

1799. of as limits the continuance of the said recited act, be, and the same hereby are, made perpetual.

Passed 4th April, 1799.—Recorded in Law Book No. VI. page 372.

CHAPTER MMXLI.

(Ante. pa. 312 chap. 1963.)

An ACT to vest in the President, Directors and Company, for erecting a permanent bridge over the river Schuylkill, at or near the city of Philadelphia, the right and title of this commonwealth to the lot or piece of ground therein mentioned.

SECT. 1. [Grant of a lot of ground for erecting a permanent bridge over Schuylkill. 2. Proceedings in case any title or claim is set up for the said lot.]

Passed 4th April, 1799.—Recorded in Law Book No. VI. page 372.

CHAPTER MMXLII.

An ACT for offering compensation to the Pennsylvania Claimants of certain lands within the Seventeen Townships in the county of Luzerne, and for other purposes therein mentioned.

Commissioners appointed to ascertain the quality, quantity and situation of lands in the Seventeen Townships in Luzerne county, held by Pennsylvania Claimants before the decree of Trenton.

The lands to be divided into four classes, and valued.

Provide, that the Commissioners shall not proceed, till 40,000 acres are ceded to the State by Pennsylvania Claimants, and till Connecticut Claimants to that amount have agreed to abide by the decision

SECT. 1. 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 Isaac Whelen, of Chester county, Thomas Boude, of Lancaster county, and General William Irvine, of Cumberland county, be, and they are hereby appointed Commissioners, whose duty it shall be carefully to examine and ascertain the quantity, quality and situation of all lands, lying within what have been commonly called and known by the name of the Seventeen Townships in the county of Luzerne, held or claimed under a Pennsylvania title, under a patent, or a location or warrant, before the decree of Trenton, by which the right of jurisdiction was declared to be in Pennsylvania, on which a survey has been executed, and returned agreeably to law, and to divide the same, according to their value, into four classes, distinguished by the name of the first, second, third and fourth class, the first class to contain the lands of the greatest value, and the second, third and fourth classes those of inferior value, preserving a due proportion between each, and shall adjudge what sum per acre each Pennsylvania Claimant shall receive, not exceeding the rates hereinafter mentioned: *Provided always*, That nothing herein contained shall authorize the said Commissioners to proceed to the performance of the duties enjoined upon them by this act, until persons claiming land to the extent of forty thousand acres, under grants made by Pennsylvania, shall have conveyed and released the same to the State, by deeds, duly executed, and filed in the Land-Office, for the purpose and for the considerations expressed in this act, and until persons commonly called Connecticut Settlers, claiming land to the extent aforesaid, shall have signified in writing, under their hands and seals, duly executed in the presence of two

witnesses, and filed in the Land-Office, that they will submit to and abide by the determination of the said Commissioners: *And provided*, That if part of the said land, but not to the extent aforesaid, shall have been released, or if the Connecticut Claimants, to the extent aforesaid, should not make their submissions according to the provisions herein contained, then such releases, as shall have been made by Pennsylvania Claimants as aforesaid, shall be null and void, and the property, which shall have been so as aforesaid released, shall vest and be held in the same manner, as if this act had not been passed: *Provided also*, That the lines of the respective tracts of lands, so as aforesaid submitted to the examination of the Commissioners, shall be the same as those bounding the original grants, and that the said Commissioners shall not examine any lands, but those which the Pennsylvania Claimants shall have agreed as aforesaid to submit to their examination.

SECT. II. *And be it further enacted by the authority aforesaid*, That to such of the aforesaid Pennsylvania Claimants, having title as aforesaid to lands within either of the said classes, who shall comply with the conditions of this act, such compensation shall be made as the said Commissioners shall award, not exceeding the rates herein after set forth, in certificates, to be issued as herein after directed, transferable and bearing interest, receivable as specie in payments to be made at the Land-Office, that is to say; to those whose lands shall be in the first class a sum not exceeding five dollars an acre; to those whose lands shall be in the second class a sum not exceeding three dollars an acre; to those whose lands shall be in the third class a sum not exceeding one dollar and fifty cents an acre; and to those whose lands shall be in the fourth class a sum not exceeding twenty-five cents an acre: *Provided always*, That nothing in this act contained shall be construed to direct or empower the said Commissioners to include the whole or any one original survey in any one class, unless in their opinion the quality of the whole tract will justify it, nor that they shall fix the price of each tract included in the same class at any price per acre, unless in their opinion such tracts should be of equal value, but that the rate per acre of the several tracts arranged in the same class shall be according to their relative value.

