

CHAPTER CLIV.

An ACT to authorise Lewis Reese and Thomas Mills, to erect a Wing-dam, on the River Schuylkill, in the County of Berks.

Section 1. **B**E 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 Lewis Reese and Thomas Mills, their, and each of their heirs and assigns, be, and they are hereby authorised and empowered to erect and for ever maintain a wing-dam, one foot high above low water mark, at the upper end of the dam, to carry it level on the top to the lower end of the dam, on the river Schuylkill, adjoining their own land, in the county of Berks, about a mile above the borough of Reading, and one hundred rods above the confluence of Tulpehocken creek, with the said river Schuylkill, on the east side of the said river, and to extend the dam so far into the said river, not exceeding one-fourth of the width of the same, and to draw off as much water as may be necessary for the use of such mill, not exceeding two water-wheels, which the said Lewis Reese and Thomas Mills, their, and each of their heirs and assigns, may, or shall hereafter erect: *Provided*, That the said Lewis Reese and Thomas Mills, their heirs and assigns, in erecting the said dam and keeping the same in repair, or in drawing off the water from the said river, shall not thereby injure or impede the navigation of the said river, or infringe the rights and privileges of any individual, nor shall they erect any wier, rack or basket, nor make use of any devise whatever for taking
of

Lewis Reese and Thomas Mills, authorised to erect a wing-dam on the river Schuylkill, so as not to impede the navigation thereof.

of fish, by means of said wing: *Provided also*, That if a future Legislature should determine, that the said dam shall be used as a still-water navigation, the said Lewis Reese and Thomas Mills, shall in this case, put in the said dam a complete lock, suitable and convenient for boats to pass through toll free, and shall forever keep the same in complete repair.

Sec. 2. *And be it further enacted by the authority aforesaid*, That on complaint of any person or persons to the judges of the court of quarter sessions of the peace, of the said county of Berks, it shall be the duty of the said judges, to appoint three commissioners, to view the said dam, and compare it with the limitations and provisions herein set forth and enacted, and report the state thereof to the said court at their next sessions, in the said county; which report being made if it shall appear thereby that an offence has been committed against this act, it shall be the duty of the said court, to direct a bill of indictment, to be sent to the grand jury, and upon prosecution to conviction, the said Lewis Reese, Thomas Mills, their, and each of their heirs and assigns, shall be liable to pay a fine not exceeding five hundred dollars, at the discretion of the court, who, shall order so much of the said dam to be abated, as shall bring the same within the limitations and provisions of this act, at the cost of the person or persons so convicted.

Commissioners to be appointed, on complaint of any person, to view the dam, &c.

CHARLES PORTER, *Speaker*

of the House of Representatives.

JAMES BRADY, *Speaker.*

of the Senate.

APPROVED—the seventeenth day of March,
one thousand eight hundred and six.

THOMAS M'KEAN.