

Laws of the state of New-Jersey, regulating fisheries in the river Delaware; to which is prefixed the agreement between the states of Pennsylvania and New-Jersey, settling the jurisdiction of the river Delaware and its islands.

New Jersey.

Camden, N.J.: Printed by Josiah Harrison, 1833.

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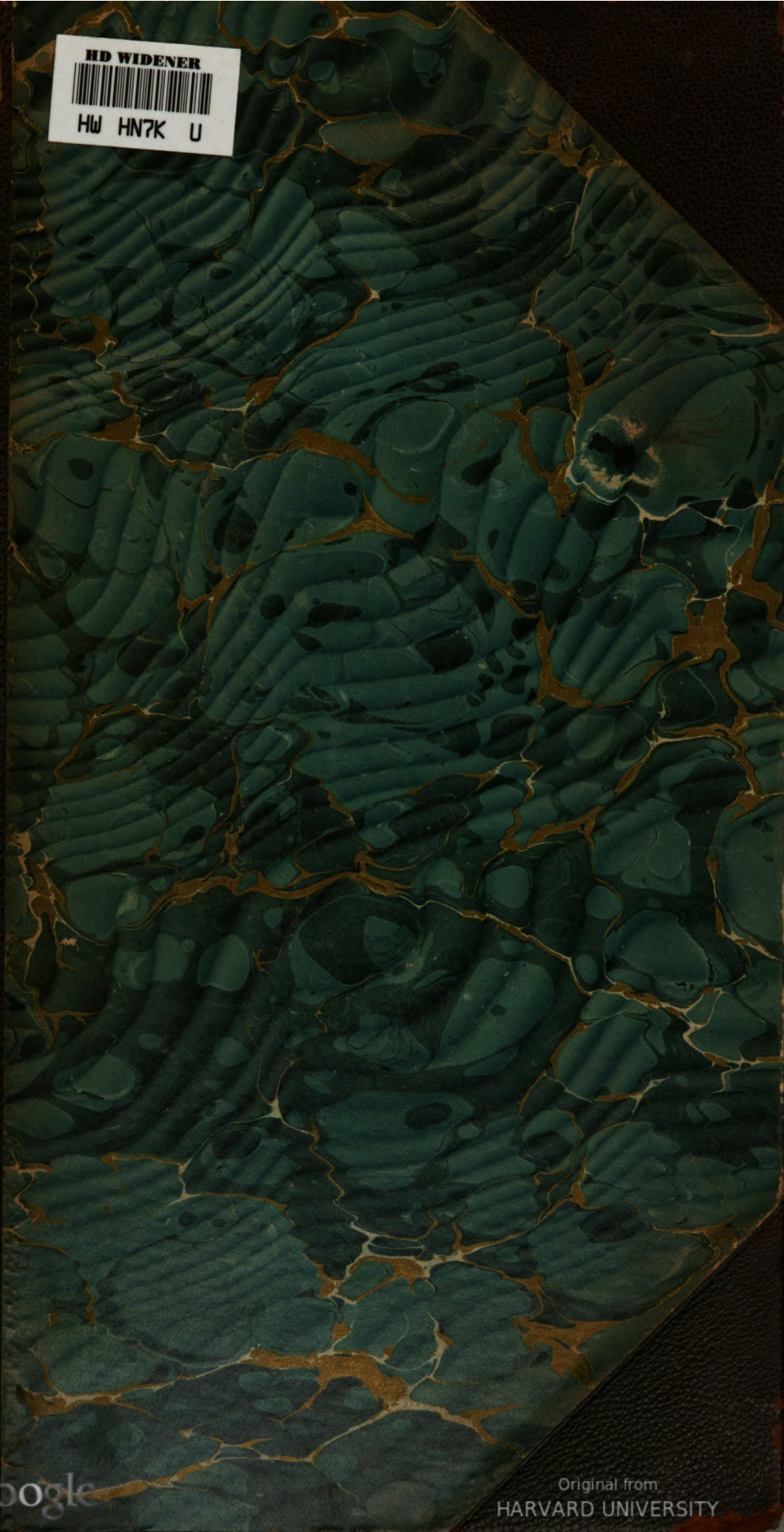
