

CHAPTER CI.

An ACT for the purpose of adjusting the Titles to Lands in Bedford and Ulster Townships, in Luzerne and Lycoming Counties.

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 the Governor of this commonwealth be, and he is hereby authorized and required to appoint three commissioners, whose duty it shall be to proceed to, and carefully examine and ascertain the quantity, quality and situation of all the lands (excepting such as are hereinafter excepted) lying within the township of Bedford, Luzerne county, and the township of Ulster, as originally surveyed, under the rules and regulations of the Connecticut Susquehanna Company, in Lycoming county, claimed under a Pennsylvania title, by a patent, or a location, or warrant, on which a survey has been executed and returned, agreeably to law; prior to the twenty-eighth day of March, one thousand seven hundred and eighty seven, and to resurvey, and divide the same, according to their value, into four classes, distinguished by the name of first, second, third and fourth class; the first class to contain lands of the greatest value, and the second, third and fourth classes 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.

The Govern-
or to appoint
three com-
missioners.
Duties of.

Shall divide
the land into
four classes
according
to their com-
parative
value.

Shall ad-
judge what
sum shall be
paid to each
Pennsylvania
claimant.

Land of the
first class to
be five dol-
lars per acre.

Second class
§ 3.

Third class
§ 1 50.

Fourth class
25 cents.

SECT. II. *And be it further enacted by the authority aforesaid,* That to such of the Pennsylvania claimants, having title to lands within the aforesaid townships, of either of the said classes who shall comply with the conditions of this act, such compensation shall be made as the commissioners shall award, not exceeding the rates hereinafter specified, in manner hereinafter directed; *that is to say,* to those whose lands shall be in the first class, a sum not exceeding five dollars per acre; to those whose lands shall be in the second class, a sum not exceeding three dollars per acre; to those whose lands shall be in the third class, a sum not exceeding one dollar and fifty cents per acre; and to those whose lands shall be in the fourth class, a sum not exceeding twenty-five cents per acre; in all cases having due regard to quality and situation.

Pennsylvania
claimants
to receive
certificates
of the value
of their
lands.
Which shall
be present-

SECT. III. *And be it further enacted by the authority aforesaid,* That every Pennsylvania claimant, who shall accept of the compensation affixed by the commissioners, for lands certified to settlers in pursuance of this act, shall be entitled to receive from them certificates, stating the quantity, quality and prices of the same; which certificates shall be presented to the secretary of the land-office, who shall certify the amount of the purchase money and interest, (if any) which may remain due to the com-

ed to the of secretary of the land office. Duty of the secretary. Duty of the accounting department. Amount found due to be paid by the treasurer. Disputes between Pennsylvania claimants to be settled by the board of property, &c. Appeal granted. Secretary not to certify to the accounting department until a final decision. Pennsylvania claimants may institute suits in case they do not choose to accept the compensation offered by the commissioners. Proviso. Amount due to be paid by the accounting department on an exhibition of a certificate of the verdict and judgment.

monwealth on the lands therein described, to the accounting department, who shall deduct the same from the compensation affixed by the commissioners, and the balance thus settled and adjusted by the said department shall be paid by the treasurer on warrants drawn by the auditor-general: *Providing always*, That cases of dispute between Pennsylvania claimants shall be decided by the board of property, previous to the secretary of the land-office certifying as aforesaid; but nothing in this act shall be construed to prevent the party against whom a decision shall be made, from prosecuting an appeal in the court of common pleas, in the county where the seat of government is* or may be established, for the time being; and in case of an appeal from the decision of the board of property, the said secretary shall not certify to the accounting department, nor the money be paid until a final decision upon such appeal; which appeal shall be entered, and the said secretary notified thereof, within ten days after a decision is made by the board of property.

Proviso.

