

No. 135.

AN ACT

Declaring a certain part of Elk creek, in the county of Centre, a public highway.

SECTION 1. *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 Elk creek, in the county of Centre, commencing at the town of Melheim where the turnpike road crosses the same, to the junction of said creek with Pine creek at Dinniu's fulling mill be, and the same is hereby declared a public highway; and it shall and may be lawful for any person or persons desirous of improving or using the navigation of said stream to remove thereout all obstructions, except dams for mills and other water works already built, on which dams any such person or persons, as aforesaid, shall have full power to make slopes such as are hereinafter described, and to keep the same in repair for the passage of boats, rafts and other craft: *Provided*, That such slopes be constructed as not to injure such dams.

Elk creek declared a public highway.
Power to remove obstructions.
Exceptions.
Proviso.

SECTION 2. Nothing in this act contained shall be deemed, taken or understood to prevent any person or persons owning or possessing lands on, or adjoining said stream, who independent of the passage of this act, would have a right under the general laws of this Commonwealth to erect a dam or dams across the said stream, from erecting such dam or dams: *Provided nevertheless*, That every such dam be so constructed, with a proper slope erected in the most convenient and proper part thereof, so that crafts may not be obstructed in passing down the said stream, which slope shall be sufficiently wide to admit the crafts usually run upon said stream, and be one foot at least lower than the other parts of the dam, the surface of which slope shall be composed of wood or other suitable materials well compacted together, and for every foot in height shall extend fifteen feet down stream.

Not to affect the right to erect dams.
Proviso.

WM. PATTERSON,

Speaker of the House of Representatives.

JACOB KERN,

Speaker of the Senate.

APPROVED—The tenth day of April, Anno Domini eighteen hundred and thirty-four.

GEO: WOLF.