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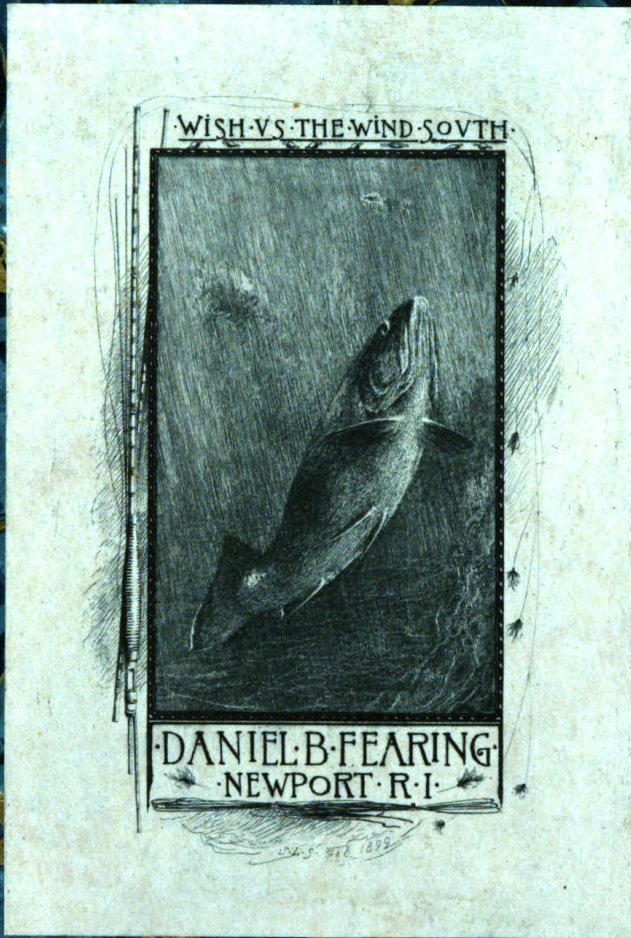
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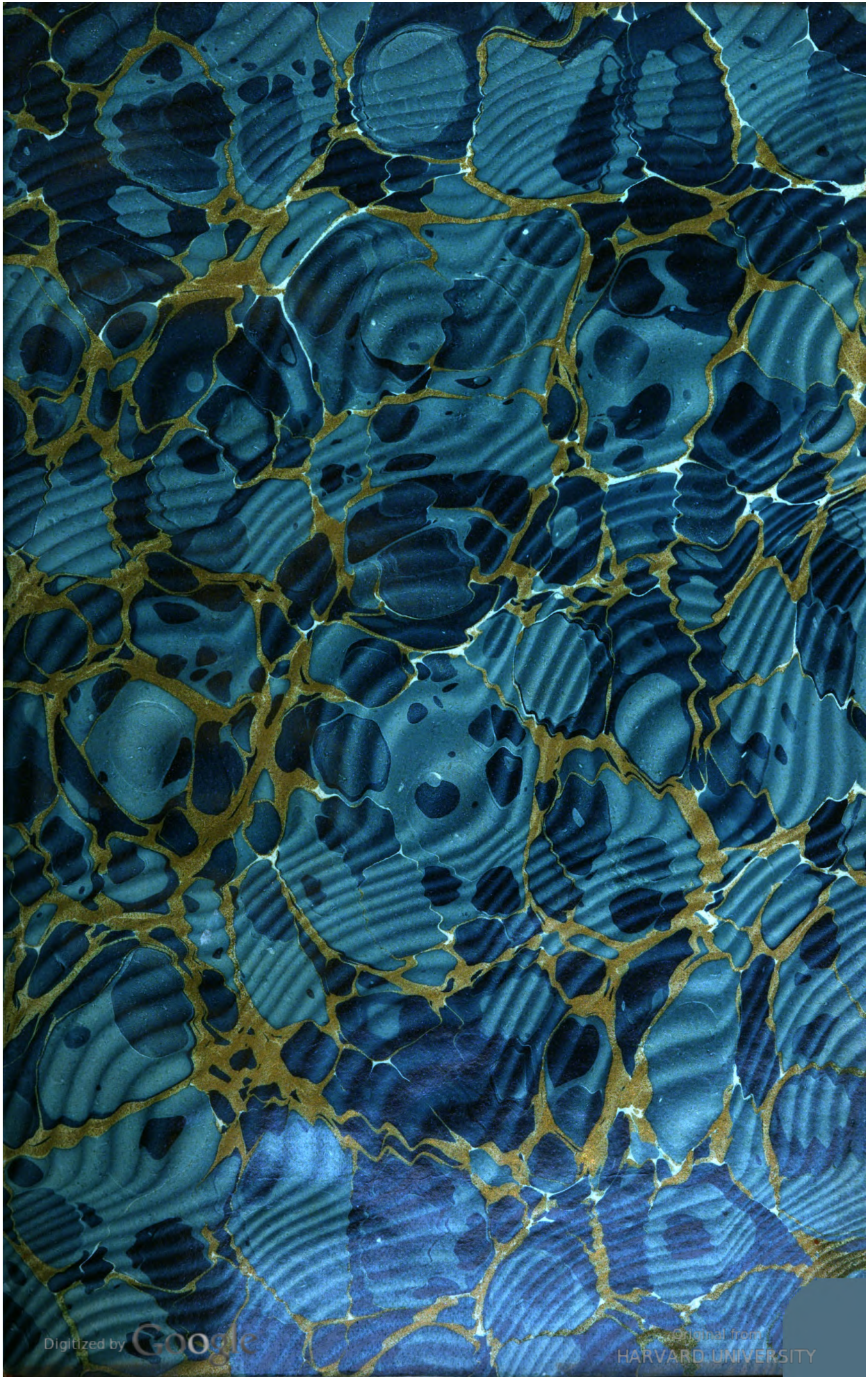
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LAW
OF THE
STATE OF NEW-JERSEY,
REGULATING
FISHERIES
IN THE RIVER DELAWARE;

