

channel, no seine or net shall be drawn on such pools or fishing places to both landings in any one period of twenty-four hours; the fishery on the east side of the said river, or on any such island, shoal or sand-bank, shall be occupied or made use of the first twenty-four hours; the fishery on the west side of said river, or on any such island, shoal or sand-bank, the next twenty-four hours, and so on in rotation; and if any person or persons shall undertake to draw any seine or net in the said river or its branches as aforesaid, contrary to the true intent and meaning of this section, he or they so offending shall forfeit and pay the sum of three hundred dollars for each and every such offense, together with costs; and all fines and forfeitures incurred under this act shall be recovered as debts of equal amount are or may be by law recoverable; one half of the forfeitures under this act to be for the use of the informer, and the other half to be applied for the purpose of improving the public roads and highways within the proper county in which such offense shall have been committed: Provided always, that every prosecution or suit under this act, shall be instituted within three months from the commission of the offense, and not afterwards.

Approved March 16, 1807. Recorded in L. B. No. 10, p. 468.

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#### CHAPTER MMDCCCLXXXVI.

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A SUPPLEMENT TO AN ACT ENTITLED "AN ACT FOR THE MORE SPEEDY AND EFFECTUAL COLLECTION OF CERTAIN DEBTS DUE TO THIS COMMONWEALTH." (2)

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 commissioners appointed under the act<sup>(1)</sup> to which this is a supplement, shall make report of their proceedings to the governor; who on approbation thereof, shall issue one or more process to the said commissioners, commanding them or a majority of them to sell such lands or interest in lands as the said commissioners

may specify in their report as the property of the late John Nicholson, and subject to the liens of the commonwealth without inquisition; and in all cases of sales so to be made by the commissioners or a majority of them, at least twenty days notice shall be given of the time and place of sale by advertisement in the newspaper printed in the county where the lands respectively lie, if any be there printed, and if not, in the newspaper printed nearest to such county, and also in two papers printed in the city of Philadelphia: Provided, that nothing contained in this section shall operate to abridge the powers of compromise vested in the said commissioners by the fourth section of this act.

Section II. (Section II, P. L.) And be it further enacted by the authority aforesaid, That in all cases of sales under this act, the purchaser or purchasers shall pay the amount of the purchase money into the state treasury; and the payment of no part of the purchase money shall be deferred for a longer time than four years; and whenever any part shall be referred to the discretion of the commissioners, or a majority of them, immediately superintending any sale, such deferred payments shall carry interest from the time of the sale; and shall be secured by bonds given by the purchaser or purchasers with surety, approved by the commissioners or a majority of them as aforesaid, payable to the treasurer of the commonwealth and delivered to the said commissioners or a majority of them at the time of sale; and the said commissioners or a majority of them shall on the receipt of the bonds aforesaid deliver to every purchaser a certificate of the property sold to him, the time and place of sale and the bonds received; and shall also deliver into the hands of the treasurer within two months from the time of sale, all bonds received for on account of such sales; and within the same time make a particular return into the office of the secretary of the commonwealth to the process of the governor of the quantity of land sold, the situation thereof, the price at which it was sold, and how paid or secured; which said process and return shall be carefully registered and filed by the said secretary; who is hereby required upon the application of any pur-

chaser or purchasers, or any person on his or their behalf on production of the certificate of purchase aforesaid, and the treasurer's receipt for the consideration of the purchase, to make and execute a deed or deeds to the purchaser or purchasers for the property sold to him or them; as and for such estate as the said John Nicholson had and held the same at the time of the commencement of the liens of the commonwealth against the estate of the said John Nicholson; which said conveyances or copies of the records thereof shall be prima facie evidence of the grantee's title: Provided, that the respective bodies or tracts of land sold under this act shall be subject to the payment of the purchase money thereof.

Section III. (Section III, P. L.) And be it further enacted by the authority aforesaid, That the said commissioners or a majority of them are hereby authorized and empowered to expose any body of lands late the property of the said John Nicholson late deceased, which are subject to the lien of the commonwealth, to sale under and by virtue of the process to be issued by the governor as aforesaid, either in gross, or by separate tracts as to them or a majority of them may appear most advisable.

Section IV. (Section IV, P. L.) And be it further enacted by the authority aforesaid, That the said commissioners or a majority of them shall have full power to settle by compromise or otherwise with any person or persons who in any manner may allege title to any of the lands late the property of the aforesaid John Nicholson, deceased; on such terms as to them may appear most eligible; and their proceedings therein shall be final and conclusive on the commonwealth: And upon any compromise made with any person or persons, the said commissioners or a majority of them, at the request of the party and upon his or their paying the consideration money into the state treasury, or securing the payment of the same, may, and shall execute and deliver an assignment under their hands and seals of so much of the liens of this commonwealth against the estate of the late John Nicholson, as may be equivalent to the consideration paid or secured to be paid as aforesaid by such party; and from the date of such

assignment the whole amount thereof shall be principal bearing legal interest; and the holder or holders of such assignments, or his or their assigns may at any time proceed upon the liens of this commonwealth to sell the lands which may constitute the subject of such compromise.

Section V. (Section V, P. L.) And be it further enacted by the authority aforesaid, That if the commissioners or a majority of them should be of opinion that it would be more to the advantage of the commonwealth to purchase any of the property to be offered to sale under this act for the use of the commonwealth, than to suffer the same to be sold for a sum less than the estimated value thereof, they, or a majority of them are hereby empowered so to do; and in this as in cases of sales to individuals, the commissioners are enjoined to make a special return into the office of the secretary; who shall as in other cases, register the return; which shall vest in the commonwealth all the title to the property so purchased, which the said John Nicholson had therein at the date of the commonwealth's liens; and the lands so purchased shall be disposed of in such manner as shall hereafter be directed by law: Provided, that no purchase either directly or indirectly, shall be made in behalf of the commissioners aforesaid in their own right; nor shall any of the property of John Nicholson be vested in them otherwise than as in trust for the commonwealth.

