

## CHAPTER DCLXXIV.

1773.

An ACT for preserving the navigation in Shearman's creek, in the county of Cumberland, and to prevent the destruction of fish in the same.

WHEREAS it hath been represented to the assembly, by petition from a number of the freeholders of the county of Cumberland, living near or adjoining to Shearman's creek, in said county, that the navigation of the said creek has been obstructed by a saw-mill dam, erected across the said creek, near the mouth, by a certain James Patton: Therefore, for preserving the navigation in the said creek, *Be it enacted*, That the said James Patton, and all and every person or persons claiming under him, and all and every person or persons whatsoever, having already erected any mill-dam or other obstruction across the said creek, where the same has been or can be made navigable for rafts, boats or canoes, shall make, open and leave the space of twenty feet in breadth near the middle of the said dam, at least two feet lower than any other part thereof; and for every foot that the dam is or shall be raised perpendicular from the bottom of the said creek, there shall be laid a platform, either of stone or timber, or both, with proper walls on each side, to confine the waters, which shall extend at least six feet down the stream, and of the breadth aforesaid, to form a slope for the water's gradual descent, for the easy and safe passage of boats, rafts and canoes, through the same. And that all and every person, who shall refuse or neglect to make or alter his, her or their dams, in the manner directed as aforesaid, within the term of eight months next after the passing of this act, every person so offending, contrary to the true intent and meaning of this act, being thereof legally convicted in the Court of Quarter Sessions of the county aforesaid, by the oath or affirmation of one or more witnesses, or by his or her own confession, shall forfeit and pay the sum of fifty pounds, lawful moneys of this government, for every such offence, or suffer six months imprisonment without bail or mainprize; 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 the publication of this act, shall erect, 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 creek, 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 ten pounds, lawful money of this government, for every such offence, or suffer one month's imprisonment, without bail or mainprize; one moiety of which forfeiture shall be paid to the informer

Manner of regulating mill-dams, &c.

Penalty on persons refusing or neglecting to alter their dams, &c.

Penalty on erecting wears, &c.

or person prosecuting for the same, the other moiety to the use of the poor of the township where such offender shall reside. 1773.

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 said creek, shall, and they are hereby enjoined and required, under the penalty of twenty shillings, 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 the publication of this act, such parts of the said creek as shall be adjoining to his respective township; and having any knowledge of any offence against this act, 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 creek, at or within the said opening, or within twenty perches above or below the same, under the penalty of five 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 creek, except in the places last aforesaid.

Proviso.

VI. *And be it further enacted*, That the said creek, so far up as the same has been or can be made navigable for rafts, boats or canoes, shall be, and is hereby declared to be, a public highway.

Shearman's creek to be a public highway.

VII. *Provided always*, That nothing herein contained shall be deemed or taken to prevent the said James Patton, and all persons claiming under him, from erecting and maintaining the aforesaid dam in the manner herein before directed.

Passed 26th February, 1773.—Recorded A. vol. VI. page 6.

## CHAPTER DCLXXVIII.

*An ACT for erecting a part of the county of Bedford into a separate county.*

WHEREAS a great number of the inhabitants of the county of Bedford, on the west side of the Laurel Hill, have represented to the assembly of this province the great hardships they lie under, from being so remote from the present seat of judicature and the public offices: For remedy whereof, *Be it enacted*, That all and singular the lands lying within the province of Pennsylvania, and being within the boundaries following, that is to say; beginning in the province line, where the most westerly branch, commonly called the South of Great Branch of Youghiogeny River crosses the same;

Boundaries of the county.