

## THE FISH BILL.

The following is the bill as it passed:  
**Section 1.** Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That hereafter no person shall have in his or her possession, or expose to sale, any shad caught in the river, Delaware, or its tributaries, within the jurisdiction of the State, below the head of Trenton falls, between the eleventh day of June and tenth day of August, in any year, or above the head of Trenton falls, or on any of its tributaries, within said jurisdiction, between the nineteenth day of June and the tenth day of August, in any year, under a penalty of five dollars for each and every shad so had in possession, or exposed for sale, or to be recovered in any action or actions of debt, with costs of suit, by any person or persons, in his or their name or names, before any justice of the peace in the county where the offense was committed or where the defendant resides or is found: *Provided*, That nothing in this act shall make it unlawful for the fishery commissioners of this State or of the corporate States, or of the United States commissioner of fisheries, with the consent of the fishery commissioners of this State, or of the corporate States, to take fish in the said waters for the purpose of natural or artificial spawning or propagation of the same.

**Sec. 2.** It shall not be lawful to catch fish in any way whatever in any of the waters in which fish will live, over which this State has either original or treaty, statutory or constructive jurisdiction, except by means of a net, or other contrivance, at any time between sunset on Saturday evening and sunrise on the next ensuing Monday morning; the said offense to be deemed a misdemeanor, and on conviction be sentenced to pay a fine not exceeding one hundred dollars, at the discretion of the court, and sheriffs and constables, or harbor police officers and their deputies are hereby authorized and required to suppress all such fishing, using such means and force as may be necessary to arrest such persons found in sight of such officer or his deputy, in the commission of the offense, and seize such boats and their apparel, tackle, implements, nets, et cetera, as may be used or employed in the same, the said persons to be tried and punished as aforesaid, and the property taken to be sold at public sale, by the said sheriff and constables, on due public notice given, the proceeds to be turned over to the treasuries of the proper counties or cities bordering upon or embracing the stream or streams whereon the offense shall have been committed: *Provided*, That sheriffs, and those only necessary by using such means in their regular established business, as on account of the large size of said seines, and for that cause alone, cannot be set or laid out except at the slack or turn of the tide, may set their nets or seines at only one such turn of the tide occurring by regular tidal changes, between any midnight during the fishing season on Saturday night and on sunrise on the following Monday morning, with out incurring the penalties provided in this section.

**Sec. 3.** Trespassing upon fish preserves or ponds shall be punishable as other unlawful trespass for breach of a close, but no action shall be sustained therefor unless public notice of the character of said preserve, by hand, post, be set near the said waters, by the owners or occupants thereof; and if a roadway, pathway, railway or other form of crossing, shall pass over waters held, owned or used as fish preserves, by any person or persons engaged in the culture, propagation or preservation of fish, it shall not be lawful for any person to fish in the said waters, from the said crossing, or from any of its parts or projections; and any person or persons so offending shall be liable, in an action of trespass, before the tribunal having jurisdiction thereof: *Provided*, That notice shall be fixed at such crossing by the owner or occupant of the close or preserve, warning the public that the said waters are used as preserves for the culture, propagation or preservation of fish; and the owners or occupants of such enclosures having given written notice to their neighbors, or adjoining occupants, of the character of said preserves or enclosures, and warned them not to permit domestic water fowls to trespass upon the same, which warning being unheeded for a period of ten days, the said owners or occupants may take possession of, or otherwise destroy said water fowl or fowls, without any liability for taking or destroying the same.

**Sec. 4.** That it shall not be lawful to fish with nets or any other method of entrapping fish, except with hook and line, within half a mile of any part of any dam or its chute, in which there is or may hereafter be any chute or fish ladder, for navigation or for the purpose of the passage of fish up or down any stream in this Commonwealth, and any person persons so offending shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be sentenced to pay a fine not exceeding one hundred dollars, at the discretion of the court: *Provided*, That the provisions of this section shall not take effect until the first day of March, in the year of our Lord one thousand eight hundred and seventy-four.

