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provincial government, for the term of seven years; and a penalty imposed for catching shad in the Schuykill subsequent to the 20th of May.

For general reference to the acts respecting the river Schuykill, see ante. chap. 465, pa. 235. (*Note to former edition.*)

## CHAPTER DCXXIII.

*An ACT for regulating the fishery in the rivers Codorus and Conewaga, in York county. (k)*

WHEREAS it hath been represented to the Assembly by petition from a number of the freeholders of the county of York, that live on or near the rivers Codorus and Conewaga, that their ancestors, themselves, and the poor adjacent inhabitants, have formerly enjoyed great advantages from the fishery in the same rivers; but that the petitioners and others have, for some time past, been in great measure deprived of this benefit, from divers persons having erected dams across the said rivers, 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 Codorus, below the forks thereof, or Conewaga, below the mouth of Bermudian creek, shall make, open and leave the space of five feet in breadth, near the middle of 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 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 twelve 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 where such offender shall reside, for the use of the poor of the said township.

II. *And be it further enacted*, That if any person or persons whatsoever, from and after this act shall be in force, shall erect,

(k) So much of this act, as prevented the erecting platforms to certain dams, was suspended till the 5th of

March, 1793, (chap. 1478.) (*Note to former edition.*)

Manner of erecting mill-dams below the forks of Codorus, or on Conewaga, below the mouth of Bermudian creek, &c.

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 rivers, below the places aforesaid, for the taking of fish; 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 forfeiture 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.

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Penalty on erecting wears, &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 rivers, 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 month after this act shall be in force, such parts of the said rivers, 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, &c.

IV. *And be it further enacted*, That after the said dams shall be altered or 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 rivers, at or within the said opening, or within twenty perches above or below the same, under the penalty of fifty pounds, to be recovered and applied in manner first aforesaid.

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

V. *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 rivers, except in the places last aforesaid.

Passed 9th March, 1771.—Recorded A. vol. V. page 433.