
LEGISLATURE OF PENNSYLVANIA.

FILE OF THE HOUSE OF REPRESENTATIVES.

No. **1145** Session of
1919.

INTRODUCED BY MR. POWELL, MARCH 31, 1919.

REFERRED TO COMMITTEE ON FISHERIES,
APRIL 1, 1919.

AN ACT

Prohibiting the issuing of warrants and granting of patents to lakes owned by the Commonwealth without the approval of the Department of Fisheries or the Department of Conservation and authorizing the Department of Fisheries or the Department of Conservation to acquire any lakes and lands adjacent thereto by purchase or condemnation

1 Section 1 *Be it enacted by the Senate and House of Repre-*
2 *sentatives of the Commonwealth of Pennsylvania in General Assembly*
3 *met and it is hereby enacted by the authority of the same That*
4 *hereafter no warrant shall be issued or patent granted*
5 *by the Commonwealth of Pennsylvania or by any officer*
6 *thereof for any of the lakes now in the ownership of*
7 *the Commonwealth without the approval of the Department*
8 *of Fisheries or the Department of Conservation*

9 Section 2 The Department of Fisheries or the De-
10 partment of Conservation shall have the right to acquire
11 by purchase or condemnation any of the lakes within

1 the boundaries of the Commonwealth of Pennsylvania and
2 such lands adjacent thereto as may be deemed necessary
3 The title to any such lakes and lands acquired under
4 the provisions of this act shall be taken by the De-
5 partment in the name of the Commonwealth of Pennsyl-
6 vania

7 Section 3 If the Department of Fisheries or the De-
8 partment of Conservation and the owner or owners of
9 any such lake or lakes and lands are unable to agree
10 upon the price to be paid therefor the Commissioner of
11 Fisheries or the Commissioner of Conservation on behalf
12 of the Commonwealth may enter upon such lake or lakes
13 and lands and take possession thereof Thereupon the Com-
14 missioner of Fisheries or the Commissioner of Conservation
15 through the Attorney General or any of such owners may
16 apply by petition to the court of common pleas of the
17 county wherein such lake or lakes and lands or any
18 part thereof is located for the appointment of viewers.
19 The court shall thereupon appoint three viewers and shall
20 appoint a time not less than twenty nor more than
21 thirty days thereafter when the viewers shall meet upon
22 the premises in question and view the same

23 Section 4. The viewers shall give at least ten days
24 notice of the time of their first meeting to the Commis-
25 sioner of Fisheries or the Commissioner of Conservation
26 the Attorney General and the owner or owners of such
27 lake or lakes and lands The viewers having been sworn
28 or affirmed faithfully justly and impartially to decide a
29 true report to make concerning all matters to be sub-

1 mitted to them and in relation to which they are au-
2 thorized to inquire and having viewed such lake or lakes
3 and lands shall hear all parties interested and their wit-
4 nesses and shall estimate and determine the value of the
5 property so taken.

6 Section 5 The viewers shall prepare their report and
7 shall give at least ten days notice of a time and place
8 where they will meet and exhibit their report and hear
9 all exceptions thereto After making whatever changes are
10 necessary the viewers shall report to court showing the
11 damage allowed and if necessary shall also file a plan
12 showing the lake or lakes and lands taken

13 Section 6 When the report is filed notice thereof shall
14 immediately be given to the Commissioners of Fisheries or
15 the Commissioner of Conservation the Attorney General
16 and the owner or owners of such lake or lakes and
17 lands which notice shall state that unless exceptions shall
18 be filed thereto within thirty days after the filing of the report
19 the same will be confirmed absolutely

20 Section 7 Within thirty days after the filing of any
21 report the Commonwealth or the owner or owners of such
22 lake or lakes and lands may file exceptions to the same
23 and the court shall confirm modify or change such report
24 or refer the same back to the same or new viewers

25 Section 8 When the report is filed the prothonotary
26 shall mark it "confirmed nisi" In case no exceptions are
27 filed thereto he shall enter a decree that the report is
28 confirmed absolutely

29 Section 9 Within thirty days after any report of

1 viewers is filed under this act the Commonwealth or the
2 owner or owners of any such lake or lakes and lands
3 may appeal to the court of common pleas of the county
4 in which the viewers were appointed and demand a trial
5 by jury

6 Section 10 Within six months after the confirmation of
7 any report or within six months after a verdict or final
8 judgment or appeal in a jury trial the Commonwealth or
9 the owner of any such lake or lakes and lands may appeal to
10 the Supreme or Superior Court as in other cases

11 Section 11 Whenever the amount payable to the owner
12 or owners of such lake or lakes and lands has been finally
13 determined the same shall be paid by the Commissioner
14 of Fisheries or the Commissioner of Conservation from any
15 appropriations at his disposal for such purposes or made
16 by the General Assembly for the propagation of fish or
17 arising from moneys collected for fish licenses No moneys
18 shall be paid under the provisions of this act until the
19 title to any such lake or lakes and lands has been
20 approved by the Attorney General