SECT. III. *And be it further enacted by the authority aforesaid*, That every Pennsylvania Claimant, who shall have conveyed and released to the commonwealth a regular title, as specified in this act, shall, on application to the Board of Property, be entitled to receive a ticket, directed to the Comptroller-General, stating the number of acres so released and conveyed to the commonwealth, and the class to which the said land belongs; and also certifying the amount awarded by the commissioners in favour of such Pennsylvania Claimant, and the balance of principal and interest due from such Pennsylvania Claimant to the commonwealth, on account of the original purchase money of such tract or tracts, which shall be submitted to the Register-General, and the Comptroller-General to issue and deliver to such Claimant one or more certificates of the nature herein before specified, for the sum to which his compensation shall amount, after having deducted the principal and in-

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of the Commissioners. If cessions and agreements are not made to that amount, the former shall be void.

The Commissioners shall only examine the lines bounding the original grants of lands agreed to be ceded,

Compensation to be made to the Pennsylvania Claimants in certificates, transferable, and bearing interest, and receivable as specie at the Land-Office.

Rate of compensation for the respective classes of Claimants, according to the relative value of the tracts of land.

Proceedings for obtaining a certificate by the Pennsylvania Claimants.

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Appropriation for paying the certificates.

Disputes between Pennsylvania Claimants to be settled by the Board of Property with appeal from their decision.

(See act of 30th March, 1810.)

Time allowed for applying for compensation under this act.

The commissioners shall ascertain the rights of lots of Connecticut Claimants in the said seventeen townships, before the decree of Trenton, and divide them into four classes.

Such original Connecticut Settlers applying, and securing the purchase money, before 1st of January, 1801, shall be entitled to patents.

Proviso not to affect Pennsylvania Claimants; and the lands to be mortgaged for the

terest so due to the commonwealth; and the said Comptroller-General is hereby authorized and directed to issue such certificate or certificates accordingly, and to alter or renew such certificates, so as to accommodate payments at the Land-Office; and all public money which shall come to the hands of the Receiver-General is hereby appropriated to the payment of the said certificates; and in case of disputes between Pennsylvania Claimants, before the issuing of the certificates in pursuance of this act, such disputes shall be decided by the Board of Property, according to the general usage: *Provided*, That their decision shall not prevent the party, against whom it is made, from prosecuting his claim in the courts of law as usual; and in case of an appeal from the decision of the Board of Property, the certificates shall not issue until the dispute shall be decided.

SECT. IV. *And be it further enacted by the authority aforesaid*, That no Pennsylvania Claimant shall be entitled to compensation under this act, who shall not make application to the Board of Property for that purpose within six months from the passing of this act: *Provided*, That if such Claimant shall, at the time of passing this act, be a feme-covert, under the age of twenty-one years, or out of the United States, one year shall be allowed for making such application from the time such Claimant shall cease to be a feme-covert, arrive at the age of twenty-one years, or return to some part of the United States.

SECT. V. *And be it further enacted by the authority aforesaid*, That it shall be the duty of the said commissioners also to ascertain all the rights or lots within the said seventeen townships, which were occupied or required by Connecticut Claimants, who were actually settlers there at or before the time of the said decree at Trenton, and which rights or lots were particularly assigned to the said settlers prior to the said decree, agreeably to the regulations then in force among them, and to divide the said rights or lots into four classes, to be distinguished in the manner herein before mentioned, according to their respective value, taking into consideration both the quality and situation, and make out certificates therefor, with a draft of the survey thereto annexed; and in case the said original settlers, their heirs or assigns, shall make application to the Land-Office at any time before the first day of January, in the year of our Lord one thousand eight hundred and one, and agree to pay to the commonwealth, by eight equal annual instalments, at the rate of two dollars per acre for lands of the first class; at the rate of one dollar and twenty cents per acre for lands of the second class; at the rate of fifty cents per acre for lands of the third class; and at the rate of eight and one third cents per acre for lands of the fourth class; with interest upon each instalment till the same is paid; whereupon patents for lands so certified shall be issued from the proper office, paying the legal fees for such patents, and also the surveying fees: *Provided nevertheless, and it is hereby expressly ordered*, That no patents shall issue to affect any lands, the titles whereof shall be in any person or persons claiming under Pennsylvania, until such person or persons have conveyed their title to the commonwealth: *And provided also*, That the lands to be granted

to any Connecticut Claimants, by virtue of this act, shall be mortgaged by such Claimant or Claimants, for the payment of the principal and interest of the aforesaid instalments due to the commonwealth as aforesaid, 1799.

purchase money.

