

## CHAPTER MDCXLVIII.

1793.

**A SUPPLEMENT** to the act, entitled "An Act to authorize the Receiver-General of the Land-Office to carry monies received into that office since a given period, for lands sold, and which have not been nor shall be secured to the purchasers, to the credit of such purchasers, or their assigns, in payments already due, and hereafter to become due, to the commonwealth, for the purchase of any lands within the same."

(Original act, chap. 1602, ante. pa. 63, and see notes to chap. 1083, vol. 2, page 202-3.)

**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 so much of the second section of the act, entitled "An Act to authorize the Receiver-General of the Land-Office to carry monies received into that office since a given period, for lands sold, and which have not been nor shall be secured to the purchasers, to the credit of such purchasers, or their assigns, in payments already due, and hereafter to become due to the commonwealth, for the purchase of any lands within the same," passed on the twenty-ninth day of March, one thousand seven hundred and ninety-two, as authorizes the allowance of interest upon the sum and sums of money, or balances, carried to the credit of any person or persons by virtue of the above mentioned act, from the time of the original payments to the time of the credit being applied for and made, shall be, and the same is hereby declared to be repealed, and made void: *Provided nevertheless, and it is hereby further enacted by the authority aforesaid,* That where such sum or sums of money have been paid, or such balances have become due, prior to the passing of this act, interest shall be allowed upon the said sum and sums of money, or balances, from the time of making the original payments, respectively, until the day of the passing of this act, and no longer.

Repeal of so much of the laws allows interest on balances due to individuals in the Land-Office.

Provided

**SECT. II.** *And be it further enacted by the authority aforesaid,* That, from and after the first day of January, in the year of our Lord one thousand seven hundred and ninety-five, all and every person and persons, who shall not previously apply for, and procure a credit to be entered in the books of the Receiver-General, for any such sum and sums of money, or balances, aforesaid, shall be thenceforth for ever barred and excluded from all claim, right or title thereto, and to every part and parcel thereof, and from any benefit or advantage which could or might have been obtained, by, from or under the said recited act; and all such sum and sums of money, or balances, and the right and claim thereto, shall thence become and be for ever forfeited and cancelled.

Balances when forfeited.

Passed 6th March, 1793.—Recorded in Law Book No. V. page 52

## CHAPTER MDCXLIX.

**An ACT** directing the sale of certain islands in the river Susquehanna.

**WHEREAS** it is represented to the General Assembly, that there are certain islands in the river Susquehanna, and the several

(See notes to chap. 1083, vol. 2, page 240-1.)

1793. branches thereof, the property of this commonwealth, and it appears convenient to dispose of the said islands :

SECT. I. *Therefore 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,*

On application, warrants to issue to survey islands in the Susquehanna.

That upon application made by any person to the Land-Office for a warrant of survey, to cause any island lying in the river Susquehanna, or in any of its branches, so far as such branches have been declared public highways, to be surveyed for the use of such applicant, it shall be lawful for the officers of the Land-Office, and they are hereby directed to issue such a warrant, upon the conditions, and under the restrictions and limitations hereinafter mentioned : *Provided, however,* That no such warrant shall issue, directing any of the aforesaid islands to be surveyed, which has been surveyed and returned in the Surveyor-General's office, for the use of the late proprietaries, prior to the fourth day of July, one thousand seven hundred and seventy-six.

Proviso.

Applicant to state his improvement,

SECT. II. *Be it further enacted by the authority aforesaid,* That when any person shall apply, as aforesaid, for any such island, he shall state whether any improvement has been made upon the same ; and if any improvement has been made, he shall also state the nature of such improvement, and when, and by whom, made ; and no warrant shall issue, directing any island thus improved to be surveyed, except in favour of the person who has made such improvement, or in favour of his heirs or assigns, for the term of two years after the passing of this act ; after the expiration of which term, warrants of survey may issue for such improved island, in favour of such person or persons who shall first apply for the same ; and if any such warrant shall issue otherwise than aforesaid, it shall be deemed to have issued by surprise, and shall be of no avail in law, and the monies paid for the same shall be forfeited for ever to the commonwealth.

