

1768. the society, the directors, or a majority, may choose another in his room; all the directors acting to have due previous notice of such intended election; and such choice being confirmed by a second meeting of said directors, the person so elected shall be director, or treasurer, until the next annual election. 8. Directors empowered to lend money on mortgage, &c. 9. The directors to be indemnified by the contributors for signing policies, and all lawful acts; and the joint stock, in the first instance, to be appropriated to that purpose; and no director to be answerable for the defaults, neglects, or misdeeds of the others of them.]

Passed 20th February, 1768.—Private Act.—Recorded A. vol. V. page 238.

### CHAPTER DLXXVII.

*An ACT to enable the owners and possessors of a certain tract of marsh and meadow land, therein described, situate in the county of Chester, to keep the banks, dams, sluices and flood-gates in repair, and to raise a fund to defray the expenses thereof.*

Passed 20th February, 1768.—Private Act.—Recorded A. vol. V. page 243.

### CHAPTER DLXXVIII.

*An ACT for regulating the fishery in the river Brandywine.*

WHEREAS it hath been represented to the Assembly, by petition from a number of the freeholders of the county of Chester, that live on or near the river called Brandywine, that their ancestors, themselves, and the poor adjacent inhabitants, have formerly enjoyed great advantages from the fishery in the same river; and although no person owning lands below the fork or main branches can claim any right, by survey, to the lands covered with the waters thereof, yet divers persons have erected dams across the said river, to the almost total obstruction of the fish running up the same: Wherefore, for remedying the mischiefs aforesaid, *Be it enacted, That* all and every person and persons whatsoever, having already erected, or that shall hereafter erect, any mill-dam, or other obstruction, across the said river, below the forks thereof, within this province, shall make, open and leave, the space of nine feet in breadth, near the middle of the said dam, at least fourteen inches lower than any other part thereof, so that there be at least twelve inches depth of water during the months of March, April and May, in every year, constantly running through the same; and for every foot that the dam is or shall be raised perpendicular from the bottom of the said river, there shall be laid a platform, either of stone or timber, or of both, with proper walls on each side, to confine the waters, which shall extend at least four feet down the stream, and of the breadth aforesaid, to form a slope for the waters gradual descent; and that all and every person and persons, who shall refuse or neglect to make or alter his, her or their dams, in the manner directed

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mill-dams  
below the  
forks, &c.

as aforesaid, within the term of one year, next after this act shall be in force, every such person so offending, contrary to the true intent and meaning of this act, being legally convicted thereof, by the oath or affirmation of one or more witnesses, or by his or her own confession, shall forfeit and pay the sum of one hundred pounds, lawful money of this government, for every such offence, or suffer nine months imprisonment, without bail or main-prize; 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, city or borough, where such offender shall reside, for the use of the poor of the said township, city or borough, if resident within this province, if otherwise, where they shall be apprehended.

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II. *And be it further enacted*, That if any person or persons whatsoever, from and after this act shall be in force, shall erect, build, set up, repair or maintain, or shall be aiding, assisting or abetting, in erecting, building, setting up, repairing or maintaining, any wear, rack, basket, fishing-dam, pound or other device or obstruction whatsoever, within the said river of Brandywine, below the forks thereof (mill-dams made with the opening in the manner aforesaid only excepted) or that shall fix or fasten any net or nets across the same, or any part thereof, whereby the fish may be obstructed from going up the same; or that shall take, destroy or spoil any spawn, fry or brood of fish of any kind whatsoever, in any such wear, rack, basket, pound or other device aforesaid, every such person so offending, being thereof legally convicted in manner aforesaid, shall forfeit and pay the sum of fifty pounds, lawful money of this government, for every such offence, or suffer six months imprisonment, without bail or main-prize; one moiety of which forfeitures shall be paid to the informer, or person who shall prosecute for the same, the other moiety to the use of the poor of the township where such offender shall reside.

Penalty on erecting wears, &amp;c.

III. *And for the more effectual detecting and punishing offenders against this act*, *Be it enacted*, That the Constables of each respective township, which shall be bounded by or adjoining to any part of the said river, shall, and they are hereby enjoined and required, under the penalty of five pounds, to be recovered as debts not exceeding five pounds are directed by law to be recovered, and to be applied in the manner last aforesaid, carefully and diligently to inspect and view, once at least in every two weeks, from the first of March to the last of May, in every year after this act shall be in force, such parts of the said river as shall be adjoining to his respective township; and having any knowledge of any offence against this act, he shall forthwith give information to the next Justice of the Peace, who shall call such offender before him by warrant or summons, and if, on hearing, he shall appear to be guilty of any offence against this act, the said Justice shall take his recognizance, with one sufficient surety, for his appearance at the next Court of General Quarter Sessions of the Peace, to be held for the said county.

Constables to inspect and give information of offences against this act, &amp;c.

IV. *And be it further enacted*, That after the mill-dams shall be altered and built agreeable to the true intent and meaning of this act, no person or persons whatsoever shall cast or draw any net or seine, in the said river, within twenty perches next below or above

Mill-dams being made agreeable to this act, no person to draw a seine

1768. the said opening, hereby directed to be left in the said dams, under the penalty of fifty pounds, to be recovered and applied in the manner first aforesaid. *Provided always nevertheless,* That nothing in this act contained shall be construed or understood to deprive or hinder any person from drawing a seine or net for the taking of fish in any part of the said river, except near the dams as aforesaid.

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V. *Provided also, and be it further enacted,* That the several and respective provisions, matters and things, herein before made, enumerated and expressed, for regulating the fishery in the river Brandywine, shall be, and shall be deemed, held, construed and taken to be, of no force, validity or effect, until a bill for remedying the same mischiefs and inconveniences, hereby intended to be remedied in the said river, shall be passed and enacted into a law by the legislature of the three lower counties of New-Castle, Kent and Sussex, upon Delaware, and be in full force and virtue, any thing herein contained to the contrary thereof notwithstanding.

Passed 20th February, 1768.—Recorded A. vol. V. page 229.