

1801. then, it shall and may be lawful for the said president, managers and company, to erect and establish scales and weights, at or near such and so many of the gates to be erected in pursuance of the said recited act as they may think proper, and where there may seem reasonable cause to suspect that any cart, waggon, or other carriage of burthen, carries a greater weight than is or shall be by law allowable, for their toll-gatherers or other persons in their service or employment, to prevent the same from passing such gate or turnpike, until such cart, waggon or other carriage of burthen, shall be drawn into the scales, fixed or erected at or near any such gate or turnpike, and the weight or burthen drawn therein ascertained by weighing, and if the person or persons driving or having care or charge of any such cart, waggon or other carriage of burthen, shall refuse to drive the same into any such scales for the purpose aforesaid, the person or persons so refusing shall forfeit and pay to the said president, managers and company, any sum not less than five nor more than ten dollars, to be recovered in the manner herein before mentioned.

Limitation of suits brought under this act.

SECT. IV. *And be it further enacted by the authority aforesaid,* That if any action or suit shall be brought or prosecuted by any person or persons, for any thing done in pursuance of this or the said recited act, in relation to the premises, every such suit or action shall be commenced within six months next after the fact committed, and not afterwards, and the defendant or defendants in such action or suit may plead the general issue and give this and the said recited act, and the special matter in evidence, and that the same was done in pursuance and by the authority of this and the said recited act.

Power of the corporation to lease the tolls.

SECT. V. *And be it further enacted by the authority aforesaid,* That the president and managers of the said turnpike road, for the time being, shall and may and they are hereby authorized and empowered to grant, demise and to farm-let to any person or persons with whom they can agree, the tolls and duties which they by virtue of the act incorporating them, or by any supplementary act are authorized to demand and receive for passage in, upon and along the said road, at any gate or turnpike over or by the side of the same road, or any part of the same, for any term not exceeding seven years, under such rents and convenient reservations and conditions, as the said president, and managers at any meeting of their board shall agree upon, which grants and demises shall have the same construction, force and effect, as other the like grants and demises made between private persons have and receive at law.

Passed 25th February, 1801.—Recorded in Law Book No. VIII. page 3.

CHAPTER MMCXCIX.

An ACT to erect the townships of Salisbury and Sadsbury, in the county of Lancaster, into a separate election district.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assem-*

bly met, and it is hereby enacted by the authority of the same, That 1801.
 the township of Salisbury and Sadsbury, in the county of Lancaster, are hereby erected into a separate election district, to be called the eighth election district, and the electors thereof shall hold their elections at the house now occupied by John Young, on the turnpike road, in Salisbury township, any thing in any law to the contrary notwithstanding.

The eighth election district of Lancaster county.

Passed 27th February, 1801—Recorded in Law Book No. VIII. page 7.

CHAPTER MMCC.

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,

SECT. I. *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.

Parts of Codorus and Conewago declared highways.

SECT. II. *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 herein after 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.

Obstructions in the said rivers how removable.

SECT. III. *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

Provision in favour of previous rights to erect dams on certain conditions.