

1799.

stone on the
New-York
line.

The expense
of the road
to be defray-
ed by sub-
scription.

The road to
be surveyed,
and when
completed a
grant of
three thou-
sand dollars
shall be
drawn for
to reimburse
the subscri-
bers.

dred and nine mile stone, on the line dividing this state from the state of New-York, or as near as may be, which road, when surveyed, laid out and opened, as aforesaid, is hereby declared to be a public highway.

SECT. II. *And be it further enacted by the authority aforesaid,* That the expense of laying out and surveying the said road, and all charges incident thereto, shall in the first instance be paid by such of the citizens of the county of Lycoming, or other persons as may think proper to subscribe, for the purpose of defraying the expense thereof.

SECT. III. *And be it further enacted by the authority aforesaid,* That after the said road shall have been laid out and opened, as is herein before mentioned, the Governor shall appoint a suitable person to view the said road, and make report to him; and if it shall appear by said report that a road or cartway is actually laid out and opened, between the town of Newbury and the one hundred and nine mile stone in the state line, by the route herein before mentioned, then and in that case, the Governor is hereby authorized to draw his warrant on the State Treasurer for the sum of three thousand dollars, to reimburse the person or persons, who were the subscribers for opening and laying out said road.

Passed 8th April, 1799.—Recorded in Law Book No. VI. page 437.

CHAPTER MMLII.

An ACT to prevent the erection of fish-dams and baskets in the rivers Schuylkill, Susquehanna and Juniata, and the branches thereof. (m)

WHEREAS the existing laws for preventing the erection of fish-dams and baskets have been found insufficient, whereby those nuisances have of late been increased, to the manifest injury of the navigation of the river Schuylkill, Susquehanna and Juniata, and the destruction of the fish in the said waters: For remedy whereof,

SECT. I. *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That if any person or persons shall, from and after the passing of this act, erect, repair, maintain or set up, or shall be aiding or assisting in erecting, repairing, maintaining or setting up, any fish-dam, basket or pound, for taking fish, in the rivers Schuylkill, Susquehanna and Juniata, or their branches, which have been or hereafter may be declared public highways, every person or persons so offending, and being legally convicted thereof before any Justice of the Peace of the county where the offence was committed, or before the Justices of the Court of Quarter Sessions of the proper county, shall forfeit and pay the sum of thirty dollars, the one half to the use of the informer or prosecutor, the other half to be applied as herein after directed.

Penalty for
erecting and
maintaining
fish-dams,
baskets or
pounds in
Schuylkill,
Susquehan-
na, Juniata,
or their
branches.

(m) For other acts relating to these rivers, see those several titles in the General Index.

SECT. II. *And be it further enacted by the authority aforesaid,* 1799.
 That if any fish-dam, basket or pound, for taking fish, shall, from and after the passing of this act, be erected, repaired or set up in any of the said rivers, or their branches, opposite to and adjoining land on which any person or persons are settled and reside, every such person or persons are hereby enjoined and required, within ten days after the same has been erected, repaired or set up, to give notice thereof to the Supervisor or Supervisors of the roads within their respective townships, or to the next Justice of the Peace in the county; and on neglect or refusal to give such information, he or they, so offending, shall forfeit and pay the sum of forty dollars, to be recovered in the manner aforesaid, one half to the use of the informer or prosecutor, and the other half to be applied for the purpose of improving the public roads and highways within the proper county.

Persons residing on lands adjoining to which such fish-dams, &c. are erected, shall give notice to the Supervisors of roads, or Justice, under a penalty of forty dollars.

SECT. III. *And be it further enacted by the authority aforesaid,*
 That the Supervisors of the roads in the respective township or townships, which shall be bounded by or adjoining to any part of either of the said rivers, or their branches, which have been, or hereafter may be, declared public highways, shall be, and are hereby, enjoined and required to view and inspect, once at least in fifteen days, from the first day of August to the first day of December, in every year, such parts of the said rivers as shall be adjoining his or their respective townships, or bounding on the same; and if on any such view he or they shall find any fish-dam, basket or pound, for taking fish, within the said rivers, he or they shall thereupon give notice to the next Justice of the Peace, which Justice is hereby authorized and empowered to issue a precept, directing the said Supervisor or Supervisors to throw down, remove and destroy all such dams or baskets; and the said Supervisors are hereby authorized and empowered to assess and collect from the inhabitants of the township or townships wherein any such dam, basket or pound shall have been, or hereafter may be, erected, such sums of money as shall be found necessary to remove all such nuisances, in the same manner, and under the same regulations and restrictions, as monies by law now are levied and collected for the improvement of roads within this commonwealth: *Provided,* That where any part of the said rivers, or the branches thereof, is a boundary between two counties, or between two townships in the same county, in both cases the townships on each side of the said rivers, or the branches thereof, where any fish-dam, basket or pound, for taking fish, shall be erected, maintained or set up, shall be equally charged with the expense of prostrating the same: And if any Supervisor or Supervisors shall neglect or refuse to perform the duties enjoined on him or them by this act, he or they, so offending, shall forfeit and pay the sum of forty dollars, to be recovered and applied in the manner prescribed by the first and second sections of this act: *Provided always,* That if any person or persons shall be convicted under this act before any Justice of the Peace, he or they shall have a right to appeal to the Court of Quarter Sessions, within ten days after such conviction, and be entitled to a trial by jury.

Duty of the Supervisors to view the rivers, and give notice of any fish-dams, &c. erected, to a Justice.

Proceedings to prostrate the same.

Appeal allowed on convictions under this act.

Passed 8th April, 1799.—Recorded in Law Book No. VI. page 429.