

*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.

1801. 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 herein after named and appointed, or any one of them shall direct on which side of the rivers the slopes 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.

Supervisors  
of the Codo-  
rus.

SECT. IV. *And be it further enacted by the authority aforesaid,* That George Hay, Martin Wiser, and Baltzer Kunkle, be, and they are hereby nominated and appointed supervisors for the river Coderus; 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.

Proceedings  
against per-  
sons trans-  
gressing the  
provisions  
of this act.

SECT. V. *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 or 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.

Penalty for  
obstructing  
the naviga-  
tion and fish-  
eries in the  
rivers.

SECT. VI. *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 de-

clared 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.

SECT. VII. *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.

Sluices may be made in dams, provided they are kept open at certain times under a penalty.

SECT. VIII. *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.

Penalty for fishing at certain seasons.

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

## CHAPTER MMCCII.

*An ACT erecting two election districts in the county of Mercer, and for other purposes.*

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 township of Salem, in the county of Mercer, be, and the same is hereby erected into a separate election district, to be called the seventh district, and the electors thereof, shall hold their general elections, at John Williamson's mill, in said township.

The seventh election district of Mercer county.

SECT. II. *And be it further enacted by the authority aforesaid,* That so much of the county of Mercer, lying west of the donation

The eighth district.