

CHAPTER XXXI.

An ACT to declare Green creek and its branches, in the county of Northumberland, public highways.

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, Green creek in the county of Northumberland, from the mouth up to the main fork thereof, and from thence up the north and northwest branches thereof unto the saw mill, now or formerly owned by John Lemon, on the north branch, and unto the saw-mill now or formerly owned by Samuel Watt, on the north-west branch, shall be, and the same are hereby declared to be public highways for the passage of boats and other vessels, and it shall be lawful for the inhabitants and others desirous of using the navigation of the said creek, to remove all natural and artificial obstructions which may be in the same, excepting bridges and dams for mills, and other water works, and also to erect such slopes at the mill-dams now built in the said creek, as may be necessary for the passage of rafts, boats or other vessels: *Provided*, Such slopes be so constructed as not to injure the works of said dams: *And provided also*, That any person or persons owning or possessing lands on said creek, shall have liberty to construct any dam or dams across the same, agreeably and subject to all the restrictions and provisions of an act of the general assembly of this commonwealth, passed the twenty-third day of March, one thousand eight hundred and three, entitled "An act to authorize any person or persons owning lands adjoining navigable streams of water, declared public highways, to erect dams upon such streams for mills and other water works."

Parts Green creek declared a public highway.

Obstructions in the same may be removed.

Excepting bridges &c. Slopes may be erected at mill dams, &c.

Proviso. Persons residing on its banks to have the privileges granted by the act of March 23d, 1803.

JOHN WEBER, *Speaker*
of the House of Representatives.

P. C. LANE, *Speaker of the Senate.*

APPROVED—the twenty-first day of February, one thousand eight hundred and ten.

SIMON SNYDER.

CHAPTER XXXII.

A SUPPLEMENT to an Act, entitled "An act to erect the town of Beaver, in the county of Beaver, into a borough, 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 all town and out lots in the borough of Beaver, held by

Mode of taxing lots in

the borough of Beaver prescribed.

Notice to be given of assessments.

If the taxes remain unpaid three months after notice, a sale shall be held.

Notice whereof to be given.

Sheriff to make and execute a deed.

Bond to be taken.

What shall be evidence of publication.

individuals or companies, shall, for the purpose of raising borough taxes, be assessed and taxed in the same manner as other property is taxable, under the act to which this is a supplement, but the collection of borough taxes already laid, or that may hereafter be laid or assessed on unseated town or out-lots shall not be enforced by sale of such lots until after the expiration of twelve months from and after the same shall have been assessed ; and until notice be given by the town council for four successive weeks, in three weekly newspapers printed in Washington and Allegheny, and in Beaver, if any there be, and notice thereof given for the space of four weeks, in two daily papers published in the city of Philadelphia, that one, or more than one year's tax is due upon the unseated town and out-lots in said borough, and if any tax now due, or that may become due as aforesaid, together with the costs necessarily accrued thereon, shall for the space of three months after such notice shall have been given, remain unpaid, then in every such case, the town council shall issue their warrant under their hands and seal, directed to the sheriff or coroner of the county of Beaver, commanding him, after having given within Beaver county, at least thirty days notice in one newspaper printed in Beaver county, or if there be no newspaper printed in said county, then in one printed nearest thereto, and by written or printed advertisements set up in at least three public places in said county, one of which shall be at the court house, stating that the sales of unseated lots for arrearages of borough taxes will commence on a certain day to make public sale of the whole or any part of such unseated lots as he may find necessary for the payment of the taxes due thereon respectively, and of all costs necessarily accrued thereon by reason of such delinquency, and to make and execute a deed or deeds in fee simple, to the purchaser or purchasers of any unseated lots so sold, and the same in open court of common pleas, duly to acknowledge, and it shall also be the duty of the said sheriff or coroner to take from such purchaser or purchasers of lots in his own name, a bond, with warrant of attorney annexed, for any surplus money that may remain after satisfying and paying the taxes and costs aforesaid, and the same bonds forthwith to file in the office of the prothonotary of the county, together with at least one attested copy of the above advertisement which shall so as aforesaid by him have been set up.