SECT. VI. *And be it further enacted by the authority aforesaid,* That in case any lands shall be conveyed to the commonwealth by the aforesaid Pennsylvania Claimants, for which no application shall be made in the manner herein before directed by Connecticut Claimants on or before the first day of January, in the year one thousand eight hundred and one, it shall be lawful for the Governor, and he is hereby required, to order such lands to be sold at public auction, in the city of Philadelphia, giving six months notice of such sale in one or more of the newspapers of the said city, provided the same shall not be sold at a less price than that at which the state has by this act directed it to be offered to the Connecticut Claimants; and in case any of the land so exposed to sale should not sell for the sum for which it was offered to the Connecticut Claimants, then, in such case, it shall be the duty of the Attorney-General immediately thereafter to cause legal process to be issued for disposing every such person of the land so claimed, and not sold by the commonwealth, excepting in the case of minors under twenty-one years of age, and persons beyond sea, who shall be allowed a further time of one year from the time the land claimed by them was exposed to sale as aforesaid, by themselves, guardians or attorneys, to make their application, and comply with the terms of this act.

If lands ceded by Pennsylvania Claimants shall not be applied for by Connecticut Settlers, the same may be sold after the 1st of January, 1801.

Proceedings to dispossess intruders on lands not so sold.

SECT. VII. *And be it further enacted by the authority aforesaid,* That each person claiming the provisions of this act shall, prior to the commissioners classing and valuing such person's land by virtue of this act, make oath or affirmation (which oath or affirmation either of the said commissioners is hereby authorized to administer, (" that he or she does not claim title under a joint right of the Pennsylvania claimants and of the Connecticut settlers, but that he or she holds exclusively under one or the other of the aforesaid rights, and that he or she has not directly or indirectly done, or caused to be done, any act or thing, to destroy or conceal such joint title, with a view of coming within the provisions of this act;" and if it shall appear that any person claiming the provisions of this act holds by such joint title, or that such joint title has been destroyed or concealed with the view aforesaid, then, in that case, such lands shall not be within the provisions of this act.

Qualification to be taken by claimants.

Lands held under a joint title from Pennsylvania and Connecticut not within this act.

SECT. VIII. *And be it further enacted by the authority aforesaid,* That each of the said commissioners, before he acts, shall take an oath or affirmation, before some Judge or Justice of the peace, " that he will diligently, faithfully and impartially discharge the duties assigned to him by this act;" and in case either of the said commissioners shall die, or refuse or become incapable to act, the Governor shall appoint a person to supply his place; and all acts by a majority of the said commissioners shall be as valid as if they had all joined therein.

Qualification of the commissioners; how vacancies shall be supplied; a majority to act.

SECT. IX. *And be it further enacted by the authority aforesaid,* That the said commissioners shall keep a regular account of their

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shall keep a record, may appoint a Clerk and Surveyors, who shall be qualified by oath of office, and receive a reasonable compensation; the record and surveys to be returned into the Land-Office.

proceedings in a book, which shall be deposited by them in the office of the Secretary of the Land-Office; and they may appoint a Clerk, who shall be sworn or affirmed before them faithfully to register all their proceedings in pursuance of this act, and they may appoint a Surveyor or Surveyors, and employ chain-carriers and markers for the purpose of such surveys, as they shall judge necessary, and the said Surveyors, chain-carriers and markers shall be sworn before a Justice of the Peace or one of the commissioners, faithfully to perform their respective duties, and shall receive a reasonable compensation for their services, to be fixed by the said commissioners, and paid by the commonwealth; and all surveys made by direction of the said commissioners shall be by them returned to the office of the Surveyor-General.

Compensation of the commissioners.

SECT. X. *And be it further enacted by the authority aforesaid,* That there shall be allowed, and paid out of the public Treasury, to each of the said commissioners, three dollars and fifty cents per day, and to their clerk three dollars per day, for each day that they shall be respectively employed in performing the duty required by this act.