Improvers to have the preference for a certain time.

Otherwise the warrants to be void &c.

Caveats may be entered in the usual form.

SECT. III. *Be it further enacted by the authority aforesaid,* That any such person, who may claim any such island or islands by virtue of his improvement, or of any other right, may enter a caveat, in the usual form, against any person or persons claiming the same, which caveat or caveats shall be decided upon by the board of property, in the same manner as in other cases where the said board have power to judge and determine.

The islands how to be valued, &c.

SECT. IV. *Be it further enacted by the authority aforesaid,* That the board of property shall, with the approbation of the Governor, ascertain the just value of the islands, whether improved or not, that may be applied for as aforesaid, having regard to the soil, wood, and distance from the main land, and to the advantages that may be derived from the same in regard to fisheries : *Provided,* That the lowest price by them fixed shall not be less than eight dollars by the acre.

How warrants for islands must issue, &c.

SECT. V. *Be it enacted by the authority aforesaid,* That no warrant of survey shall issue for any of the said islands, unless the same is susceptible of cultivation, nor to any person whatever, unless he shall have paid the whole amount of the purchase money to the Receiver-General of the Land-Office ; nor shall any such warrant

issue for any less quantity of land than the whole of any such island; and all sand-bars and islands, not susceptible of cultivation, and not surveyed and returned into the Surveyor-General's office, for the use of the late proprietaries, prior to the fourth day of July, one thousand seven hundred and seventy-six, shall be and remain common highways for ever. 1793.

What islands, &c. are excepted.

SECT. VI. *Be it further enacted by the authority aforesaid,* That when the purchaser shall have made full payment of all the purchase monies of any such islands, it shall be lawful for the Governor to grant him a patent, in the usual form of the Land-Office, vesting the same in him, his heirs and assigns, for ever. When patents to be granted, &c.

SECT. VII. *Be it further enacted by the authority aforesaid,* That nothing in this act contained shall be construed or taken to bar or defeat any person or persons, bodies politic or corporate, of any just right, which he or they may have in or to any of the said islands; but that all and every such right shall be and remain of the like force and effect, as if this act had not been made. This act shall not affect any existing right to the islands.

Passed 6th March, 1793.—Recorded in Law Book No. V. page 53.

### CHAPTER MDCL.

*A SUPPLEMENT to an act, declaring Little Lehigh and Poco Poco, or Big creek, in Northampton county, public highways.* [Original act, chap. 1612. antc. pa. 70.]

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 Poco Poco, or Big creek, in Northampton county, is hereby declared a public highway, from the falls thereof, inclusive, up to Jan Sherbantje's mill dam. Part of Poco Poco, or Big creek declared a highway.

SECT. II. *And be it further enacted by the authority aforesaid,* That the owner or owners of the lands on the part of said creek hereby declared a public highway, who were, before the passing of this act, entitled to erect a dam or dams on the same, shall have liberty to erect a dam or dams across the said creek, and to maintain and keep the same in good repair for ever: *Provided always,* That the said owner or owners for ever do maintain and keep in good order, in a convenient part of said dam or dams, an opening of at least twenty-five feet wide, with a sloping way, through which rafts may at all times safely and conveniently pass: *And it is hereby expressly enacted and declared,* That if the provisions and limitations before mentioned are not at all times duly attended to and observed by the said parties, respectively, then this enacting clause shall be void, and of no effect to the party or parties so neglecting, any thing herein contained notwithstanding. Who may maintain dams across the creek; and on what conditions.

Passed 6th March, 1793.—Recorded in Law Book No. V. page 55:

### CHAPTER MDCLIII.

*An ACT to enable the Governor of this commonwealth to incorporate a company, for the purpose of promoting the cultivation of vines, and for other purposes therein mentioned.*

[COMMISSIONERS appointed, and proceedings regulated for receiving subscriptions for the company for cultivating the vine.