TO WHICH IS PREFIXED THE AGREEMENT BETWEEN THE
STATES OF
Pennsylvania and New-Jersey,
SETTLING THE JURISDICTION OF THE RIVER DELAWARE
AND ITS ISLANDS.

CAMDEN, N. J.
PRINTED BY JOSIAH HARRISON,

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1833.

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LAWS
OF
NEW-JERSEY.

AN ACT to ratify and confirm an agreement, made between Commissioners appointed by the Legislature of the state of Pennsylvania, and Commissioners appointed by the Legislature of the state of New-Jersey, for the purpose of settling the jurisdiction of the river Delaware, and Islands within the same.

Passed May 27, 1783.

WHEREAS, Commissioners, duly appointed on the part of the state of Pennsylvania, and Commissioners duly appointed on the part of the state of New-Jersey, for the purpose of settling the jurisdiction of the river Delaware, and Islands within the same, have executed two instruments of an agreement for the purposes aforesaid, one for each state, which agreement is contained in the following words:

An agreement made and concluded between **GEORGE BRYAN**, **GEORGE GRAY**, and **WILLIAM BINGHAM**, Commissioners appointed by the Legislature of the state of Pennsylvania, for settling the jurisdiction of the river Delaware, and Islands within the same; and **ABRAHAM CLARK**, **JOSEPH COOPER**, and **THOMAS HENDERSON**, Commissioners appointed by the Legislature of the state of New-Jersey, for the like purpose.