Now disputes between the Connecticut claimants shall be settled.

SECT. XI. *And be it further enacted by the authority aforesaid,* That in cases of dispute between the Connecticut claimants, they may elect to have the same decided by the said commissioners, or appeal, before such decision, to the Court of Common Pleas of the proper county; and a certificate from the clerk of such commissioners, or from the Prothonotary of such Court of Common Pleas, before which tribunal such decision may be had, certifying in whose favour the same is adjudged, shall be good evidence to obtain a patent from the proper office aforesaid. (l)

Passed 4th April, 1799.—Recorded in Law Book No. VI. page 394.

(l) By a supplement to this act, passed 15th March, 1800, (chap. 2127,) the Register-General was directed to sign all the certificates issued under the act, and unless so signed, the certificates are declared to be unlawful, and to create no evidence of any property or right in the holder, or other person: and the manner of cancelling such certificates, is prescribed. The time for receiving applications from Pennsylvania claimants was extended to the 1st October, 1800.

By a further supplement, passed 6th April, 1802, (chap. 2289,) all Pennsylvania claimants, whose titles originated prior to the decree at Trenton, entitled to land within the seventeen townships, who shall transmit their releases, and all Connecticut claimants, intended to be embraced within the provisions of the act in the text, claiming land in the said townships, who shall submit their titles to the Secretary of the Land-Office, before the 1st August, 1802, shall be intitled to all the benefit of the act in the text.

Sect. 2. All applications of Connecti-

cut claimants, actually transmitted and received at the Land-Office aforesaid, although after the time heretofore appointed by law for their being received, shall be acted upon by the commissioners, in like manner as if they had been received before the expiration of the time so limited and appointed.

Sect. 3. And as divers Connecticut claimants, had, since their applications had been transmitted to the Land-Office, sold their land, or part thereof, to other persons; *it is enacted,* that such subsequent purchasers shall be admitted to the benefits of the act in the text, in the same manner as their vendors would have been entitled, without a new application; and all purchasers under process of law, of land claimed under the title of the Susquehanna Company, within the said seventeen townships, already submitted by a former claim thereof, shall be equally intitled to the benefits of the act in the text, as if such purchaser himself had submitted the same by his application to the Land-Office for that purpose. [And see the third section of the

act "To maintain the territorial rights of the state, &c. passed the same day, (chap. 2283,) by which such purchasers are protected from the penalties of that act.]

Sect. 4. Attornies or agents duly authorized by such Connecticut claimants, whose applications had been made, or may be transmitted to the Land-Office, or commissioners aforesaid, under the provisions of the act in the text, or this supplement, where such claimants are infants, or residents of a distant part of the state, or out of the state, or are disabled by sickness, or corporal infirmity from attending the commissioners in person, may exhibit the title of such claimant, and take the oath of single title enjoined by the act in the text, in respect of the land so claimed, to the best of their knowledge and belief; and the same shall be equally valid, as if done by the principals in person.

Sect. 5. The commissioners, or any of them, shall have power to summon before them any person or persons, and to administer oaths or affirmations generally, to any person appearing before them, touching the objects of the present act, and the act in the text; and any person swearing falsely in respect to any matter whereunto he shall be examined by said commissioners, or any of them, and within the duties of their office, shall be subject to all the penalties annexed by law to the crime of perjury; but the power of the commissioners to summon and examine, upon oath or affirmation, any person whatsoever, shall be confined to the proper objects of their commission, and the duties by law assigned to them.

Sect. 6. It is made the duty of the Attorney-General, to give his legal advice and opinion, without delay, on any question submitted to him by the said commissioners, or a majority of them, respecting the execution of their commission.

Sect. 7. Commissioners empowered to employ one additional clerk permanently, and such occasional assistance as may be requisite, &c.

Sect. 8. Commissioners to be reimbursed all reasonable costs incurred in transporting the books, &c. from one place to another, and their travelling expenses.

