

to such estate, whose right to the same shall be disputed by such surviving wife or husband, his or her legal representatives, then the court may direct an issue to determine the matter, or may take such order therein as they shall think proper.

SAM'L. ANDERSON,

Speaker of the House of Representatives.

THO'S. RINGLAND,

Speaker of the Senatè.

APPROVED—The sixth day of April, Anno Domini, eighteen hundred and thirty-three.

GEO. WOLF:

No. 107:

AN ACT

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

SECT. 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 Clearfield creek, in the county of Clearfield, commencing at a point where the said creek is declared and known to be a public highway, to a point known as the "Narrows," 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 so constructed as not to injure such dams.

SECT 2. *And be it further enacted by the authority aforesaid,* That 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

From a point where the creek is now public to the Narrows.

Proviso.

Of the right of landholders to erect dams.

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, to 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.

Proviso.
Of the slopes.

SAM'L. ANDERSON,
Speaker of the House of Representatives.

THO'S. RINGLAND,
Speaker of the Senate.

APPROVED—The sixth day of April, Anno Domini, eighteen hundred and thirty-three.

GEO. WOLF.

No. 108.

AN ACT

Relating to the election of constables for the township of Mahoning, in Columbia county; and for the borough and township of Northampton, in Lehigh county.

SECT. 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 so much of the act entitled "An act to amend and consolidate with its supplements the act, entitled An act for the recovery of debts and demands, not exceeding one hundred dollars, before a justice of the peace, and for the election of constables, and for other purposes," passed the twentieth day of March, one thousand eight hundred and ten, which prohibits persons from serving as constables more than three years out of any six, be and the same is hereby repealed, so far as respects the township of Mahoning in the county of Columbia, and the borough and township of Northampton in the county of Lehigh.

Constables in
Mahoning &
Northampton
unrestricted
as to term of
service.

SAM'L. ANDERSON,
Speaker of the House of Representatives.

THO'S. RINGLAND,
Speaker of the Senate.

APPROVED—The sixth day of April, Anno Domini, eighteen hundred and thirty-three.

GEO. WOLF.