WHEREAS, inconveniences and mischiefs have arisen, and may hereafter arise from the uncertainty of jurisdiction within and on the river Delaware; therefore to prevent the same, and in order that law and justice may hereafter in all cases be executed and take effect within and upon the said river, from shore to shore, in all parts and places thereof, where the same river is the boundary between the said states, the said Commissioners do agree and establish for and in behalf of their respective states, in manner following; *that is to say—*

First. It is declared that the river Delaware from the Station-Point, or north-west corner of New-Jersey, northerly, to the place

upon the said river where the circular boundary of the state of Delaware toucheth upon the same, in the whole length and breadth thereof, is and shall continue to be and remain a common highway, equally free and open for the use, benefit, and advantage of the said contracting parties. *Provided nevertheless*, that each of the Legislatures of said states shall hold and exercise the right of regulating and guarding the Fisheries on the said river Delaware, 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 claim of a common right on said river.

Secondly. That each state shall enjoy and exercise a concurrent jurisdiction within and upon the water, and not upon the dry land between the shores of said river, but in such sort, nevertheless, that every ship and other vessel while riding at anchor before any city or town in either state, where she hath last laded or unladed, or where it is intended she shall first thereafter either lade or unlade, shall be considered exclusively within the jurisdiction of such state; and every vessel fastened to, or aground on the shore of either state, shall in like manner be considered exclusively within the jurisdiction of such state; but that all capital and other offences, trespasses, or damages, committed on said river, the juridical investigation and determination thereof, shall be exclusively vested in the state wherein the offender or person charged with such offence, shall be first apprehended, arrested, or prosecuted.

Thirdly. That all Islands, Eylots, and dry land within the bed, and between the shores of the said river, and between the said Station-Point, northerly, and the Falls of Trenton, southerly, shall, as to jurisdiction, be hereafter deemed and considered as parts and parcels of the state to which such insulated dry land doth lie nearest at the time of making and executing this agreement; and that from said Falls of Trenton to the state of Delaware, southerly, Biles's Island near Trenton, Windmill Island opposite to Philadelphia, League Island, Mud or Fort Island, Hog Island, and Little Tinnicum Islands, shall be annexed to the state of Pennsylvania, and considered as parts and parcels thereof; and that Biddle's or Newbold's Island, Burlington Island, Petty's Islands, Redbank Island, Harmanus Helm's Island, Chester Island, and Shiverse's Island, shall be annexed to the state of New-Jersey, and considered as parts and parcels thereof; and that all other Islands within said river, between the Falls of Trenton and the state of Delaware, which are not herein before particularly enumerated, shall be hereafter deemed and considered as parts and parcels of the state to which such island doth lie nearest at the date hereof; and that all Islands which may hereafter be formed within the said river, shall be classed and annexed to the jurisdiction of either state according to the same principle.

Fourthly. That this present agreement, and every article and clause therein contained, shall be suspended and take no effect until each of the Legislatures of the state of Pennsylvania and New-Jersey respectively, shall have passed laws approving of, and ratifying the same; which being done, the said agreement shall then be considered as a joint compact between the said states, and the citizens thereof respectively, and be forever thereafter irrevocable by either of the said contracting states, without the concurrence of the other. In witness whereof, we, the Commissioners of the aforesaid states, have set our hands and seals to two instruments of the agreement, one for each state, dated this twenty-sixth day of April, Anno Domini, one thousand seven hundred and eighty-three.

ABRAHAM CLARK,	(L. S.)	GEORGE BRYAN,	(L. S.)
JOSEPH COOPER,	(L. S.)	GEORGE GRAY,	(L. S.)
THOMAS HENDERSON,	(L. S.)	WM. BINGHAM,	(L. S.)

Therefore,

Be it enacted by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same, That the aforesaid agreement, and every article, clause, matter and thing therein contained, shall be, and the same is hereby fully and amply ratified and confirmed, and shall be and ever hereafter remain in force, agreeably to the true tenor and extent thereof.

AN ACT further supplementary to an act, entitled "An Act to regulate the fisheries in the river Delaware, and for other purposes," passed the twenty-sixth of November, one thousand eight hundred and eight.

