

thereof; and if either, upon the request of the other, shall fail to make or repair his proportion within twenty days, the party suffering by such failure may apply to some justice of the peace of the county, who, upon proof that the fence is down, or out of repair, may authorize the person applying to make or repair the same.

97. The person making or repairing a fence under the provisions of the last foregoing section may recover his costs and expenses in the same manner as other debts.

FISH.

98. The county commissioners of Cecil county shall appoint annually a constable in the district adjoining the Bald Friar ferry, on the Susquehanna River, whose duty it shall be to examine every fish pot erected in the river at least once a week in the season the young shad usually descend the river, and if he find any fish pot or net erected in the river within the limits of Cecil county, wherein the bottom slats shall be more than one and a half inches wide, or placed together closer than three-quarters of an inch, or not rounded on the top part, or with the bottom thereof covered with a basket, or any other device so as to close the opening therein, whereby the young shad may be destroyed, he shall give notice thereof to any justice of the peace of the county, who shall, upon such information of said constable, or of any other person on oath, issue his warrant to apprehend such owner, and take him before some justice of the peace of the county, and he shall, by the justice before whom he may be taken, be compelled to enter into recognizance for his appearance at the next term of the Circuit Court for Cecil county.

99. The person so arrested shall be proceeded against by indictment in the Circuit Court aforesaid, and upon conviction or confession of the offence charged, shall be fined by the court not exceeding sixty dollars for any such offence, one-half to the constable aforesaid, or such other person as shall prosecute for the same, the other half to the use of the county.

100. The said constable, for the discharge of the duties aforesaid, and upon his making oath thereto, shall be allowed by the county commissioners the sum of sixteen dollars per annum.