SECT. IV. *And be it further enacted by the authority aforesaid*, That any Pennsylvania claimant, whose lands shall be included within the said townships, and who shall refuse to accept the compensation affixed by the commissioners, shall be at liberty, after certificates shall have been issued to the settlers for his said lands, to institute a suit or suits against this commonwealth for a recovery of the value of the same, in the courts of common pleas, in the respective counties where they are situate; at which trial the court and jury shall have power to award a just compensation for the lands, certified as aforesaid: *Provided*, He shall, in the course of the said trial, make it appear to the court and jury that he is fully, fairly and exclusively entitled to such land under this commonwealth, except as against the person or persons claiming the same, by virtue of a certificate or patent, granted under the authority of this act; and upon such trial being determined in favour of the Pennsylvania claimant, the plaintiff in the said suit, he, she or they shall be entitled to receive the full sum awarded in his, her or their favour, on presenting a certificate of the verdict and judgment in such suit, with the costs taxed in the usual manner, certified by one or more of the judges before whom the trial was had, and by the clerk of the court, to the accounting department, who shall deduct the purchase money and interest which may remain due and unpaid on the land in question, which shall be ascertained by the secretary of the land-office, and certified by him to the accounting officers, and the balance shall be paid by the treasurer on a warrant drawn by the auditor general: *Provided also*, That in case said Pennsylvania claimant, should not recover a greater sum before said court and jury than the sum fixed on by the said commissioners, he shall pay all the costs of suit.

The word "is" omitted in the original.

SECT. V. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the commissioners to examine and ascertain the rights of lots (excepting such as are hereinafter excepted) which were occupied and acquired by Connecticut claimants, actually settlers, with said townships, or some one of the seventeen townships prior to the 28th of March 1787, and to allot the same to them, their heirs or assigns, agreeably to lines heretofore run and established among them, and to divide the same into four classes, in like manner as is directed in the first section of this act; and they shall make out certificates therefor, with a draft of survey thereto annexed, and deliver the same to the settlers, their heirs or assigns, who shall pay for the lands so allotted to them the same prices as those affixed by the commissioners as the compensation to Pennsylvania claimants; *to wit,* for the first class, a sum not exceeding five dollars per acre; for the second class, a sum not exceeding three dollars per acre; for the third class, a sum not exceeding one dollar and fifty cents per acre; for the fourth class, a sum not exceeding twenty-five cents per acre; with interest from the date of said certificate, and payable in eight equal annual instalments, the first of which shall be due in three years after the date of such certificate, and within the first two years said settler, his or her heirs or assigns, shall make application, with such certificate, at the land-office, and obtain a patent for his, her or their land, paying the surveying and office fees: *Provided,* That not more than 400 acres shall be certified as aforesaid, in right of any one settler, nor shall a greater quantity than 400 acres be contained in any one patent.

Commissioners to ascertain the lots occupied by Connecticut claimants - &c. and to allot the same to them their heirs &c. And divide the same into four classes as before directed. And make and deliver certificates of the same. Sums to be paid for said lands. Interest to be paid from the date of the certificate. Payment to be made in eight equal instalments &c.

SECT. VI. *And be it further enacted by the authority aforesaid,* That the secretary of the land-office shall issue a patent or patents for his, her or their respective lands, and on said patent or patents certify the amount of the purchase money due for the land therein described, and the periods on which the same shall become due, which sum or sums, so certified, shall be and remain in the nature of a mortgage, until the money shall be paid; and such patent or patents shall be recorded in the county where the land lies, within six months after the date or dates thereof, or the same shall be of no force and validity whatever, and that such record, as aforesaid, in the proper county, shall be as good evidence of the purchase* money due to the commonwealth, and upon which to bring a suit for a recovery of the same, as if it had been secured by mortgage, in proper form, and recorded at large.

The secretary to issue patents &c. Patents to be recorded within 6 months. Such record to be evidence &c.

SECT. VII. *And be it further enacted by the authority aforesaid,* That nothing in this act contained shall be construed or understood to authorize or empower the said commissioners to certify

† The word "money" interlined with a lead pencil in the original

No certificate to issue for lands on which a Pennsylvania claimant resides &c. Claimants not to hold under a joint title.

to any person or persons any land within the aforesaid townships, held or claimed under a Pennsylvania title, under a patent, location, warrant, or settlement, where the Pennsylvania claimant is in the actual possession or occupancy of the land, either by himself or tenant, at the time of passing this act.

