

CHAPTER MMCCXI.

AN ACT DECLARING THE RIVERS CODORUS AND CONEWAGO, IN THE COUNTY OF YORK, PUBLIC HIGHWAYS, AND FOR OTHER PURPOSES THEREIN MENTIONED.

Whereas it has been represented to the legislature of this commonwealth, by a number of the inhabitants of York county living on and near the rivers Codorus and Conewago, that it would be of public utility to have the said rivers declared public highways. Therefore:

[Section I.] (Section I, P. L.) 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, from and after the passing of this act, the river Codorus, in the county of York, from the forks thereof to the river Susquehanna, and the river Conewago, in the same county, from the mouth of the Bermudian creek to the same river Susquehanna, shall be, and are hereby, declared public highways.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That it shall and may be lawful for the inhabitants desirous of using the navigation and improving the fisheries in the said rivers, to remove, under the orders and direction of the supervisors hereinafter named and appointed, or their successors in office, all natural and artificial obstructions out of the river Codorus, below the forks thereof, and out of the Conewago, below the mouth of Bermudian creek, except dams for mills, or other water works, at which it shall and may be lawful to erect such slopes and locks, as may be necessary for the passing of boats and fish through the same. Provided such slopes and locks be so constructed as not to impair or injure the works of said dams.

[Section III.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That nothing contained in this act shall be deemed, taken or understood to prevent any person or

persons possessing lands on either side of said rivers, who, before the passing of this act, had authority to erect a dam or dams, under the laws of this commonwealth, from erecting such dam or dams. Provided the same are made tumbling dams, or at least the space of forty feet thereof with a slope of ten feet down the stream of said river, for every foot the said dam or dams may be in height from low water mark, for the waters gradual descent, which slope or platform shall be made tight, and paved on the surface with stone, so as to prevent the water from sinking through the same, and in every such tumbling dam, or where only forty feet thereof is made into a slope, fifteen feet part thereof shall be at least fifteen inches lower than any other part of said dam, or so low that there may be at least twelve inches depth of water constantly running through and over the same during the months of February, March, April, May and June, in every year, for the more easy passing and repassing of boats and fish through the same; and if said dams be not made tumbling dams the whole way across the said rivers, but only for the space of forty feet as aforesaid, the supervisors of the respective rivers hereinafter named and appointed, or any one of them, shall direct on which side of the rivers the slope shall be made, as also at what part the surface of the dams shall be made lower as aforesaid, in order that the ends hereby intended may be more fully answered.

[Section IV.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That George Hay, Martin Wisser, and Baltzer Kunkle, be, and they are hereby, nominated and appointed supervisors for the river Codorus, and John Sharp, William Ross, and James M'Millen, be, and they are hereby, nominated and appointed supervisors of the river Conewago; and if any of said supervisors should remove, refuse to act, or shall die, then the judges of the court of general quarter sessions of the peace for said county of York, are hereby empowered and required, on application to them made, to nominate and appoint such other supervisor or supervisors to supply such vacancy or vacancies, from time to time, as occasion may require.

[Section V.] (Section V, P. L.) 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 said

county, that any dam or dams hereafter to be erected, is or are not constructed agreeably to the directions and provisions of this act, it shall and may be lawful for the said judges to appoint three commissioners to view every such dam or dams, from time to time, and to compare them to either of them with the limitations and provisions of this act, and report to the said judges at their next sessions the state thereof, which report, on oath or affirmation of such commissioners, if it contain a statement of facts constituting an offence against this act, shall be sufficient ground for the court to direct an indictment to the grand jury, and upon prosecution to conviction of an offence against this act, the party or parties convicted shall be liable to pay a fine not exceeding one hundred and fifty dollars, at the discretion of the court, and the said court shall adjudge so much of said dam or dams to be abated and altered, at the expense and charges of the owner or owners thereof, as shall bring the same within the limitations and provisions of this act, which fines shall be paid to the supervisors, for the time being, of the said river wherein the offence shall be committed, who are hereby empowered to apply the same for clearing and improving said river.

[Section VI.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That if any person or persons whomsoever, from and after the passing of this act, shall erect, build, set up, repair or maintain, or shall be aiding, assisting, or abetting in erecting, building, setting up, repairing or maintaining, within the parts of said rivers hereby declared public highways, any wear, rack, basket, fishing dam, pound, or fix or fasten any net or nets, or brush across the said river or rivers, or across any slopes on dams thereby obstructing the navigation, or preventing the fish from going up, every such person, so offending, being legally convicted thereof before any justice of the peace of said county (who is hereby authorized to hear and determine the same) shall forfeit and pay any sum not less than four nor more than twenty dollars, for every such offence, one moiety thereof to the informer, and the other moiety thereof to be paid to the supervisors of the river in which the offence shall have been committed, to be applied as aforesaid.

[Section VII.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That at any time after the said dams shall be altered as aforesaid, and made agreeably to the true intent and meaning of this act, it shall and may be lawful for every such owner of a dam, if he or they find it necessary, to make a sluice in the slope or opening of his dam. Provided, That no owner or occupier of such dam or dams shall keep the sluice shut during the months of February, March, April and May, in any year, under the penalty of two dollars for every day or night the sluice shall remain shut in the months aforesaid, which said fine shall be recovered before any justice of the peace within said county, one moiety thereof to be paid to the informer, and the other moiety to the supervisors as aforesaid, to be applied as aforesaid.

[Section VIII.] (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That if any person or persons shall draw or cast any seine or net, or brush net, or shall be aiding and assisting therein, within the described parts of said rivers, from and after the first day of June, to the first day of February, in every year, every such person, so offending, being legally convicted thereof before any justice of the peace, in manner aforesaid, shall forfeit and pay a fine of six dollars for every such offence, one moiety thereof to the informer, and the other moiety to the supervisors as aforesaid, to be applied as aforesaid.

Passed February 27, 1801.

CHAPTER MMCCXII.

AN ACT TO FIX THE NUMBER OF SENATORS, FORM THE STATE INTO DISTRICTS, AND DETERMINE THE PORTION TO BE ALLOWED TO EACH, AS WELL AS TO FIX THE NUMBER OF REPRESENTATIVES FOR THE CITY OF PHILADELPHIA, AND THE SEVERAL COUNTIES OF THE COMMONWEALTH, IN PURSUANCE OF THE PROVISIONS OF THE CONSTITUTION.

[Section I.] (Section I, P. L.) 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