- X 1. *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, if any person or persons whomsoever, shall cast, draw, or in any wise make use of any seine or net in the river Delaware, within the jurisdiction of this state, from sunset on Saturday, until sunrise on Monday of each and every week, he, she, or they so offending, shall forfeit and pay the sum of two hundred and fifty dollars, together with costs of suit, for each and every offence: *Provided,* that nothing in this section contained shall prevent the owners or occupiers of eddy fisheries above the tide water, from beginning to fish at twelve o'clock on Sunday night.
2. *And be it enacted,* That if any person or persons, whomsoever, shall cast, draw, or otherwise use, for the purpose of catch-

** Not to fish after sunset on Saturday night
nor before sunrise on Monday morning.*

*Redwood
than one
seine to
be used on
both sides
two more
than two
below*

ing fish, more than one seine or net in any one pool or fishing place in the river Delaware, within the jurisdiction of this state, on, opposite, or above the lowest or south-west end of Newbold's or Biddle's Island, from thence down as far as the concurrent jurisdiction of this state and the state of Pennsylvania extends, more than two seines or nets in any one pool or fishing place within any one term of twenty-four hours, beginning at sunrise and ending on sunrise the day following, or shall be aiding or assisting therein, contrary to the true intent and meaning of this act, he, she, or they, so offending, shall forfeit and pay the sum of two hundred and fifty dollars, together with costs of suit, for each and every such offence: *Provided always*, that it shall and may be lawful for any person or persons, who, by accident or otherwise, may be deprived of the use of the seine or net first used in any pool or fishing place, in any term of twenty-four hours, to withdraw the same, and substitute another seine or net in the place of the one so withdrawn.

*Not to
take after
the last
of May
Nor fish
for 10th
after 10th
of June
in any
year*

3. *And be it enacted*, That if any person or persons shall cast, draw, or otherwise make use of any seine or net of a larger mesh than three inches, for the purpose of catching fish in the river Delaware, within the jurisdiction of this state, below the head of Trenton Falls, between the last day of May and the tenth of June, and between the tenth day of June and the tenth day of July, in any year, of any net more than fifty yards in length; and above the head of Trenton Falls, of any seine or net of a larger mesh than two inches, and more than fifty yards in length, between the last day of May, and the tenth day of July, in any year, he, she, or they, so offending, shall forfeit and pay the sum of two hundred and fifty dollars, together with costs of suit, for each and every offence.

*at least
a paper
bound up
the fish
was to
be made
to the
County
Court*

4. *And be it enacted*, That the owner or possessor of every fishery upon the river Delaware, within the jurisdiction of this state, his tenant or agent, shall, before he occupies the same as a fishery, give to the clerk of the Court of Common Pleas of the county wherein such fishery or the greatest part thereof may be, a description in writing of his, her, or their pool or fishing place, designating the beginning and ending point, and the extent thereof on the river shore, together with the name of the township and county in which it is situated, and the number of men generally employed in fishing the same, and shall also enter into bond, with one or more sufficient sureties, to the clerk of the said county, and his successors in office, in the penal sum of five hundred dollars, conditioned for the payment of all fines and penalties created or given by this act, or the act or acts to which this is a supplement, that shall and may be incurred and recovered for any infraction of, or offence against the said act or acts, committed at such fishery, by his, her, or their command or permission, during his, her, or their

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occupying the said fishery, personally or by tenant, which said description and bond it shall be the duty of said clerk to file in his office, and give a certificate thereof to the person producing the same, on being paid fifty cents; which said bond shall be a security for all such penalties as may be recovered against the said owner or possessor, tenant or agent, during the time he, she, or they may occupy the same; and in case of a recovery against such owner or possessor, tenant or agent, for any penalty given by the said act or acts, and the non-payment thereof, it shall be the duty of the said clerk to cause the said bond to be prosecuted to judgment, and apply the proceeds thereof to the payment or discharge of the said recovery; and if any person or persons shall fish in any fishery so entered as aforesaid, or draw, cast, or otherwise make use of any seine or net within the same, or in the said river opposite the river shore, included within the bounds thereof, without permission, in writing, from him, her, or them so owning, possessing, and entering the same, first had and obtained, he or they so offending, shall forfeit and pay the sum of two hundred and fifty dollars, together with the costs of suit, for each and every offence, to be sued for and recovered by the person or persons so owning, possessing, and entering the said fishery, in any court of competent jurisdiction.

