

A C T S

OF THE

General Assembly of Pennsylvania.

Passed at a Session which commenced October 14th, 1770,
and ended March 9th, 1771.

JOHN PENN, LIEUTENANT GOVERNOR.

1771.

CHAPTER DCXX.

An ACT to prevent the destruction of rock-fish and oysters.

WHEREAS the catching small rock-fish, and the taking oysters, at improper times, tend to deprive the markets in this province of such supplies of them, as by prudent regulations may be continued: *Be it therefore enacted,* That if any person or persons whatsoever shall, at any time between the first day of March and the first day of December, in any year, after the publication of this act, at any place within this province, offer to sale any rock-fish, which shall not measure twelve inches at least, from the eye to the fork of the tail thereof; or if any person or persons shall, at any time between the tenth day of May and the first day of September, in any year, after the publication hereof, at any place within this province, offer to sale any oysters whatsoever, the person or persons so offending shall forfeit such fish or oysters; and the Clerk of the market, or any Overseer of the poor or Constable in the city of Philadelphia, or any Overseer of the poor or Constable of the borough, district or township respectively, in which any fish or oysters shall be offered to sale contrary to this act, shall, and are hereby required immediately to seize the same, for the use of the poor of such city, borough, district or township.

II. And whereas it has been a practice with some persons, who carry about oysters for sale, to cover such oysters with clams, alleging that they do not offer such oysters for sale, yet dispose thereof contrary to law, falsely pretending to sell clams only: *Be it therefore further enacted,* That if any person or persons shall, at any time between the tenth day of May and the first day of September, as

Rock-fish offered for sale, between the first of March and the first of December, not measuring 12 inches, to be forfeited.

Oysters offered for sale, between the tenth of May and the first of September, to be forfeited.

Clams, Sec. offered for sale by any

1771. aforesaid, at any place within this province, carry about, or have in his possession at the same time, any oysters, together with clams or other articles, offering such clams or other articles for sale, every such person or persons so offending shall forfeit such clams or other articles, together with such oysters; and the Clerk of the market, or any Overseer of the poor or Constable of the city of Philadelphia, or any Overseer of the poor or Constable of the borough, district or township respectively, in which such clams or other articles shall be so offered to sale, shall immediately seize the same, together with such oysters, for the use of the poor of such city, borough, district or township.

person, having oysters in his possession at the same time, to be forfeited.

Persons aggrieved may appeal, &c.

III. *Provided always, and be it further enacted*, That if any person or persons shall think him, her or themselves, aggrieved by such seizure as aforesaid, he, she or they may appeal to any Justice of the Peace in and for the city, borough or county, where such seizure shall be made, who is hereby empowered to hear and finally determine the same; and if thereupon it shall be adjudged by such Justice, that the seizure was legally made, the person or persons so appealing, shall further forfeit ten shillings, for the use of the poor of the city, borough, district or township respectively, in which such seizure shall be made.

IV. *And be it further enacted*, That the act entitled *An Act to prevent the destruction of small rock-fish, and taking of oysters, and bringing them into this province out of season*, passed in the sixth year of his present Majesty's reign, be, and the same is hereby, repealed and made void.

Passed 9th March, 1771.—Recorded A. vol. V. page 403. (h)

(h) By an act passed January 26th, 1802, (chap. 2214,) so much of the act in the text, as relates to the offering for sale any rock-fish under a certain described size therein mentioned, is repealed.

CHAPTER DCXXI.

An ACT to regulate the fishery in the river Schuylkill.

WHEREAS it hath become a common practice to fish in the lower parts of the river Schuylkill with divers seines or nets in the same pool or fishing-place, so that shad and other fish are, in a great measure, prevented from running up the same to the places where they usually spawn, whereby their numbers are too much diminished, and the inhabitants of this province, dwelling near the upper parts of the said river, are deprived of a reasonable proportion of such fish: For remedy whereof, *Be it enacted*, That, from and after the publication of this act, no more than one seine or net shall be cast, drawn or made use of, by any person or persons whatsoever, in any one pool or fishing-place in the said river, within any one term of twenty-four hours, to begin from twelve of the clock at noon, and to continue until the same hour the next day; and that if any person or persons shall cast, draw or make use of, any seine or net, in any pool or fishing place in the said river, or shall be aiding or

Penalty on persons using more than one seine or net in twenty-four hours in one pool or fishing-place, &c.