

ACTS

OF THE

General Assembly of Pennsylvania.

Passed in the ninth General Assembly—the first Session of which commenced October 25th, and ended December 24th, 1784. The second commenced February 1st, and ended April 8th, 1785—and the third commenced August 23d, and ended September 23d, 1785.

1784.

JOHN BAYARD, SPEAKER.

CHAPTER MCIX.

[Original act vol. 1, p. 283, chap. 685.] *An ACT to amend an act, entitled "An act to enable the owners and possessors of a certain tract of marsh meadow ground, therein described, situated in the township of Kingsessing, in the county of Philadelphia, to keep the banks, dams, sluices and flood-gates, in repair, and to raise a fund to defray the expense thereof."*

Passed 15th December, 1784.—Private Act.—Recorded in Law Book No. II. page 380.

CHAPTER MCXI.

An ACT to alter and amend an act of Assembly, entitled "An act for opening the Land-Office, for granting and disposing of the unappropriated lands within this state."

[See the original act, ante, p. 102, chap. 1083, and the notes thereto subjoined.]

SECT. 1. WHEREAS, in and by the act of Assembly, entitled "An act for opening the Land-Office, for granting and disposing of the unappropriated lands within this state," it was enjoined upon the commissioners, appointed for making a further purchase of all the residue of the unpurchased lands, within the limits of this state, that they ascertain, in their negotiation with the Indians, with the greatest possible precision, the line between the lands already purchased, and those that shall be by them purchased.

SECT. II. And whereas the directions given, as aforesaid, to the said commissioners, have been supposed by some persons to vest in the said commissioners sufficient authority to adjust and ascertain the boundaries and lines of the purchase of lands, made by the late proprietaries of the Six Nation Indians, on the fifth day of November, in the year of our Lord one thousand seven hundred and sixty-eight, so as to influence and affect the location of lands under former acts of Assembly, and of the said recited act.

SECT. III. And whereas uncertainties and inconveniencies may arise from the construction aforesaid: Therefore, *Be it 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, and it is hereby declared,* That the directions above recited did not give, nor ought to be construed to give, to the said commissioners, any authority to ascertain, definitively, the boundary lines aforesaid, and that the lines of the purchase so made, as aforesaid, in the year one thousand seven hundred and sixty-eight, striking the line of the west branch of the river Susquehanna, at the mouth of Lycomick or Lycoming creek, shall be the boundaries of the same purchase, to all legal intents and purposes, until the General Assembly shall otherwise regulate and declare the same.

The lines
lately set-
tled, nor de-
finitive.

SECT. IV. And whereas the mode of sale, by auction, of the lands, which the commissioners aforesaid were directed and empowered to purchase, provided in and by the said act, appears to be inconvenient, and would be tedious, and many persons, disposed to become real settlers, would thereby be deprived of their proper shares thereof; and whereas the direction, by the said act given to the said officers of the Land-Office, to take the bonds of the purchasers, payable within two years, for one moiety of the consideration, whereby the lien on the lands as heretofore for the purchase money, or arrears thereof, would be waved, and great damage ensue to the commonwealth: Therefore,

SECT. V. *Be it further enacted by the authority aforesaid,* That the said act, so far as it directs and authorizes the laying out the lands so to be purchased, as aforesaid, in lots, and selling them by public auction, and so far also as it directs and enables the officers of the said Land-Office to give credit for any part of the purchase money, or to take bonds for the same, shall be, and the same are hereby, repealed and made void.

Selling by
auction and
credit by for-
mer acts re-
pealed.

(e) SECT. VI. *And be it further enacted by the authority aforesaid,* That from and after the first day of May next, and not sooner, the Land-Office of this commonwealth shall be open for applications for the lands within the purchase made, or to be made by the commissioners aforesaid, (the lands within this state appropriated for the redemption of depreciation certificates, and the donation lands to the officers and soldiers of the Pennsylvania line, only excepted) at and after the rate of thirty pounds for every hundred acres of the

Land-Office
to be opened
the first of
May next,
for new pur-
chase, at
thirty pounds
per hundred
acres.

