

1774. to be examined as aforesaid, it shall be lawful for the said Commissioners, or a majority of them, to cause them to be apprehended by their warrant, directed to the sheriff of the proper county, and to commit the delinquents to the common gaol, there to remain, without bail or main-prize, until they shall comply with the directions of this act.

Trustees,  
&c. being ag-  
grieved may  
petition to  
be re-heard  
by the Court,  
&c.

III. *And be it further enacted*, That if any of the said Trustees, or their executors or administrators, shall conceive themselves aggrieved in any article or articles, or particular matters or things, in the account settled and returned to the said Court by the said Commissioners, and shall by his or their petition, particularly mentioning the said articles, or particular matters and things, pray to be re-heard by the said Court, the Justices thereof shall proceed to inquire into, hear and determine the same according to law and justice, and shall thereupon, or upon the report returned as aforesaid, order and adjudge the said Trustee or Trustees, his or their executors or administrators, forthwith to satisfy and pay to each and every creditor and creditors of such insolvent debtors, his just and reasonable dividend and proportion.

Passed 22d January, 1774.—Recorded A. vol. VI. page 29.

## CHAPTER DCXCII.

*An ACT for regulating the fishery in the river Connestogoe, in the county of Lancaster.*

[Supplement  
to this act,  
October 4th,  
1788. (chap.  
1366.) Wit-  
mer's bridge,  
September  
22d, 1787,  
(chap. 1302.)  
Navigation  
of March  
17th, 1806,  
(chap. 2661.)  
A further  
Supplement  
March 7th,  
1810.  
ante. chap.  
627.]  
Manner of  
erecting  
mill-dams  
below the  
mouth of  
Muddy  
creek, &c.

WHEREAS it hath been represented to the Assembly, by petition from a number of the freeholders of the county of Lancaster, that live on or near the river Connestogoe, that their ancestors, themselves, and the adjacent inhabitants, have formerly enjoyed great advantages from the fishery in the same river, 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 river, to the almost total obstruction of the fish running up the same: Wherefore, for remedying the mischiefs aforesaid, *Be it enacted*, 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, below the mouth of Muddy creek, shall make, open and leave, the space of ten feet in breadth near the end of said dam, at least fourteen inches lower than any other part thereof, as far up the said river as the mouth of Cocollico creek, and above that to the mouth of Muddy creek, at least five feet in breadth, and fourteen inches lower, near the end of said dam, 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 five 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 offence, or suffer twelve months imprisonment, without bail or main-prize; 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.

1774.

II. *And be it further enacted*, 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 wear, rack, basket, fishing-dam, pound, or other device or obstruction whatsoever, within the said river, below the places 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 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 fifty pounds,\* lawful money of this government, for every such offence, or suffer six months imprisonment, without bail or main-prize; one moiety of which forfeiture 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.

Penalty on erecting wears, &c.

\* [This part of the section, repealed, October 4th, 1788. (chap. 1366.)

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 the said river, 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 river, as shall be adjoining to his respective township; and having any knowledge of any offence 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 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.

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 river, except in the places last aforesaid.

Passed 22d January 1774.—Recorded A. vol. VI. page 43.