Sect. 9. It shall be the duty of the said commissioners to survey, value and certify, not merely such parts and portions of the tracts of land claimed under the Susquehanna company, within the seventeen townships, as had been or may be released by the Pennsylvania claimants, but the whole of each tract of land claimed by a Con-

necticut claimant who shall establish his title in the manner prescribed by the act in the text, whether released to the commonwealth, or not: and if any Pennsylvania claimant of such land shall refuse or neglect to release, before 1st August, 1802, such claimant shall not recover the same in any action against the Connecticut claimant, in whose favour a certificate shall be granted by the commissioners for such land, or any person claiming under such certificate, &c. But he shall be at liberty to institute a suit in the Supreme Court against the commonwealth, which suit shall be tried and determined, &c. at which trial the court and jury shall have power to award a just compensation for the land so taken from the Pennsylvania claimant. *Provided*, he shall make it appear that he is fully, fairly and exclusively entitled to such land, except as against the person claiming by virtue of the certificate, &c.

Sect. 10. Every Connecticut claimant applying for a certificate, first to deliver up to the commissioners all title papers, which they are to transmit to the Secretary of the Land-Office.

Much of the foregoing supplement is now obsolete, and the power of the commissioners is extinct.

By a further supplement, passed 4th April, 1805, (chap. 2612.) Such Connecticut settlers of the *fifteen* townships, claiming lands under the act in the text, as are, or may be entitled to receive patents for the same, who may desire such lands to remain as a security for the purchase money, without the expense of mortgaging, and requesting this to be done by writing under hand and seal transmitted to the Secretary of the Land-Office, the Secretary shall thereupon issue patents to them, and certify thereon the amount of purchase money due, and the periods when the same shall become due, which shall be a lien on the land, in nature of a mortgage. Such certificate on such patents, &c. to be recorded in the proper county, within six months after the date of the patents, or patents to be void: and such records shall be as good evidence of the purchase money due to the commonwealth, and upon which to bring a suit for the recovery of the same, as if it had been secured by mortgage in proper form, recorded at large.

The Recorder of Luzerne county authorized to record and certify, &c. the "*Westmoreland records*."

By a further supplement, passed 9th April, 1807, (chap. 2840.) Pennsylvania claimants, claiming lands within the fifteen townships, whether from titles prior to the decree of Trenton, or ac-

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quired by warrant and survey prior to 28th March, 1807, &c. may release their several claims to the commonwealth, and transmit the same to the Secretary of the Land-Office by the 1st of August, (1807.) And all Connecticut claimants, claiming lands in said townships may apply and transmit their applications to the Secretary of the Land-Office on or before 1st October, (1807,) in the manner heretofore used under the act in the text, and shall be entitled to all the privileges of said act, and supplements thereto.

Sect. 2. The commissioners under said act and supplements, in examining the claims of the Connecticut claimants already submitted, or those which may be hereafter submitted, &c. shall not require the said lands to have been occupied prior to the decree of Trenton, but shall certify the same to the applicants, if under the rules and regulations of the Susquehanna company at any time, they should otherwise thereto be entitled.

Sect. 4. A new survey to be made of part of Newport township, and patents to issue in conformity to said survey.

By act of 28th March, 1808, (chap. 2994.) All powers vested in the commissioners are suspended; and they are directed to deposit all their books, records and papers, &c. in the office of the Secretary of the Land-Office on or before 15th May, 1808. And it is made the duty of the Secretary of the Land-Office and Surveyor-General to report to the next legislature, the situation of the business, shewing what has been done, and what will be the probable expense to the state.

Ninety days allowed to persons who had obtained patents and not recorded them under the act of 4th April, 1805, to have them recorded, &c. Act of 3d April, 1809.

By act of 19th March, 1810, for the purpose of adjusting the titles to lands in Bedford and Ulster townships, the Governor is required to appoint three commissioners to examine the lands, &c. and divide them into four classes, according to their comparative value, and adjudge what shall be paid to each Pennsylvania claimant, who shall receive certificates of the value thereof, if he will accept of the compensation, which certificate shall be presented to the Secretary of the Land-Office, who shall certify the amount of the purchase money and interest due to the commonwealth, to the accounting department, who shall deduct the same from the compensation fixed by the commissioners, and the balance shall be paid by the Treasurer, on warrants drawn by the Auditor-General. Disputes between