Owner may sue for a license - the penalty for fishing in or opposite their fishery is

5. *And be it enacted,* That if any person or persons shall cast, draw, fish with, or otherwise make use of any seine or net in the river Delaware, within the jurisdiction of this state, and within the limits of the concurrent jurisdiction of this state and the state of Pennsylvania, between the first day of April and the tenth day of July, in each and every year, without having first entered his, her, or their fishery as aforesaid, or at any place in the said river Delaware, within the jurisdiction of this state, than at, in, or opposite the shore boundaries of a pool or fishing place, described and entered in the manner prescribed in the preceding section, he or they so offending, shall forfeit and pay the sum of two hundred and fifty dollars, together with the costs of suit, for each and every such offence.

Liability for fishing with out entering the fishery, or in any other place than or opposite the fishery entered.

6. *And be it enacted,* That it shall and may be lawful for any owner or owners, possessor or possessors, of any shore on the river Delaware, within the jurisdiction of this state, below the Trenton Bridge, having entered the same as a fishery, and given bond in the manner prescribed by the fourth section of this act, to fish the same in front and opposite the bounds thereof, with a sweeping or shore seine or net, or a gilling-seine or drift-net: *Provided* always, that if he, she, or they using a gilling or drift-net, the mesh thereof shall not be larger than six inches and a half, and the said net shall not be more than sixty fathoms in length, and the boat or boats used at such gilling-seine or drift-net fishery shall have the name or names, and place or places of abode, of the per-

Owner of the shore having entered the same as a fishery, may fish opposite with seine or gill net - The gill net not

to be more than 60 fathoms, and the boat marked with the owner's name -

son owning or entering the said fishery, painted in large legible capital letters, on the gunwale thereof.

Every person shall be liable for entering the fishery with out setting it

7. *And be it enacted,* That if any person or persons shall be found making use of a gilling-seine or drift-net in the river Delaware, within the jurisdiction of this state, and within the limits of the concurrent jurisdiction of this state and the state of Pennsylvania, without having first entered his gilling-seine or drift-net fishery, and given bond, as aforesaid, or beyond the angles of the shore boundaries of the said fishery so entered, or with a mesh larger than six inches and a half, or with a net longer than sixty fathoms, between the first day of March and the tenth day of July, of each and every year, he, she, or they, so offending, shall forfeit and pay the sum of two hundred and fifty dollars, together with the costs of suit, for each and every such offence.

A Constable to be appointed by the Town Committee to execute this act

8. *And be it enacted,* That the township committee of each township adjoining the said river Delaware, within the jurisdiction of this state, may, every year, at their first meeting after their election, appoint one constable of their respective townships, whose duty it shall be, having taken an oath or affirmation before a justice of the peace of the township in which he resides, that he will, without fear, favor, or affection to any, endeavor to execute this act, and the act or acts to which this is a supplement, according to the true intent and meaning thereof, carefully and diligently to view and inspect the shores of the said river, and the fisheries thereon, in his township, once a week at least, between the first day of April, and the tenth day of July, in each and every year, to put this act in force, and to cause all offences or transgressions against the same, or the act or acts to which this is a supplement, to be prosecuted agreeably to the directions thereof, for which service he shall be entitled to receive the sum of seventy-five cents per day, to be paid by the collector of the county in which he acts, on proving, by his own oath or affirmation, before some justice of the peace of the township, the number of days engaged in the said service.

That if any constable neglects to do and perform the duty enjoined upon him by this act, or the act or acts to which this is a supplement, or to carry the same into effect against any offenders within his own view or knowledge, or upon the information of any credible witness, he shall forfeit and pay, for every such neglect, the sum of one hundred dollars, together with the costs of suit.

9. *And be it enacted,* That if any constable of any township in this state, adjoining the river Delaware, shall neglect or refuse to do and perform the duty enjoined upon him by this act, or the act or acts to which this is a supplement, or to carry the same into effect against any offenders within his own view or knowledge, or upon the information of any credible witness, he shall forfeit and pay, for every such neglect, the sum of one hundred dollars, together with the costs of suit.

