

searched, &c. nothing remains in the plaintiff's power, except the parol evidence offered, which ought to be received, and its operation weighed dispassionately.

For other matters relating to surveys, and titles to lands. See the notes to the limitation act, *post*.

The reader is further referred to the end of the appendix in the 4th volume, where any additional cases on the subject which may hereafter be decided, will be noticed; and any errors in the preceding notes which may occur to the editor, or be pointed out by others, will be corrected.

It remains only to notice an act of assembly passed, 19th of March, 1804, (chap. 2451,) entitled "An act enjoining certain duties on the Surveyor-General," which enacts, that the Sur-

veyor-General shall be authorized to issue certificates of any entry or entries in the books of accounts heretofore kept by the Surveyor-General, containing entries of the time of bringing into his office any survey or surveys made by his deputies, or any of them, and the charges therein made against them or either of them, as acceptance fees for the same, under the seal of his office, and to receive the usual fee for such certificate, for which he shall account to the commonwealth; and the certificate so issued shall be deemed and admitted as legal evidence in any court within this commonwealth, any law or custom to the contrary notwithstanding.

There are no books of the nature above described, in the Land-Office, prior to *John Lukens's* time.

CHAPTER MLXXXVIII.

An ACT confirming an agreement, entered into between this state and the state of Virginia.

SECT. II. WHEREAS George Bryan, John Ewing and David Rittenhouse were duly appointed commissioners on behalf of this commonwealth, and fully authorized to meet and agree with other commissioners on the part of Virginia, upon the western boundary, and whereas the said George Bryan, John Ewing and David Rittenhouse, in pursuance of the said trust and power, did, on the thirty-first day of August, one thousand seven hundred and seventy-nine, meet certain commissioners on the part of Virginia, to wit, James Madison and Robert Andrews, and an agreement was then entered into, concluded and signed, by and between the said commissioners, on the part of their respective states, by whom they were for the purpose aforesaid delegated, which agreement was, upon the twenty-third day of September, one thousand seven hundred and eighty, unanimously confirmed by this commonwealth, as follows: Resolved, That although the conditions annexed by the legislature of Virginia to the ratification of the boundary line, agreed to by the commissioners of Pennsylvania and Virginia, on the thirty-first of August, one thousand seven hundred and seventy-nine, may tend to countenance some unwarrantable claims which may be made under the state of Virginia, in consequence of pretended purchases or settlements, pending the controversy; yet this state, determining to give to the world the most unequivocal proof of their earnest desire to promote peace and harmony with a sister state, so necessary during this great contest against the common enemy, do agree to the conditions proposed by the state of Virginia, in their resolves of the twenty-third day of June last, to wit, That the agreement made on the thirty-first day of August, one thousand seven hundred and seventy-nine, between James Madison and

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Boundaries
described.

Robert Andrews, commissioners of the commonwealth of Virginia, and George Bryan, John Ewing and David Rittenhouse, commissioners for the commonwealth of Pennsylvania, be ratified, and finally confirmed, to wit: That the line, commonly called Mason and Dixon's line, be extended due west, five degrees of longitude, to be computed from the river Delaware, for the southern boundary of Pennsylvania, and that a meridian, drawn from the western extremity thereof, to the northern limits of the said states, respectively, be the western boundary of Pennsylvania, for ever, on condition, that the private property and rights of all persons, acquired under, founded on, or recognized by, the laws of either country, previous to the date hercof, be saved and confirmed to them, although they should be found to fall within the other, and that in the decision of disputes thereon, preference shall be given to the elder or prior right, which ever of the said states the same shall have been acquired under, such persons paying, within whose boundary their lands shall be included, the same purchase or consideration money, which would have been due from them to the state, under which they claimed the right; and where any such purchase or consideration money hath, since the declaration of American independence, been received by either state for lands, which, according to the before recited agreement shall fall within the territory of the other, the same shall be reciprocally refunded and repaid; and that the inhabitants of the disputed territory, now ceded to the state of Pennsylvania, shall not, before the first day of December, in the present year, be subject to the payment of any tax, nor at any time to the payment of any arrears of taxes or impositions, heretofore laid by either state; and we do, hereby, accept and fully ratify the said recited condition, and the boundary line formed.

SECT. XI. And whereas it is right and just, that the said agreement and every part thereof, should be confirmed by this state, saving unto all persons their rights acquired as aforesaid, before the ratification before cited, in order that no cause whatever should interrupt that harmony, which it is the desire of this commonwealth to preserve with a sister state.

SECT. XII. *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 by the authority of the same,* That the agreement and stipulations before recited, and every part thereof, entered into as aforesaid, is hereby ratified and confirmed, and declared to be valid and binding, on behalf of this commonwealth, and as effectually, and to all intents and purposes, as if the said agreement was especially recited in this act.

Confirmato-
ry clause.

Passed 1st April, 1784.—Recorded in Law Book No. II, page 332.

CHAPTER MXCI.

An ACT for incorporating the United Presbyterian Church in Lower Paxton, Lancaster county.

Passed 1st April, 1784.—Private Act.—Recorded in Law Book No. II. pa. 340.