

[Section III]. (Section II, P. L.) 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 forever 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 forever forfeited and canceled.

Passed March 6, 1793. Recorded L. B. No. 5, p. — (not given).

CHAPTER MDCLX.

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

[Section I.] (Section I, P. L.) 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, 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.

[Section II.] (Section II, P. L.) 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 favor of the person who has made such improvement, or in favor 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 favor 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 moneys paid for the same shall be forfeited forever to the commonwealth.

[Section III.] (Section III, P. L.) 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.

[Section IV.] (Section IV, P. L.) 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.

[Section V.] (Section V, P. L.) 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 sandbars 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 forever.

[Section VI.] (Section VI, P. L.) Be it further enacted by the authority aforesaid, That when the purchaser shall have made full payment of all the purchase moneys 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 forever.

[Section VII.] (Section VII, P. L.) 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.

Passed March 6, 1793. Recorded L. B. No. 5, p. (not given)

CHAPTER MDCLXI.

A SUPPLEMENT TO AN ACT DECLARING LITTLE LEHIGH AND POCOPOCO OR BIG CREEK, IN NORTHAMPTON COUNTY, PUBLIC HIGHWAYS.¹

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Penn-

¹ Passed April 3, 1792, Chapter 1623.