

Section IV. (Section IV, P. L.) And be it further enacted by the authority aforesaid, That so much of any law of this commonwealth as is hereby altered and supplied, be hereby repealed: And all other parts of the act to which this is a supplement, are hereby declared to be in full force and effect.

Approved February 23, 1809. Recorded in L. B. No. 11, p. 277.

Note (*). Chapter 2426; 17 Statutes at Large, p. 558.

Note (*). Chapter 3030; *infra* this volume, p. 937.

Note (*). Chapter 1035; 11 Statutes at Large, p. 151.

CHAPTER MMMXXX.

EXEMPLIFICATION.

STATE OF NEW JERSEY.

AN ACT TO REGULATE THE FISHERIES IN THE RIVER DELAWARE, AND FOR OTHER PURPOSES.

Section I. (Section I, P. L.) Be it enacted by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same, That from and after the passing of this act, no seine nor net shall be cast, drawn, or in anywise made use of by any person or persons whomsoever, in the river Delaware, within the jurisdiction of this state, from Saturday twelve o'clock at night, until twelve o'clock on Sunday night, and that no more than one seine or net shall be cast, drawn or in anywise made use of in any one pool or fishing place by any person or persons whomsoever, in the aforesaid river, from the station point, or northwest corner of this state, to the southern point of Newbold's or Biddle's Island, in the county of Burlington, and from thence down opposite the circular boundary of the state of Delaware, not more than two nets, within any one term of twenty-four hours, to begin at sun rising, and to continue until sun rising the next day following: And if any person or persons whosoever shall cast,

draw or make use of any seine or net, in the said river, or shall be aiding or assisting therein, within the term or terms aforesaid, contrary to the true intent and meaning of this act, every person or persons so offending, and being thereof legally convicted, before any justice of the peace of the county where the offense is committed, shall forfeit and pay the sum of fifty dollars for each and every such offense, together with the costs of prosecution; to be paid to the collector of the county where the offense has been committed, for the use of said county.

Section II. (Section II, P. L.) And be it enacted, That if any person or persons shall cast, draw, or make use of any shad seine or shad net, for the purpose of catching fish in the river Delaware, within the limits of this state, below the falls of Trenton, after the tenth day of June, or between the said falls, and opposite the mouth of the river Lehigh, after the fifth day of June, or in any other part of the river Delaware, between the mouth of the river Lehigh and the station point, or northwest corner of this state, after the tenth day of June, in each and every year: every person or persons so offending, and being thereof legally convicted before any justice of the peace, in and for the county where he or they may be apprehended, shall forfeit and pay the sum of fifty dollars for each and every such offense to be applied to the use aforesaid, and likewise to pay costs of prosecution. 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 III. (Section III, P. L.) Be it enacted, That from the place or places where seines or nets are usually thrown into the place or places where they have been usually taken out, or from the place or places where they may hereafter be thrown into the water, to the place or places where they may be taken out, shall be deemed and held to be a pool or fishing place, within the meaning of this act.

Section IV. (Section IV, P. L.) And be it enacted, That if any person or persons shall be found making use of any seine or net, contrary to the true intent and meaning of this act,

every such person or persons so offending, shall, in addition to the penalty aforesaid, forfeit the seine or net so made use of, which seine or net shall by order of the court, before whom such person or persons shall be convicted, be exposed to public sale, after giving five days notice thereof by advertisement, and the money arising therefrom shall be paid in the manner and for the use aforesaid, the costs of such prosecution and sale being first deducted.

Section V. (Section V, P. L.) And be it enacted, That if any person or persons whosoever, shall erect, build, set up, repair or maintain, or shall be aiding, assisting or abetting in erecting, building, setting, repairing or maintaining any weir, rack, basket, fishing dam or pound; or shall make use of any swab or bush net, or shall fix, fasten, set or otherwise make use of any gilling seine or drife net, anchor any engine, or make use of any devise whatsoever, except fishing with sweeping seines, hooks and lines, darts, scoop-nets and eel baskets for taking fish in the river Delaware, within the limits aforesaid; every person or persons so offending, and being legally convicted, thereof, by the oath or affirmation of one or more credible witness, or by his or their own confession, before any court having competent jurisdiction, where such offender may be apprehended, shall forfeit and pay the sum of one hundred dollars, together with costs of suit, to be recovered and applied as aforesaid.

Section VI. (Section VI, P. L.) And be it enacted, That if any person or persons whosoever shall erect, build, set up, repair or maintain, or shall be aiding or assisting in erecting, building, setting up, repairing or maintaining any wing-dam, or placing any other obstruction injurious to the navigation of said river, as aforesaid, except such mill-dams as have been or hereafter may be put up in pursuance of any special act of the legislature, and being thereof legally convicted, before the court of quarter sessions of the county where the offense has been committed, shall forfeit and pay the sum of one hundred dollars, to be paid to and applied for the use aforesaid: Provided always, that wherever the land of any

person along the said river is situated so low as to make it difficult to keep a fence, in such case, they shall be allowed the privilege of making a wall or rack, sufficient to answer the purpose of preventing cattle from going round, with making and providing a sufficient passage near the shore, at least eleven feet wide, sufficiently deep for boats to pass through, until the water is so low as to go conveniently round the said wall.

