

shall come into his hands by virtue of this act pay off, discharge and redeem at least eight hundred pounds, part of the said eight thousand pounds hereby directed to be emitted, until the whole thereof shall be paid off and redeemed, for which purpose yearly and every year there shall be laid, assessed and levied a just and proportionable rate and tax on all estates real and personal and taxables within the said city by the same persons and under the same penalties, to be recovered in the same manner as the sums of money to be raised for the purposes mentioned in the [said] last-recited act are thereby directed to be laid, assessed and levied, and when so levied the same shall be paid to the said treasurer, to be by him applied from time to time to the payment and discharge of the said bills hereby directed to be emitted; and the said treasurer, upon such payment and discharge of the said bills, shall receive the same of their respective bearers and yearly as they come to his hands deliver them over to the committee of assembly for the time being appointed to settle the public accounts to be by them burnt, sunk and destroyed.

[Section IX.] And be it further enacted by the authority aforesaid, That so much of the said act, entitled "An act for granting to His Majesty the sum of twenty-three thousand five hundred pounds for the purposes therein mentioned,"<sup>1</sup> as relates to the appointment of commissioners and disposition of the said sum of fifteen thousand pounds shall be and is hereby repealed and null and void.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.

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## CHAPTER DCXXIII.

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### AN ACT FOR REGULATING THE FISHERY IN THE RIVERS CODORUS AND CONNEWAGA IN YORK COUNTY.

Whereas it hath been represented to the assembly by petition from a number of the freeholders of the county of York that live

<sup>1</sup> Passed May 14, 1762, Chapter 483.

on or near the rivers Codorus and Connewaga 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:

[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 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 Connewaga 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 water's 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 offense, or suffer twelve

months' imprisonment without bail or mainprise, 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.

[Section II.] And be it further enacted by the authority aforesaid, 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 weir, rack, basket, fishing dam, pound or other device or obstruction whatsoever within the said rivers below the places as 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 weir, 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 offense, or suffer six months' imprisonment without bail or mainprise, 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.

And for the more effectual detecting and punishing offenders against this act:

[Section III.] Be it enacted by the authority aforesaid, 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 offense 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 offense 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.

[Section IV.] And be it further enacted by the authority aforesaid, 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.

[Section 5.] 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 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 March 5, 1790, Chapter 1489; February 27, 1801, Chapter 2211; March 23, 1803, P. L. 389; January 14, 1813, P. L. 19; January 21, 1824, P. L. 9; April 1, 1845, P. L. 273; March 20, 1846, P. L. 150; May 24, 1871, P. L. 275; March 21, 1872, P. L. 481; April 1, 1873, P. L. 464; April 28, 1873, P. L. 82, 886; May 24, 1873, P. L. (1874) 386; June 3, 1878, P. L. 160; May 22, 1889, P. L. 267; June 25, 1895, P. L. 286; May 6, 1899, P. L. 17; May 29, 1901, P. L. 302.

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## CHAPTER DCXXIV.

AN ACT FOR APPOINTING REGULATORS IN THE SOUTHERN PARTS OF THE NORTHERN LIBERTIES OF THE CITY OF PHILADELPHIA, AND FOR OTHER PURPOSES THEREIN MENTIONED.

Whereas there is a certain tract of land in the township of the Northern Liberties adjoining to and bounded by the city of