Chapter 1. Watercourses Generally.

§ 62.1-1. Repealed.

§ 62.1-5. Repealed.
Repealed by Acts 1987, c. 488.

§ 62.1-6. Clearing watercourses between counties of obstructions.
The circuit court of any county which is divided by a watercourse from another county or through any part of which a watercourse passes may, by itself or in conjunction with the circuit court or circuit courts of any other county or counties, contract with any person or order laborers to be hired to clear such watercourse of obstructions in such manner and to such extent as may seem to it proper, and there shall be charged on any county whatever sum the court thereof may agree to pay for such purpose.


§ 62.1-7. Rights of improving navigation preserved; dams, etc.
Whatever power is reserved to the General Assembly by any act heretofore passed to abate or remove any dam or other works in a watercourse, or to improve its navigation, shall continue in full force. And in no case shall the right of the Commonwealth, or of any company incorporated for opening, improving, or extending the navigation of any watercourse, to preference in the use of the water flowing therein for the purposes of such navigation be affected by any order of court, which, since the first day of April, 1816, has been made, or hereafter may be made, granting leave to any person to erect a dam or other obstruction across or in such watercourse.


§ 62.1-8. Limitation on power of courts to grant leave to erect dams.
Where a watercourse is navigable, or by law declared a public highway, no court shall grant leave to any person to erect in that part of it any dam which will obstruct ordinary navigation or the passage of fish; and where any law has been or shall be enacted for opening, improving or extending the navigation of a watercourse no court shall, while such law is in force, grant leave to any person to erect any dam or other obstruction across or in such watercourse which will in any way interfere with the navigation thereof without express authority of law or the consent of the company incorporated to open, improve or extend such navigation. Any such dam shall, notwithstanding it may be built under such leave, be deemed a nuisance, and may be abated as such, or such company or the Commonwealth may make a lock or locks in such dam for the passage of vessels and boats without being required to make any compensation therefor.


Sections 62.1-7 and 62.1-8 shall not be construed to give any greater or other right to any person who has erected or may erect any dam or other obstruction across or in any watercourse, than such person would have had if such sections had not been enacted.