

ing shall for every such offense forfeit the sum of fifty pounds, to be recovered in any court of record within this province by bill, plaint or information by the person or persons grieved if they will sue for the same, wherein no essoin, protection or wager of law nor any more than one imparlance shall be allowed.

Provided, That nothing herein contained shall be deemed to extend to any person who shall be married in the religious society to which they belong, so as notice be given to the parent or parents, guardian or guardians, masters or mistresses of the person or persons so to be married, if such parent, guardian, master or mistress live within this province, at least twenty days before such marriage be solemnized; nor that this law shall extend to any person marrying by the authority of any lawful license, so as such consent or approbation in writing of the parent or parents, guardian or guardians, masters or mistresses as by this act is directed be first had, and the same consent be certified in the body of the said license, anything herein or in the aforesaid act of assembly contained to the contrary notwithstanding.

Passed February 14, 1729-30. Apparently never considered by the Crown, but allowed to become a law by lapse of time, in accordance with the proprietary charter. See Volume III, Appendix V, Section I, and note to the Act of Assembly passed October 28, 1701, Chapter 109, and the Acts of Assembly passed April 10, 1849, P. L. 549; May 8, 1854, P. L. 663; June 2, 1871, P. L. 289; June 23, 1885, P. L. 146; May 23, 1887, P. L. 170; May 1, 1893, P. L. 27; May 22, 1895, P. L. 99; June 18, 1895, P. L. 202.

CHAPTER CCCXII.

A SUPPLEMENTARY ACT TO AN ACT OF ASSEMBLY OF THIS PROVINCE, ENTITLED "AN ACT AGAINST BUYING LAND OF THE NATIVES."

Whereas divers laws have from time to time been enacted in this province for preserving peace and cultivating a good understanding with the Indian natives thereof. And whereas,

notwithstanding the provision made by the said former act against purchasing land of the said natives without leave from the proprietor, the peace of the public has been and may further be endangered by the proceedings of some persons who, to elude the said act now in force against such practices, do, contrary to the intention thereof, pretend to take land of the natives on lease or for term of years, or to bargain with the Indians for the herbage or for the timber or trees, mines or waters thereof, and others who without any authority have settled upon and taken possession of vacant lands, as well to the manifest contravention of the royal grant of the soil of this province from the Crown to the proprietor and his heirs and the apparent damage of such persons who have right to take up lands heretofore granted to them within this province, as to the laying a foundation for disputes, misunderstandings and breaches with the said natives and others:

For the prevention whereof:

[Section I.] Be it enacted by the Honorable Patrick Gordon, Esquire, Lieutenant-Governor of the Province of Pennsylvania, &c., by and with the advice and consent of the representatives of the freemen of the said Province in General Assembly met, and by the authority of the same, That no person or persons, bodies politic or corporate, whatsoever shall at any time hereafter, for any cause or consideration or on any pretense whatsoever, presume to purchase, bargain, contract for, have or take of or from any Indian native or natives by any manner of gift, grant, bargain or sale in fee-simple or for life, lives, terms of years or any estate whatsoever, any lands, tenements or hereditaments within the limits of this province, or any manner of right, title, interest or claim in or to any such lands, tenements or hereditaments or in or to any herbage, trees, fishings, rivers, waters, mines, minerals, quarries, rights, liberties or privileges of or belonging unto any such lands, tenements or hereditaments without the order or direction of the proprietary or proprietaries of this province or of his or their proprietary commissioners or deputies, authorized and appointed or to be authorized and appointed for the management of the proprietary affairs of this province, for and in behalf of the proprietor or

proprietors thereof for the time being; and that every gift, grant, bargain, sale, written or verbal contract or agreement, and every pretended conveyance, lease, demise, and every other assurance made or that shall be hereafter made with any of the said Indian natives for any such lands, tenements or hereditaments, herbage, trees, rivers, waters, fishings, mines, minerals, quarries, rights, liberties or privileges whatsoever within the limits of this province, without the order and direction of the proprietor or his commissioners as aforesaid, shall be and is hereby declared and enacted to be null, void and of no effect to all intents, constructions and purposes in the law whatsoever; and that as well the grantee, bargainee, lessee, purchaser or person pretending to bargain or to have bargained or agreed with any Indian native as aforesaid, contrary to the true intent and meaning of this act, as all and every person or persons entering into and taking possession of any lands within the province of Pennsylvania not located or surveyed by some warrant or order from the proprietary or proprietaries, his or their agents or commissioners, as aforesaid, to the person or persons possessing the said lands or to some person or persons under whom they claim, and upon reasonable notice and request refusing to remove, deliver up the possession or to make satisfaction for such lands, shall and may be proceeded against in such manner as is prescribed by the several statutes of that part of the kingdom of Great Britain called England made against forcible entries and detainers, and that no length of possession shall be a plea against such prosecution.

Provided always, That nothing herein contained shall be deemed or construed to extend to any person or persons who have contracted or bargained with the proprietary or proprietaries, his or their agents or commissioners as aforesaid, for the lands in their possession, although the money agreed to be paid for the said lands be not paid according to such bargain or contract.

Passed February 14, 1729-30. Apparently never considered by the Crown, but allowed to become a law by lapse of time, in accordance with the proprietary charter. See Volume III, Appendix V, Section I, and note to the Act of Assembly passed November 27, 1700, Chapter 20; and the Acts of Assembly passed February 3, 1768, Chapter 570; February 18, 1769, Chapter 587.