10. *And be it enacted,* That if any person or persons shall, by threat, menace or otherwise, attempt to deter or prevent any constable, collector, or any other person from enforcing or carrying into effect this act, or the act or acts to which this is a supplement, or any part thereof, he or they so offending, shall forfeit and pay

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*Any person who
tries to prevent
the execution of
this act to
be fined \$100*

the sum of one hundred dollars, with costs of suit, for each and every such offence.

11. *And be it enacted,* That it shall be the duty of the collectors of the several townships adjoining the river Delaware, within this state, to prosecute for any fines and penalties incurred within the limits of their respective townships, under this act, or the act to which this is a supplement, which come to their knowledge by their own view, or the information of one or more credible witnesses.

12. *And be it enacted,* That in all and every action or suit for any fine or penalty given or created by this act, or the act to which this is a supplement, the person prosecuting shall or may sue by warrant or summons, in case the same is commenced in the court for the trial of small causes, and by *capias ad respondendum* or summons, in case the action is commenced in any other court, any law, usage, or custom to the contrary notwithstanding.

13. *And be it enacted,* That if any person or persons shall be found making use of any boat, seine, net, or other tackling in the river Delaware, within the jurisdiction of this state, contrary to the true intent and meaning of this act, or the act or acts to which this is a supplement, he or they so offending, shall, in addition to the fine and penalties aforesaid, forfeit the boat or boats, seine or seines, net or nets, or other tackling so made use of, and that it shall be the duty of all the sheriffs and constables, and may be lawful for any person or persons, to seize and secure any such boat, seine, net, or other tackling, as aforesaid, and immediately thereafter give information to two justices of the peace of the county where such seizure shall have been made, who are hereby required and empowered to meet at such time and place as they shall appoint for the trial thereof, and hear and determine the same in a summary manner, and, in case the same shall be condemned, it shall be sold by the order, and under the direction of the said justices, who, after deducting all legal costs and charges, shall pay one half of the proceeds of said sale to the collector of the county in which such offence shall have been committed, and the other half to the person who shall have seized and prosecuted the same.

*Boats or
tackling or
to be forfeit
and sold
under the direction
of two
Justices*

14. *And be it enacted,* That if any person or persons on board any such boat, or in possession of such seine, net, or tackling, shall resist any officer or any other person or persons in the lawful seizure of the same, then every person so offending shall forfeit and pay the sum of one hundred dollars, together with the costs of suit, for each offence.

*\$100 fine
for the owner
of boat or
resistance
for seizure*

15. *And be it enacted,* That all and each of the penalties created, given, or contained in this act, or the act to which this is a supplement, or the other supplementary acts thereto, except such as are given to the party aggrieved, shall be sued for and recovered by action of debt, with costs of suit, in any court of competent jurisdiction, by any person or persons who will sue for the same, one half to

*Any person
may sue
an action*

B

*of debt for the penalties created
such as are given to the party
aggrieved*



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the prosecutor or prosecutors, and the other half to the collector of the county, for the use of the county in which such offence shall be committed.

16. *And be it enacted*, That the first, second, and fourth sections of the act to which this is a supplement, passed the twenty-sixth day of November, one thousand eight hundred and eight, and the act supplementary thereto, passed the twentieth day of November, one thousand eight hundred and nine, and a supplement to the said act, passed the twentieth day of January, one thousand eight hundred and fourteen, and the further supplement to the said act, passed the ninth day of February, one thousand eight hundred and nineteen, and all and every part of the said acts, as come within the purview of this act and is contrary hereto, be, and the same is hereby repealed: *Provided*, that the said repeal shall in no wise affect any rights acquired under the act or acts so repealed, nor invalidate or make void any proceedings legally had or done, or commenced under the same, but the same shall be prosecuted to judgment and execution, as though the said act or acts were not repealed: *And provided also*, that no section, proviso, or part of this act shall be considered as valid or operative until the Legislature of Pennsylvania shall approve of the same by enacting a similar section, proviso or act, in whole or in part, and that from and after the passing of such law, such parts hereof as shall be so enacted and approved, shall immediately go into full force and effect.

