

[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into this province out of season,"¹ passed in the sixth year of His present Majesty's reign, be and the same is hereby repealed and made void.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.

CHAPTER DCXXI.

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:

¹ Passed February 8, 1766, Chapter 535.

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 within any one term of 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 or shall be aiding or assisting therein 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 convicted before any justice of the peace in and for the county where he or they shall be apprehended (which justice is hereby authorized and empowered to hear, try and determine the same) 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 and held 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 thrown in to the place where they have been usually taken out, shall be deemed and held and is hereby declared to be a pool or fishing-place within the meaning of this act.

[Section III.] And be it further enacted by the authority aforesaid, That where two or more persons residing opposite to each other near the said river on different sides thereof may have suitable landing places on their respective shores or on an island opposite thereto for taking seines or nets out of a pool

or fishing-place, it shall and may be lawful for such persons respectively to fish with their seines or nets alternately and not otherwise: That is to say, the person or persons possessing such landing place as aforesaid, who shall reside near one side of the said river shall or may fish in such pool or fishing-place with one seine or net only for and during the time of twenty-four hours, to be computed as aforesaid; and the person or persons possessing such landing place as aforesaid, who shall reside near the other side of the said river shall or may fish in such pool or fishing-place with one seine or net only for and during the time of twenty-four hours, to be computed as aforesaid, next following, and so alternately for the season.

Provided always nevertheless, That any person or persons may fish with hoop nets in the said river as if this act had never been made.

[Section IV.] Provided always, and be it further enacted by the authority aforesaid, That if any person or persons shall cast, draw or make use of any seine or net for catching fish in the said river or shall be aiding or assisting therein between the sun's setting on a Saturday and the sun's rising on the Monday next following, every such person, being thereof convicted in manner aforesaid, shall forfeit the sum of five pounds, to be paid to the overseers of the poor of the city, borough, district or township where such offender shall reside.

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

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 14, 1761, Chapter 465; and the Acts of Assembly passed February 26, 1773, Chapter 630; April 6, 1776, Chapter 720; March 14, 1777, Chapter 747; March 24, 1781, Chapter 930; March 15, 1784, Chapter 1078; March 23, 1785, Chapter 1146; March 9, 1786, Chapter 1211; April 11, 1793, Chapter 1692; April 8, 1799, Chapter 2063; March 31, 1821, P. L. 179.