proportion of such fish:

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<sup>1</sup> Passed February 8, 1766, Chapter 535.