

man township, Fayette county, and there perform the duties enjoined on them by law; and so much of any law as directs the judges aforesaid to meet at the house of Thomas Clare, in Fayette county, shall be and the same is hereby repealed.

Approved January 20, 1806. Recorded in L. B. No. 10, p. 210.

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#### CHAPTER MMDCXXXIV.

##### AN ACT TO ALTER THE LIMITS OF THE BOROUGH OF BEAVER.

Whereas sundry inhabitants situated within the present bounds of the borough of Beaver, have represented to the legislature, that for the property they possess and have improved on the out lots, within the limits of the said borough, they are subjected to taxes and sundry expenses for the improvement and advantage of the town, and they receive no equivalent benefits from the corporation: for remedy whereof,

Section I. (Section I, P. L.) 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, all the out lots which have been included within the limits of the borough of Beaver, shall be exempt from all assessments and charges on account of the said incorporation, and shall be considered as annexed to Beaver township, and separate from the said borough, and lying without the limits of the same, any former law or laws to the contrary notwithstanding.

Approved January 27, 1806. Recorded in L. B. No. 10, p. 210.

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#### CHAPTER MMDCXXXV.

##### AN ACT DIRECTING THE SALE OF UNAPPROPRIATED ISLANDS IN SUCH PARTS OF THE RIVER DELAWARE, OHIO AND ALLEGHENY, AND THEIR BRANCHES, AS ARE BY LAW DECLARED PUBLIC HIGHWAYS.

Section I. (Section I, P. L.) 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 the officers of the land-office, upon application to them made for a warrant of survey for any unappropriated island in the rivers Delaware, Ohio and Allegheny, or any of their branches, which are by law declared public highways, shall and they are hereby directed to issue such warrant under the conditions and limitations hereinafter prescribed.

Section II. (Section II, P. L.) And be it further enacted by the authority aforesaid, That the officers of the land office, (on application made for an island as aforesaid,) shall appoint three disinterested, reputable persons to estimate and value the land in such island, who shall, before they enter on the duties of their appointment, take an oath or affirmation before a justice of the peace of the proper county, or some other person legally qualified to administer the same, that they will justly estimate, and a true valuation make of all the land per acre contained in such island; and also that they are not interested in the purchase of any island in the rivers aforesaid; which persons thus appointed and sworn or affirmed, shall proceed to value the land in such island or islands by going on the same, and having regard to the soil, wood, fisheries, other advantages and local situation thereof; and the said persons or any two of them, having agreed on the real valuation per acre of all the land contained in such island or islands, having regard as aforesaid, shall certify the same under their hands, directed to the secretary of the land-office, who shall thereupon issue a warrant to such applicant, he having first paid to this commonwealth, at least one third part of the amount of the real valuation of such island taken as aforesaid.

Section III. (Section III, P. L.) And be it further enacted by the authority aforesaid, That if any island or islands in the rivers aforesaid, shall have any actual settlement or improvement thereon, then, and in that case the preemptory right to such island or islands, shall be vested in such original actual settler, or improver, or their legal representatives, for the term of three years from and after the passing of this act;

after the expiration of which term it shall be lawful for this commonwealth, to grant such settled or improved island or islands, to the first person who shall apply for the same, subject to the regulations and provisions contained in this act.

Section IV. (Section IV, P. L.) And be it further enacted by the authority aforesaid, That the balance of purchase money shall be a lien on the lands applied for, until paid with legal interest; and when the last payment, or whole amount of the real valuation of any island or islands, obtained as aforesaid, shall be paid into the receiver general's office of this commonwealth, which shall be within four years after the date of the warrant, a patent shall then issue to such applicant; he paying the usual fees of office.

Section V. (Section V, P. L.) And be it further enacted by the authority aforesaid, That all disputes arising between adverse claimants under this act, for any of the aforesaid islands, shall be decided by entry of caveats and proceedings thereon, by the board of property, as in other cases of land disputes, and the decision made shall have the like force and effect.

Approved January 27, 1806. Recorded in L. B. No. 10, p. 210.

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## CHAPTER MMDCXXXVI.

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AN ACT TO AUTHORIZE JAMES M'FARLANE, DAVID BOWEN, JUNIOR, AND DAVID BOWEN OF SAMUEL, OF MONTGOMERY TOWNSHIP, FRANKLIN COUNTY, TO MAKE PARTITION OF THE REAL ESTATE OF JACOB JOHN, DECEASED, AMONG THE DEVISEES OF THE SAID JACOB JOHN, AND THEIR DESCENDANTS.

Whereas Jacob John of Bedford county, farmer, by his last will and testament duly executed, bearing date the fourteenth day of July, one thousand seven hundred and eighty-six, did devise his whole lands (two acres only excepted), with all the improvements thereof, after his widow's decease, or marrying again, unto his seven children, to be equally divided, namely, David, Margaret, Jacob, Daniel, Samuel, Joseph and Benjamin to be theirs, and their heirs and assigns forever,