Section VII. (Section VII, P. L.) And be it enacted, That the constables of each respective township, borough or district, which shall be bounded by or adjoining any part of the river Delaware as aforesaid, shall, and he hereby is strictly enjoined and required, diligently to enquire, inspect and view once every week, from the first day of April, until the tenth of June, in every year, such parts of said river as shall be adjoining his respective township, borough or district, and having any knowledge of any offenses against this act, he shall forthwith give information to some justice of the peace, who shall immediately issue forth his warrant, directing the constable to bring forthwith before him, such transgressor or transgressors, and have them dealt with according to law, and if any of the aforesaid constables shall neglect to perform the duties enjoined on him or them by this act, he or they so offending, and being thereof legally convicted before any justice of the proper county where such delinquents may reside, shall forfeit and pay the sum of twenty-five dollars for each and every such offense, to be levied and recovered as other sums to the like amount, to be paid to and applied for the use as aforesaid; and each of the constables while performing the duties enjoined on them by this act, shall be allowed at the rate of one dollar per day, to be paid by the county collector, each constable having an exact account of the number of days he or they have been employed under the direction of this act, regularly attested before one of the justices of the peace of their respective townships.

Section VIII. (Section VIII, P. L.) And be it enacted, That the collector of each respective county adjoining the

river Delaware, within the limits aforesaid, shall, every year before they settle their accounts, enquire of the justices of the peace of the several townships adjoining the river Delaware within their county, to know whether they have any money in their hands arising from such forfeitures as aforesaid; which money, if any there should be, they are hereby authorized to receive, with giving the magistrate a receipt, and their respective counties credit for the same. And if either of the collectors, from his or their own knowledge, or the information of any other person, shall have knowledge of any transgressions against this act, which either of the aforesaid constables have either neglected or refused to prosecute agreeably to the directions of this act, he or they are hereby strictly enjoined and required, under the penalty of twenty-five dollars, immediately to give information to one of the justices of the peace of the respective township, borough, or district, which said justice is hereby enjoined and required forthwith to proceed against any such delinquents, agreeably to the directions of this act.

Section IX. (Section IX, P. L.) And be it enacted, That the constables of each of the several townships adjoining to the said river Delaware, from the tide water up to the station point, or northwest corner of this state, shall be, and they are hereby enjoined and required, under the penalty of fifty dollars, to view once at least in every fourteen days from the first day of August to the first day of December in every year, such parts of said river as shall be adjoining his or their respective townships, and if on any such view he or they shall find any fish dam, basket, pound, or such like device, for taking fish within the said river, he shall thereupon give notice to the next justice of the peace of the township or county so adjoining; which justice is hereby required to issue forth his warrant to one of the constables of the township adjacent to the fish-dam, basket, pound, or other device as aforesaid, so erected, or in which they or any of them shall be erected, enjoining and requiring the said constable forthwith to remove or cause to be removed every such fish-dam, basket, pound, or

other device aforesaid, and for that purpose, to summon so many of the inhabitants of the said township as may be necessary to throw down, remove and destroy such fish-dam, baskets, pound, or other device aforesaid, giving them three days previous notice. And the said constable shall make return of his proceedings to the said magistrate in ten days thereafter; and if any such constable to whom such warrants shall be directed, shall refuse or neglect to perform the duty hereby enjoined or required of him, he, or they so offending, and being thereof legally convicted; shall for every such offense, forfeit and pay to the collector of the township where such offender shall reside, the sum of one hundred dollars, for the use of said county. And if any inhabitant so summoned, shall refuse or neglect to attend in person, or to send another able person in his room, to assist in throwing down, removing and destroying such fish-dam, basket, pound, or other device aforesaid, in such manner as the said constable shall order and direct, he shall forfeit and pay the sum of four dollars, for every such offense, to the overseers of the poor of the township whose inhabitants have been so summoned, for the use of the poor of the same; to be recovered and levied as debts of the like amount are by law recoverable: Provided always, that any person or persons who 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.