Section VI. (Section VI, P. L.) And be it further enacted by the authority aforesaid, That any late or present deputy surveyors, who may have made surveys for the use of the aforesaid John Nicholson, are hereby authorized to make return on oath or affirmation of such surveys so made by him as may be demanded by the aforesaid commissioners; and on settlement of their account of fees by the register and comptroller shall be entitled to receive the amount thereof, upon warrants drawn therefor by the governor on the treasurer of the commonwealth; and the surveyor general is hereby required to accept all surveys returned by virtue of this act; and also all returns for the use

of the late John Nicholson, heretofore deposited with him by deputies out of office, which may be required by the aforesaid commissioners to be accepted; and the said commissioners or a majority of them whenever they may deem it expedient, in order to ascertain quantities, to rectify errors or mistakes in surveys, and to identify tracts of land where division lines may not have been run or outlines distinctly and accurately marked, shall have power to procure resurveys of such tracts to be made and returned; and the expenses thereof shall be paid as is directed in this section; and the surveyor general is hereby required to accept such resurveys.

Section VII. (Section VII, P. L.) And whereas the late John Nicholson, formerly comptroller general of the commonwealth, was entitled to certain lands which he conveyed to certain trustees for the use of such persons as should become purchasers of shares in an association called the "Asylum Company," each share to entitle the holder to two hundred acres of land: And whereas it is necessary to know what number of shares have been disposed of, and what number of shares were purchased by the said John Nicholson, to the intent that the interest of the said John Nicholson in the stock of the said company, subject to the liens of this commonwealth be ascertained: And whereas the said company have refused to the commissioners aforesaid the necessary information in this case: Therefore, be it further enacted by the authority aforesaid, That the president and managers of the Asylum Company shall, within three months from the passage of this act, deliver or cause to be delivered to the secretary of the commonwealth, an exact copy of their transfer book or register of shares in the stock of the said company, which may have been transferred by the company to individuals, or by individuals to the company, or to other individuals.

Section VIII. (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That the said company shall, within three months from the passage of this act, file in the said secretary's office a schedule of all lands now or at any time heretofore claimed and held by the said company; ex-

hibiting the quantity and local situations of each body or tract of land; and also a specification of their title to each body or tract; and if any lands shall have been transferred by any other person or persons than the said John Nicholson to the said company or in trust to them, the said company shall state fully and explicitly whether such person or persons made such transfers under any immediate contract with the said company or by virtue of some contract with the said John Nicholson: Provided, that the reasonable expenses incurred by the president and managers of the Asylum Company, in making out copies of the papers directed by this act to be filed in the secretary's office, shall be settled by the comptroller and register generals in the usual form, and shall be paid by the treasurer, on a warrant or warrants drawn for that purpose by the governor.

Section IX. (Section IX, P. L.) And be it further enacted by the authority aforesaid, That if the said company shall neglect to comply with the requisitions by the two preceding sections made of them, all those bodies or tracts of land claimed by them, the title to which may be ascertained by the aforesaid commissioners to have been vested in the late John Nicholson at any time antecedent to the twentieth day of December, one thousand seven hundred and ninety six, shall be considered as abandoned by the said company; and the said commissioners may proceed to sell the same, in the same manner and on the said terms as provided by the first, second and third sections of this act: Provided nevertheless, that if the said commissioners and company shall compromise the difficulties by this act intended to be remedied, this act so far as respects the said company, shall be null and void.

Section X. (Section X, P. L.) And be it further enacted by the authority aforesaid, That the commissioners shall have free access to any papers filed or deposited in the aforesaid secretary's office, by virtue of this act, exempt from any fees or charges.

Section XI. (Section XI, P. L.) And be it further enacted by the authority aforesaid, That the compensation of ten per

centum granted to the said commissioners, shall be calculated and allowed only on the amount of the money and bonds, which shall be paid into the state treasury on account of the said John Nicholson's estate.

Section XII. (Section XII, P. L.) And be it further enacted by the authority aforesaid, That the fourth, fifth and sixth sections of the act hereby supplied, be, and they are hereby repealed.

Approved March 19, 1807. Recorded in L. B. No. 10, p. 469.

Note (\*) Chapter 2732; Supra this volume, p. 315.

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## CHAPTER MMDCCLXXXVII.

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### AN ACT TO INCORPORATE THE LANCASTER AND SUSQUEHANNA INSURANCE COMPANY.

Whereas an association of citizens hath been formed under the title of the "Lancaster and Susquehanna Insurance Company," for the purpose of insurance from losses by fire and other risks; and it appearing to the legislature that the agricultural interests and the security of the property and persons of the citizens will be promoted by such institution: Therefore,

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 all and every the persons who shall at the time of the passing of this act be members of the association called the "Lancaster and Susquehanna Insurance Company," and proprietors of the capital stock thereof, shall be and they are hereby created and declared to be one body politic and corporate by the name, style, and title of the "Lancaster and Susquehanna Insurance Company;" and by the same name shall have perpetual succession, and shall be able to sue and be sued, implead and be impleaded, in all courts of record or elsewhere; and to purchase, receive, have, hold and enjoy to them and their successors, lands, tenements and hereditaments, goods and chattels, of what nature,