SECT. VIII. *And be it further enacted by the authority aforesaid,* That each and every person or persons claiming the provisions of this act, shall prove, to the satisfaction of the commissioners, that he, she or they do not hold under a joint title of Pennsylvania and Connecticut, but that he, or she or they hold exclusively under one or the other, and have not done any thing, directly or indirectly, to destroy or conceal such joint title, with a view of coming within the provisions of this act.

Commissioners to take an oath of office.

SECT. IX. *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 him by this act; and in case either of the commissioners should 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.

Governor may supply vacancies. Acts of a majority to be valid.

Shall keep an account of their proceedings. May appoint a clerk &c.

SECT. X. *And be it further enacted by the authority aforesaid,* That the commissioners shall keep a regular account of their proceedings in a book, which shall, on or before the second Tuesday in December next, be deposited by them in the land-office; and they may appoint a clerk, who shall be sworn or affirmed by them, faithfully and diligently 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 making such surveys as they shall judge necessary; and the said surveyors, chain-carriers and markers shall be sworn, by one of the commissioners, faithfully and diligently to perform their respective duties, and shall receive a reasonable compensation for their services, to be fixed by the commissioners, and paid by the commonwealth; and all surveys made by the direction of the said commissioners, shall by them be returned to the office of the surveyor-general.

Who shall take an oath.

Compensation of to be fixed by the commissioners. Surveys to be returned to the surveyor-general's office.

SECT. XI. *And be it further enacted by the authority aforesaid,* That cases of dispute, between the settlers claiming under a settlement or Connecticut right, shall be decided by the said commissioners.

Disputes &c. to be settled by the commissioners. Commissioners to receive \$3 per day and clerk two-

SECT. XII. *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 commissioners, three dollars per day, and to their clerk two dollars per day, for each day they may be respectively employed in performing the duty required by this act.

SECT. XIII. *And be it further enacted by the authority aforesaid,* That the said commissioners shall perform and complete the duties enjoined upon them by this act, on or before the second Tuesday of December next, and they shall lay before the next legislature of this commonwealth a full statement of their proceedings, and of the expenses incurred by them, as wages to themselves, clerks, surveyors, and chain carriers, and markers; and that a sum not exceeding two thousand dollars be, and is hereby appropriated for the payment of such expenses, after the accounts of the said commissioners shall have been adjusted by the accountant officers.

Commissioners duties to be performed before the 2d Tuesday in December next. Accounts of to be laid before the next legislature.

JOHN WEBER, *Speaker*
of the House of Representatives.

P. C. LANE, *Speaker of the Senate.*

APPROVED--the nineteenth day of March, one thousand eight hundred and ten.

SIMON SNYDER.

CHAPTER CII.

An Act regulating Arbitrations.

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 first day of May next, it shall and may be lawful for either party, his, her or their agent or attorney, in all civil suits or actions, pending, or that may hereafter be brought in any court of this Commonwealth, having either original or appellate jurisdiction of such suits or actions, to enter at the prothonotary's office, at any time after the entry of such suits or actions, excepting appeals to the register's court, or issues directed by the said court, a rule of reference, wherein the said party shall state his, her or their determination to have arbitrators chosen on a day certain, to be mentioned therein, not exceeding thirty days thereafter, for the trial of all matters in variance in such suit or action between the parties; which rule shall be entered on record by the prothonotary, and the following proceedings shall be had thereon: *that is to say,* The party, whether by his, her or their agent or attorney, or otherwise, entering the rule of reference, shall, under the penalty of ten dollars, to be recovered by the adverse party, as debts of equal amount are by law recoverable, procure from the prothonotary a copy thereof, under his hand and seal, and serve, or cause to be served, the same, or a copy thereof, on the opposite party, his, her or their agent or attorney, or if not to be found, leave a copy thereof at his, her or their last place of abode; giving at least ten days notice, in the city

After the first of May next all suits may be referred.

Appeals to the register's court excepted, &c.

Time of trial to be within 30 days after entry of the rule.

Copy of the reference to be served by the party entering the same.