17. *And be it enacted*, That the Governor of this state is hereby requested to transmit an attested copy of this act to the Governor of the state of Pennsylvania, requesting him to submit it to the Legislature of that state.

C. Passed November 28, 1822.

An ACT further supplementary to an act, entitled "An Act to regulate the fisheries in the river Delaware, and for other purposes," passed the 26th day of November, 1808.

Sec. 1. *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, if any person or persons whosoever, shall cast, or lay out any seine or net in the river Delaware, within the concurrent jurisdiction of this state and the state of Pennsylvania, from sunset on Saturday, until twelve o'clock on Sunday night of each and every week, he, she, or they, so offending, shall forfeit and pay the sum of one hundred dollars, together with costs of suit, for each and every offence.

Sec. 2. *And be it enacted,* That if any person or persons shall cast, draw, or otherwise make use of any seine or net, of a larger mesh than three inches, for the purpose of catching fish in the river Delaware, within the jurisdiction of this state, below the head of Trenton Falls, between the fifth day of June and the tenth day of July, in any year, or above the head of Trenton Falls, of any seine or net of a larger mesh than two inches, between the tenth day of June and the tenth day of July, in any year, he, she, or they, so offending, shall forfeit and pay the sum of one hundred dollars, together with costs of suit, for each and every offence.

Sec. 3. *And be it enacted,* That if any person or persons shall at any time hereafter, unlawfully make use of any gilling-seine or drift-net in the river Delaware, within the concurrent jurisdiction of this state and the state of Pennsylvania, below the Trenton bridge, without having first entered his gilling-seine or drift-net fisheries, as required by this act, or the act or acts to which this is a supplement, or beyond the right angles, or the shore boundaries of the said fishery, so entered, or with a mesh larger than six inches and a half, or with a net longer than sixty fathoms, between the first day of March and the tenth day of July of each and every year, every person so offending, shall be guilty of a misdemeanor, and on conviction thereof, shall be punished by fine, not exceeding one hundred dollars, or by imprisonment in the county jail not exceeding three months, or both, at the discretion of the court before which such offender or offenders shall be convicted.

Sec. 4. *And be it enacted,* That if any person or persons shall unlawfully cast, draw, drift, anchor, stake, or otherwise make use of, any gilling-seine or drift-net, for the purpose of catching fish, in the river Delaware, within the concurrent jurisdiction of this state and the state of Pennsylvania, between the first day of March and the tenth day of July, in each and every year, every person so offending, shall be guilty of a misdemeanor, and on conviction thereof, shall be punished by fine, not exceeding one hundred dollars, or by imprisonment in the county jail, not exceeding six months, or both, at the discretion of the court before which such offender or offenders shall be convicted; *Provided,* that this act shall not subject to conviction and punishment any person or persons who have been subjected to a prosecution for a penalty, as provided for in the seventh and eighth sections of the act to which this is a supplement.

Sec. 5. *And be it enacted,* That all the acts and parts of acts which come within the purview of this act, and are contrary to the provisions of this act be, and the same are hereby repealed: *Provided,* that the said repeal shall in no wise affect any rights acquired under the act or acts so repealed, nor invalidate nor make void any proceedings legally had or done or commenced under the same; but the same shall be prosecuted to judgment and execution, as though the said act or acts were not repealed; *And provided also,* that no section, proviso, or part of this act shall be considered as valid or operative until the legislature of Pennsylvania shall approve of the same, by enacting a similar section, proviso, or act, in whole or in part, and that from and after

the passing of such law, such parts hereof as shall be so enacted and approved, shall immediately go into full force and effect.

SEC. 6. *And be it enacted,* That the governor of this state is hereby requested to transmit an attested copy of this act to the governor of the state of Pennsylvania, requesting him to submit it to the legislature of that state.

Passed February 15, 1833.*

**Not Concurred in by the State
of Pennsylvania*