Pennsylvania claimants to be settled by the board of property, with appeal, &c. Secretary not to certify to the accounting department until final decision.— Pennsylvania claimants may institute suits in the Common Pleas of the proper county, if they do not choose to accept the compensation offered by the commissioners, &c. but if they do not recover a greater sum than that fixed by the commissioners, they shall pay costs of suit. Commissioners to ascertain the lots occupied by Connecticut claimants, &c. and to allot the same to them, and divide the same into four classes, &c. and deliver them certificates of the sum to be paid for said lands, which shall be paid in eight equal annual instalments, with interest from the date of the certificate. The Secretary of the Land-Office to issue patents thereon, certifying the sum due, which shall be recorded in six months, or patents to be void, &c. But no certificate to issue for lands on which a Pennsylvania claimant resides. Claimants not to hold under a joint title. Commissioners to take an oath of office, acts of a majority to be valid. Governor to supply vacancies. An account of their proceedings to be kept. All surveys to be returned to the Surveyor-General's office. Disputes between Connecticut settlers to be decided by the commissioners. The duties to be performed before the second Tuesday of December, 1810, and the accounts to be laid before the next legislature.

By act of 20th March, 1810. In case of disputes between Pennsylvania claimants, under the act in the text, on demand of either party, the board of property may direct an issue to the Court of Common Pleas at the seat of government, to decide the right, the decision to be final, and the certificate to be delivered accordingly.

This act arose out of the decision in the case of the *commonwealth v. Cochran*, 1 Binney, 324

By act of 23d January, 1811. Any Connecticut settler may pay the whole purchase money and interest at the time of taking out his patent, or any number of the instalments. If any Connecticut settler shall have neglected or omitted to have his patent recorded, but shall within the time in which the last instalment becomes due pay the whole principal and interest, then the patents shall be valid, but not otherwise. Persons holding certificates who do not apply before the 1st Nov'r, 1812, for a patent, and secure the payment, &c. shall be liable to pay interest on the aggregate amount of principal and interest from said time. Persons hold-

ing certificates for lands in Bedford and Ulster, shall make application for patents within two years from the date of their certificates, or be liable to pay interest upon the aggregate amount of principal and interest due at the end of the said two years until the debt is discharged.

By act of 23d March, 1811. Pennsylvania claimants, who had a right to bring suit in the Supreme Court, before 4th Monday in October, 1809, may bring suit in the Common Pleas of Luzerne

county against the commonwealth.

Interest ceased on certificates issued under the act in the text on 1st April, 1806.—See act of 31st March, 1806, (chap. 2718;) and see the act to compensate David Meade and others, passed 9th March, 1796, (chap. 1866,) ante. page 267, and the act to redeem the certificates in that act mentioned, passed 1st April, 1805, (chap. 2587.)

See also (chap. 1815,) ante. pa. 209, and the notes thereto.

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CHAPTER MMXLIII.

An ACT for the relief of the Chambersburgh Academy.

SECT. 1. [GRANT of two thousand dollars to the Chambersburgh Academy. 2. Provision for educating poor students gratis, not more than five at any one time, &c.]

Passed 5th April, 1799.—Recorded in Law Book No. VI. page 433.

CHAPTER MMXLV.

An ACT declaring Dunkard creek, in the county of Greene, a public highway.

SECT. I. *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, Dunkard creek, in the county of Greene, from the mouth thereof up to the main fork (or the several parts thereof which pass through this commonwealth) shall be, and the same is hereby declared to be a public highway, under the limitations and restrictions herein after specified; and it shall and may be lawful for any person desirous of improving or using the navigation of said creek to remove all natural and artificial obstructions, excepting mill-dams already built, from the mouth thereof up to the main fork, or the several parts thereof which pass through this commonwealth, and also to erect such slopes at the mill dams already built, and keep them in repair, as may be necessary for the passage of boats and rafts, and the ascent of fish: *Provided always, That* such slopes be so constructed, as not to injure the works of said dams,

Dunkard creek declared a public highway.

What, and how obstructions to the navigation may be removed.

SECT. II. *And be it further enacted by the authority aforesaid, That* nothing in this act contained shall be deemed, taken or understood to prevent any person or persons, possessing lands on said creek, who, before the passing of this act, had authority under the laws of this commonwealth to erect a dam, from erecting any such dam or dams that he or she may think proper: *Provided always, That* such dams be so constructed, and continued in repair, as that there may be a slope to each dam at least thirty feet in width, ex-

Persons heretofore authorized may erect and maintain dams, provided they are kept in order and repair.