

CHAPTER MCXLV.

AN ACT FOR THE LIMITATION OF ACTIONS TO BE BROUGHT FOR THE INHERITANCE OR POSSESSION OF REAL PROPERTY, OR UPON PENAL ACTS OF ASSEMBLY.

(Section I, P. L.) Whereas it is necessary for the quieting of estates and for the greater security of real property that provision should be made for the limitation of actions to be brought for any manors, lands, tenements or hereditaments:

[Section I.] (Section II, P. L.) Be it enacted and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That from henceforth no person or persons whatsoever shall make entry into any manors, lands, tenements or hereditaments after the expiration of twenty-one years next after his, her or their right or title to the same, first descended or accrued, nor shall any person or persons whatsoever have or maintain any writ of right, or any other real or possessory writ or action, for any manor, lands, tenements or hereditaments of the seizen or possession of him, her or themselves, his, her or their ancestors or predecessors, nor declare or allege any other seizen or possession of him, her or themselves, his, her or their ancestors or predecessors, than within twenty-one years next before such writ, action or suit, so hereafter to be sued, commenced or brought.

[Section II.] (Section III, P. L.) Provided always and be it further enacted by the authority aforesaid, That any person or persons now having right, title of entry as aforesaid, and the heir or heirs of such person or persons, may, within fifteen years from this time, enter or commence any action or suit, as he, she or they, or his, her or their ancestors or predecessors, might have done, before the passing of this act.

[Section III.] (Section IV, P. L.) Provided also and be it further enacted by the authority aforesaid, That if any person or

persons having such right or title, be or shall be at the time such right or title first descended or accrued within the age of twenty-one years, feme covert, non compos mentis, imprisoned, or beyond the seas, or from and without the United States of America, then such person or persons and the heir or heirs of such person or persons, shall and may, notwithstanding the said twenty-one years be expired, bring his or their action, or make his, her or their entry, as he, she or they might have done, before the passing of this act, so as such person or persons or the heir or heirs of such person or persons shall within ten years next after attaining full age, discoverture, soundness of mind, enlargement out of prison, or coming into the said United States, take benefit of or sue for the same, and no time after the said ten years, and in case such person or persons shall die within the said term of ten years, under any of the disabilities aforesaid, the heir or heirs of such person or persons shall have the same benefit that such person or persons could or might have had, by living until the disabilities should have ceased or been removed; and if any abatement happen in any proceeding or proceedings upon such right or title such proceeding or proceedings may be renewed and continued, within three years from the time of such abatement, but not afterward.

[Section IV.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That no person or persons that now hath or have any claim to the possession of any lands, tenements or hereditaments, or the preemption thereof, from the commonwealth, founded upon any prior warrant, whereon no survey hath been made, or in consequence of any prior settlement, improvement or occupation, without other title, shall hereafter enter or bring any action for the recovery thereof, or his, her or their ancestors or predecessors unless he, she or they, or his, her or their ancestors or predecessors have had the quiet and peaceable possession of the same within seven years next before such entry or bringing such action; Provided always, That if any person or persons so claiming as aforesaid hath been forced or driven away from his, her or their possessions by the savages, or by the terror of them, or any other persons, or by any other means, except by the judicial authority of the state,

hath quitted the same, during the late war, then such person or persons, and his, her or their heir or heirs shall or may, notwithstanding the said seven years be expired, bring his, her or their action, or make his, her or their entry, within five years from the passing of this act.

[Section V.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That all actions, suits, bills, indictments or informations, which shall be brought for any forfeiture upon any penal act of assembly made or to be made, whereby the forfeiture is or shall be limited to the commonwealth only, shall hereafter be brought within two years after the offence was committed, and at no time afterwards; and that all actions, suits, bills or informations which shall be brought for any forfeiture upon any penal act of assembly made or to be made, the benefit and suit whereof is or shall be by the said act limited to the commonwealth, and to any person or persons that shall prosecute in that behalf, shall be brought by any person or persons that may lawfully sue for the same, within one year next after the offence was committed, and in default of such pursuit, that then the same shall be brought for the commonwealth, any time within one year after that year ended; and if any action, suit, bill, indictment or information shall be brought after the time so limited, the same shall be void, and where a shorter time is limited by any act of assembly, the prosecution shall be within that time.

[Section VI] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That no deed, grant, conveyance or assurance heretofore given by any sheriff of any of the counties within this state, bona fide, and for a valuable consideration, of any lands, tenements or hereditaments whatsoever, where quiet and peaceable possession hath been had of the same for the space of six years, shall be adjudged or taken to be defective, avoided or prejudiced for not producing in court, upon trial or otherwise, any writ of fieri facias, levavi facias, or venditioni exponas or any returns thereupon, or for want of proof that due and legal notice of the sales of the same was given or for not having been recorded in the office for recording of deeds.

Passed March 26, 1785. Recorded L. B. No. 2, p. 482, etc. See the Acts of Assembly passed March 11, 1800, Chapter 2129; March 12, 1800, Chapter 2132.

CHAPTER MCXLVI.

AN ACT TO REGULATE THE FISHERY IN THE RIVER SCHUYLKILL.

(Section I, P. L.) Whereas divers laws have heretofore been enacted for regulating the fisheries in the river Schuylkill and for the preservation of the fish in the said river, whereby many useful and necessary regulations and provisions were made conducting to the general advantage of a great number of the inhabitants of this commonwealth residing near the said river, yet for want of some further regulations the inhabitants dwelling near the upper parts thereof have not reaped such advantages from the said laws which the good intentions of the several assemblies seem to point out:

[Section II, P. L.] And whereas some of the justices of the peace of this commonwealth have refused to act under the said laws (from an apprehension that they had expired by their own limitation) whereby the advantages aforesaid are no longer to be expected:

(Section III, P. L.) And whereas it hath been a common practice with the inhabitants residing near the lower parts of the said river to fish with divers seines or nets in the same pool or fishing place, by which means, shad and other fish are, in a great measure, prevented from running up to the places, where they usually spawn, which is well known to be far up the river, whereby (for want of a sufficient number of mother fish) the different species are of late extremely diminished, from all which it is evident, that a more full and perfect law is become necessary:

[Section I.] (Section IV, P. L.) Be it therefore enacted and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and