**Sec. 5.** The Governor of the Commonwealth is hereby authorized and required to appoint three competent persons who shall be known as the State Fishery Commissioners, who shall be commissioned

and hold their positions for the period of three years from the date of their appointment, unless the said commission is sooner dissolved by legislative enactment; and any vacancies occurring in said commission by death, resignation or otherwise, shall be for the unexpired term in like manner filled by the appointment and commission of the Governor. The general duties of the said commissioners, in addition to their other duties specified in this act, shall be to forward the restoration of the inland fisheries of the rivers and waters of this Commonwealth, and to stock the same with fish in succession at their judgment, as they shall be supplied with means thereof, and they shall use every lawful means to have all the laws in the cases made and provided to be faithfully executed, who shall be paid their reasonable and necessary expenses for the performance of the duties prescribed by this act, and shall report their proceedings and doings annually to the Legislature, through the Governor of the Commonwealth, accompanied by a full and itemized statement, under oath, of all expenditures made by them in pursuance of the provisions of this act: *Provided*, That before the Governor shall issue a commission to any of the said commissioners he may require each of them to file a bond in the sum of ten thousand dollars, with one or more sufficient sureties, in the Auditor General's office, to be approved of by the said Auditor General, conditioned for the performance of the duty of said commissioners with fidelity, and the faithful application of any moneys which may come to his hands as such commissioners.

**Sec. 6.** During the present year, one thousand eight hundred and seventy-three, the commissioners aforesaid are required to have constructed by contract with the lowest and best bidders after due public notice, approved fishways or ladders for the passage of migratory or anadromous fishes as follows, to wit: One in Columbia dam, in addition to the one now existing therein; one in the Clark's Ferry dam; one in the Shamokin dam, and one in the first dam of the Juniata river above its confluence with the Susquehanna river, for which purpose twenty-five thousand dollars (\$25,000), or so much thereof as may be necessary, is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated. During the year one thousand eight hundred and seventy-four (1874) the said commissioners are hereby required to have constructed by contract in like manner, with the lowest and best bidders after due public notice, approved fishways or ladders for the passage of migratory or anadromous fishes as follows, to wit: One in the Muncy dam; one in the Nanticoke dam; one in the Lewistown dam (in the narrows), and one in each of the two dams first occurring on the Lehigh river above its confluence with the Delaware river, and one in the Horse Race dam in the North Branch of the Susquehanna river, or open shed dam, for which purpose thirty thousand dollars (\$30,000), or so much thereof as may be necessary, is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, and during the year one thousand eight hundred and seventy-five (1875) the said commissioners are required to have constructed by contract with the lowest and best bidders, after due public notice, approved fishways or ladders for the passage of migratory or anadromous fishes, as follows, to wit: One in the Newton Hamilton dam, one in the Raystown Branch dam, and one in the third and fourth dams each on the Lehigh river, above its confluence with the Delaware river, for which purpose twenty thousand dollars (\$20,000), or so much thereof as may be necessary, is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated: *Provided*, That in each of the said years, the fishways aforesaid shall be completed in succession, in the order in which they are above named, and no moneys shall be paid out of the State Treasury under the provisions of this section except upon the qualified certificate or certificates of the said commissioners, or a majority thereof, from time to time, that the services have been rendered or the work done in accordance with this act, which certificates being presented to the Auditor General, he shall issue his warrant or warrants upon the State Treasury in payment of the same, in favor of the person or persons to whom the same may be due: *And provided*, That none of the fishways named in this section, to be constructed in the years eighteen hundred and seventy-four (1874) and eighteen hundred and seventy-five (1875), shall be put under contract or contracted, unless the said commissioners or a majority of them shall, on or before the first day of May, in the year one thousand eight hundred and seventy-four (1874), file a certificate with the Auditor General, that in their opinion the said fishways have been successful, and can be successfully used for the passage of migratory or anadromous fishes: *And provided further*, That any fishways constructed under this act must be built and constructed in a substantial manner, after the most improved and approved method to admit of the passage of fish at reasonable cost, and so as not to injure the dams for the purposes for which they are now used.

**Sec. 7.** The board of fishery commissioners may, if they consider it necessary, appoint, not exceeding two fish wardens or water bailiffs, to be placed in charge of each of the reaches or stretches of the river immediately below or above the dams mentioned, and at least three fish wardens or water bailiffs on the river Delaware, at such points as they may deem proper, whose duty it shall be to be vigilant, and who, if it be necessary, are hereby empowered to call to his or their aid any sheriffs, constables, harbor police officers, or their deputies; and upon information made by him or them, or upon view of any offenses against or infraction of any of the fishery laws, to arrest and bring to punishment all and any offenders against the same; the pay of each of which officers shall not exceed one hundred dollars in any one year.