Section X. (Section X, P. L.) And be it enacted, That if any person or persons whoever shall cast or lay out, or cause to be laid out, any seine or net, into the river Delaware within the jurisdiction of this state, beyond the right angle of the shore and where his line strikes the river at low water mark agoing out, or suffer it to swing beyond the right angle of the shore of the river, and where his line strikes it at low water mark acoming in (except by unavoidable accident) every person or persons so offending, and being thereof legally convicted, shall forfeit and pay the sum of twenty-five dollars, for each and every such offense, with costs and damages, to

be paid to the person against whose land such trespass shall be committed, if he shall sue for the same within six months after such trespass has been committed. And whereas it is provided by the agreement of the commissioners appointed by the legislature of this state, and of the state of Pennsylvania, to divide the islands and settle the line of jurisdiction in the river Delaware, that the legislature of each of the states should have and exercise the right of regulating and guarding the fisheries on the said river annexed to their respective shores, in such manner that the said fisheries may not be unnecessarily interrupted during the season of catching shad by vessels riding at anchor on the fishing ground or by persons fishing under a claim of a common right to the said river: Therefore,

Section XI. (Section XI, P. L.) Be it enacted, That if any ship, vessel, or raft, shall, during the season of catching shad in the Delaware, come to anchor at the same, on any fishing ground where shad are usually taken, and shall not immediately be removed from the said fishing ground, if such removal can be done with safety, on application for that purpose by the owner or occupier of such fishery to the captain, pilot, or person having the command of the said ship, vessel, or raft; or if any such ship, vessel, or raft, be wilfully run on shore on any such fishing ground, then such captain, pilot or person having the command as aforesaid, shall forfeit and pay sixty dollars, to be recovered by action of debt, with costs, by the said owner or occupier.

And whereas the legislature of the commonwealth of Pennsylvania, have enacted a law, entitled "An act to regulate the fisheries in the river Delaware, and for other purposes,"⁽¹⁾ dated the eighth day of February, in the year of our Lord one thousand eight hundred and four, a copy of which has been presented to the legislature of this state, for mutual agreement: Therefore,

Section XII. (Section XII, P. L.) Be it enacted, That his excellency the governor of this state, is hereby directed to transmit an attested copy of this law to the legislature of

the commonwealth of Pennsylvania; and soon as they shall comply with the amendments and additions herein contained, then this shall be, and is hereby ratified and confirmed.

Section XIII. (Section XIII, P. L.) And be it enacted, That the act entitled "An act to regulate certain fisheries in the river Delaware," passed the thirteenth day of June, seventeen hundred and ninety-nine, and all other acts heretofore passed relative thereto, be, and the same are hereby repealed.

Council Chamber, November 26th, 1808.

This re-engrossed bill having been read and compared in council—Resolved, that the same do pass.

By order of Council,

EBENEZER SEELY, Vice-President.

House of Assembly, November 26th, 1808.

This re-engrossed bill having been read and compared in this house—Resolved, that the same do pass.

By order of the House,

LEWIS CONDUCT, Speaker.

I, James Linn, Secretary of the State of New Jersey, do certify the foregoing to be a true copy of an act of the legislature of the state of New Jersey, filed in the office of the secretary of said state.

Given under my hand and seal, the third day of December, in the year of our Lord eighteen hundred and eight.

JAMES LINN.

JOSEPH BLOOMFIELD.

Governor of the State of New Jersey.

To all to whom these presents shall come:

KNOW YE, That the names "James Linn," subscribed to the foregoing certificate of a copy of the law of the legislature of said state, is the proper hand writing of James Linn,

who was at the time of signing the same, and now is, the secretary in and for the aforesaid state: Therefore, due faith and credit is, and ought to be given to his proceedings and certificates as secretary of said state.

In testimony whereof, the great seal of said state is hereunto affixed, and the hand of the said governor, at Trenton, the fifth day of December, in the year of our Lord eighteen hundred and eight.

JOSEPH BLOOMFIELD.

By the Governor,

JAMES LINN,
Secretary of State.

Recorded in L. B. No. 11, p. 277.

Note (*). Chapter 2426; 17 Statutes at Large, p. 558.

Note (*). Chapter 3030; infra this volume, p. 937.

CHAPTER MMMXXXI.

AN ACT AUTHORIZING JONATHAN BAYARD SMITH, GAVIN HAMILTON AND PETER LE BARBIER DUPLESSIS, TO CONVEY A LOT OF GROUND SITUATE IN THE CITY OF PHILADELPHIA.

Whereas the Grand Lodge of Pennsylvania, by petition to the general assembly of this commonwealth, hath set forth that the said Grand Lodge owns a lot of ground situate on the southwest corner of Twelfth and Walnut streets, in the city of Philadelphia, containing in breadth on Twelfth street aforesaid, seventy feet, and in depth on Walnut street aforesaid, one hundred and twenty-four feet, bounded northward by Walnut street, aforesaid, westward and southward by ground now or late of Joseph Dean, and eastward by Twelfth street aforesaid, which said lot of ground was formerly given to the said Grand Lodge by Joseph Dean, a member of the said Grand Lodge, and afterwards by the commissioners of bankruptcy of the said Joseph Dean, sold and conveyed to