SECT. II. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the town council to file in the prothonotary's office aforesaid, one at least, of such of the newspapers in which they shall have published their general notice, which newspaper so filed together with the affidavit of at least one of the printers aforesaid, and an affidavit of one of the printers in the city of Philadelphia, that the aforesaid notice was published in the usual number of his papers, and the advertisement

of the sheriff or coroner filed as aforesaid, shall at all times thereafter, in any trial at law or in equity, respecting the validity of sales made by virtue of this act, be deemed and taken as sufficient evidence of legal notice having been given of the sales hereby directed to be made, and no action for the recovery of said lots shall lie, unless the same be brought within five years after the sale thereof for taxes as aforesaid; *Provided always*, That where the owner or owners of such lots sold as aforesaid, shall at the time of such sale be minor or minors, or irsane, or not residing within the United States, then five years after such disability is removed, shall be allowed, such person or persons, their heirs or legal representatives, to bring their suits or action for the recovery of the lots so sold: And where the recovery is effected, in such cases the value of the improvements made on the lots so sold, after the sale thereof shall be ascertained by the jury trying the action for recovery, and paid by the person or persons recovering the same, before he, she, or they shall obtain possession of the land so recovered.

Within what time actions, &c. may be brought.

Proviso as to minors &c.

SECT. III. *And be it further enacted by the authority aforesaid*, That the bond or bonds taken by the sheriff or coroner for the surplus money, and filed as aforesaid, shall, from the date of the deed by him executed as aforesaid, bind as effectually and in like manner as judgments, the lands by him sold, into whose hand or possession soever they may come, and the owner or owners of the said lands, their heirs, or other legal representatives, may at any time within ten years after such sales, cause actions to be entered on the docket of the said prothonotary, in the name of the sheriff or coroner for the use of the said owner or owners, their heirs, or other legal representatives, and if the monies contained in such bond or bonds, together with the legal interest from the time it is demanded, be not paid within three months after such entry, execution shall issue forthwith for the recovery of the same.

Bonds taken by the Sheriff, &c. to be a lien upon lands.

Mode of recovering surplus monies.

SECT. IV. *And be it further enacted by the authority aforesaid*, That it shall be the duty of the constable or collector of the said taxes, to make a return of such unseated lots to the borough treasurer, upon oath or affirmation, which depositions shall be deemed and taken as *prima facie* evidence of such lot or lots being unseated in the trial of any action that may be brought for the recovery of the same, and that sales of such lots for borough taxes that are now due, or may hereafter become due, made agreeably to the directions of this act, shall be in law and equity, valid and effectual to all intents and purposes, to vest in the purchaser or purchasers of lots sold as aforesaid, all the estate and interest therein, that the real owner or owners thereof had at the time of such sale,

Return of unseated lots to be made by the constable &c.

although the lots may not have been taxed or sold in the name of the real owner thereof.

JOHN WEBER, *Speaker*
of the House of Representatives.

P. C. LANE, *Speaker of the Senate.*

APPROVED—the twenty-first day of February, one thousand eight hundred and ten.

SIMON SNYDER.

CHAPTER XXXIII.

An ACT relating to the patenting of lands.

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 all the provisions of the first section of the act, entitled “An act to encourage the patenting lands, and for other purposes;” passed the fourth day of April, one thousand eight hundred and five, shall be, and the same hereby are re-enacted and continued until the first day of November, in the year one thousand eight hundred and eleven, and no longer.

The act of April 1805 revived and extended until November, 1811.

The act directing the mode of settling accounts in the land office, &c. suspended until November 1811.

SECT. II. *And be it further enacted by the authority aforesaid,* That so much of the act, entitled “An act directing the mode of settling accounts in the land-office, and to prevent frauds in obtaining warrants for land;” passed the thirteenth day of April, one thousand eight hundred and seven, as directs the receiver-general of the land-office, on the settlement of any account for monies due on lands within the purchases made of the Indians, in and prior to the year one thousand seven hundred and sixty-eight, to ascertain the amount of principal and interest due at the time of passing said act, and upon the aggregate amount so found due, to charge interest until the amount of the account is discharged, be, and the same is hereby suspended until the aforesaid first day of November, in the year one thousand eight hundred and eleven, and no longer, until which time patents may be granted upon paying, or securing by mortgage, the purchase money due, with interest on the principal sum, only to the time of such payment or execution of such mortgage.

Who mortgages may be executed by.

And who the same may be

SECT. III. *And be it further enacted by the authority aforesaid,* That any mortgage or mortgages under the said act, may be executed by any duly constituted trustee or trustees holding lands, or by the guardian or guardians of minors duly appointed, or by executors to whom the sale or disposal of the land to be mortgaged, is given by the last will and testament of their testator, and patents may be received by them respectively, for the use