**Sec. 8.** Should the State of New Jersey appropriate funds for the artificial propagation of shad in the river Delaware during the fishing season of the current year, one thousand eight hundred and seventy-three, the board of fishery commissioners are authorized to apply and employ a similar amount for the same purpose: *Provided*, That the said amount shall not exceed the sum of three thousand dollars: *And provided further*, That the said sum not exceeding three thousand dollars is hereby appropriated for that purpose, to be paid by the State Treasurer upon the warrants of the said board of fishery commissioners, from time to time, as the same may be necessary, whenever a certificate of the appropriation and action of the State of New Jersey shall be filed in the office of the State Treasurer authenticated as required by the laws of said State.

**Sec. 9.** That the provisions against fish baskets, kiddies, eel wiers or racks, and similar contrivances, contained in section eleven of the act of twenty-fourth of May, one thousand eight hundred and seventy-one, are hereby made applicable to all streams or parts of streams under the jurisdiction of this Commonwealth; and it shall be the duty of the board of fishery commissioners to notify the public as to the spawning time, specifying the same, as far as they can ascertain it, of the various tribes of useful food fishes inhabiting the inland waters of this Commonwealth, during which time it shall be unlawful for any person or persons to catch or have in possession any fish or fishes, of the tribes or kinds of which no notice has been given by the commissioners as aforesaid, under the same penalties for the same prescribed as to shad in the first section of this act.

**Sec. 10.** It shall further be the duty of the said fishery commissioners to select proper and suitable locations, and construct and erect suitable houses and devices for the purpose of hatching and propagating useful tribes of food fishes, and to stock and supply all the streams, lakes and fresh waters of the Commonwealth with the same, by distributing the impregnated spawn or fry of the said tribes of fishes to all parts of the State, under proper regulations, having in view the encouragement of fish culture, and to employ the necessary labor and buy the necessary material, machinery and implements therefor; and for that purpose, and to pay the necessary expenses of the said fishery commissioners and of the bailiffs they may employ in pursuance of section seven of this act, the further sum of ten thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, to be paid by the State Treasurer, on the warrant or warrants of the said commissioners, or a majority of them, from time to time, as the work is done or the service rendered: *Provided*, That the said commissioners shall file annually with the Auditor General an account of all moneys expended and services rendered, and when ever it may be practicable produce and file with said account the proper vouchers for the same.

**Sec. 11.** It shall be the duty of any person or persons or corporations hereafter erecting or constructing any dam or dams in any of the rivers of this Commonwealth, or their tributaries, accessible to shad, or other migratory fishes, to put in or upon the same suitable fish ways or ladders under the direction or approval of the said fishery commissioners, without which every such dam shall be deemed a public nuisance, and liable to be abated upon the information of any one complaining.

**Sec. 12.** That if any person shall cast, draw, set or fasten, or otherwise make use of any seine, set net, fyke net or net of any other description of less mesh than ten inches, or any other appliance except the hook and line for the purpose of catching fish in the river Delaware, within the jurisdiction of this State, below the head of Trenton Falls, between the tenth day of June and the tenth day of August, in any year, or above the head of Trenton Falls or anywhere on the Susquehanna river, or any of its tributaries within said jurisdiction, between the fifteenth day of June and the tenth day of August, in any year, the person or persons so offending shall be guilty of a misdemeanor, and on conviction be sentenced to pay a fine not exceeding one hundred dollars, and undergo an imprisonment not exceeding six months, or both, or either, at the discretion of the court.

**Sec. 13.** That all laws or parts of laws inconsistent herewith be and the same are hereby repealed.

**FLIRTATIONS ON THE STAIRS** are so popular in Washington society, and the stairways are so blocked thereby, that there is talk of having temporary staircases distributed through the rooms for the accommodation of these fond people.

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ADMINISTRATORS' NOTICE.

ESTATE OF JOHN EATON, DEC'D.

Letters of administration on the estate of John

Eaton, late of Room township, Beaver county, Pa.

deceased, having been granted to the undersigned,

reading in said township, all persons indebted to

said estate are requested to make immediate payment,

and those having claims or demands against the

same to present them without delay to the undersigned

for settlement.

NANCY EATON, JAMES EATON, Administrators.

feb14-3m

## Business Directory.

BEAVER.

DUNLAP, J. F., Attorney at Law. Office in

the Court-house, Beaver, Pa. All legal business

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PULVISA, J. M., dealer in Fancy Dry Goods,

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