

**NAVIGABLE RIVERS - APPROPRIATION OF BEDS**  
**Act of Apr. 11, 1848, P.L. 533, No. 370**  
AN ACT

Cl. 68

To encourage the further development of the mineral resources of the commonwealth of Pennsylvania.

Section 1. Appropriation of beds of navigable rivers

It shall be the duty of the Surveyor General, on application to him made, to issue his warrant or warrants, for not exceeding in quantity one hundred acres, to any one person who may apply for the same, to the deputy surveyor of any county, directing him to survey so much of the bed of any of the public navigable rivers of this Commonwealth, as may be called in said application, beginning at a point designated in the application at low water mark, on the bank of said river, and pursuing the course of said river at low water mark, as far as designated; then at right angles across said river to low water mark; thence along the shore of said river, at low water mark, to a point opposite the place of beginning; and thence across said river to the place of beginning; the original of which to be filed in the office of the Surveyor General, and a copy to be directed to his deputy of the proper county, whose duty it shall be to survey the same, and make return thereof as soon as possible. 1848, April 11, P.L. 533, Sec. 1.

Section 2. Right to dig, mine, etc; to vest in party in whose favor warrant shall issue

From and after the issuing of said warrant, the right to dig and mine for iron, coal, limestone, sand and gravel, fire-clay, and other minerals, shall vest and be in the party in whose favor the said warrant or warrants shall issue, his heirs or assigns: Provided, That he or they shall so exercise the said right as not in any way to interfere with the free navigation of said river, or with the rights of any person or persons holding property on the banks thereof: Provided also, That nothing contained in this act shall authorize any person to undermine the bed of any river, the navigation of which has been improved by the Commonwealth or by any incorporated company, within one hundred yards from any dam, lock or other building necessary to said improvement, without the consent of the canal commissioners, or the board of managers of said company; and nothing contained in this proviso shall in any way be construed to extend to any works or mines now in operation, or to affect any rights now vested under existing laws: And provided also, That the Commonwealth shall have the right, after twenty years from this date, to revoke any such warrant or grant, on payment to the party, his heirs or assigns, holding the same, the original purchase money, and the original costs of his works, engine, etc.; such power of revocation only to be in force where there is any improvement made. 1848, April 11, P.L. 533, Sec. 2.

Section 3. Patent to be received on warrant, at any time within ten years

The person or persons so holding said warrant or warrants, his or their heirs or assigns, shall and may, at any time within ten years from the date of the same, have and receive a patent for the said land, under the Seal of the Commonwealth, in the usual form, granting to them, their heirs and assigns, the right to dig and mine iron, coal, limestone, sand and gravel, fire-clay, or any other mineral, on his or their paying into the Treasury of the Commonwealth the usual price per acre of public lands, and the usual fees, with interest from the date of the said warrant, subject to the restrictions contained in the second section of this act: And provided, That nothing in this act shall prevent or be a bar to any indictment for any nuisance or injury done by any person or persons so exercising said rights, to any public or private property, or for any impediment to the full and free navigation of any of the said navigable rivers. 1848, April 11, P.L. 533, Sec. 3.