(e) The holders of unsatisfied warrants, issued under this section, may locate the same in any district of vacant and unappropriated lands within

the State.—See the act of the 3d of April, 1792, chap. 1613, sect. 15, (Note to former edition.)

1785.

Survey not to exceed one thousand acres. What to be received in payment therefor.

same, and so in proportion for greater or less quantities thereof; such application, or the survey thereof to be made, not to exceed one thousand acres, with the usual allowance of six per centum for highways; and every applicant for any of the same lands shall, before the warrant for the same issue, produce to the Secretary of the Land-Office, an acquittance signed by the Receiver-General of the said Land-Office, setting forth, that the full purchase and consideration aforesaid has been paid and satisfied; and the bills of credit of this state, dated the 20th day of April, one thousand seven hundred and eighty-one, and gold and silver money, and the certificates described and directed in and by the act aforesaid, shall be received by the said Receiver-General, in satisfaction of all purchase money, as aforesaid. (f)

Proviso, that warrants are not to be confined.

SECT. VII. *Provided always, and be it further enacted by the authority aforesaid,* That any warrant which shall be issued in pursuance of this act shall not be confined to any particular place, but shall enable the applicant to get the same located upon any vacant land, where the said applicant shall think fit, except as aforesaid; and the land which shall be surveyed upon any such warrant shall not exceed the number of acres expressed in the said warrant; and the same land shall be all located and surveyed in one tract or parcel.

SECT. VIII. And whereas divers persons, who have heretofore occupied and cultivated small tracts of land, without the bounds of the purchase made, as aforesaid, in the year of our Lord one thousand seven hundred and sixty-eight, and within the purchase made, or now to be made, by the said commissioners, have, by their resolute stand and sufferings during the late war, merited, that those settlers should have the pre-emption of their respective plantations:

All persons settled on located lands to have right of pre-emption.

SECT. IX. *Be it therefore enacted by the authority aforesaid,* That all and every person or persons, and their legal representatives, who has or have heretofore settled on the north side of the west branch of the river Susquehanna, upon the Indian territory, between Lycomick or Lycoming creek on the east, and Tyagaghton or Pine creek on the west, as well as other lands within the said residuary purchase from the Indians, of the territory within this state, excepting always the lands herein before excepted, shall be allowed a right of pre-emption to their respective possessions, at the price aforesaid.

Proviso that such settlement be prior to 1780.

SECT. X. *Provided always, and be it enacted by the authority aforesaid,* That no person shall be entitled to the pre-emption aforesaid, unless he, she or they shall have made actual settlement, as before described, before the year of our Lord one thousand seven hundred and eighty, and that no such claim shall be admitted, to or under any such person or persons, for more than three hundred acres of land, with the usual allowance for roads, to be surveyed

(f) By an act of the 3d of October, 1783, the price of lands within the seventeen districts in the counties of Northumberland and Luzerne was lowered to twenty pounds per hundred acres, payable only in specie, bills of

credit of 1785, or state certificates bearing six per cent. interest. But a further reduction was made in the prices of all the public lands by the act of the 3d of April, 1792, (chap. 1613.) (Note to former edition.)

together, and in one tract, nor unless application for the same be made, and the consideration thereof tendered to the Receiver-General of the Land-Office, on or before the first day of November next. 1785.

Passed 21st December, 1784.—Recorded in Law Book No. II. page 384.

CHAPTER MCXIII.

An ACT for incorporating the Presbyterian congregation of Pequea, in the township of Salisbury, and county of Lancaster.

Passed 5th February, 1785.—Private Act.—Recorded in Law Book No. II. page 393.

CHAPTER MCXVII.

An ACT to alter and confirm the charter of the corporation for the relief of the widows and children of clergymen in communion of the church of England, in America. (g)

Passed 9th February, 1785.—Private Act.—Recorded in Law Book No. II. pa. 405.

(g) By the 9th section of this act, the power of revising, checking and confirming the accounts and proceedings of the corporation, in the manner expressed in the charter, is transferred

to the Executive, the Chief Justice, and the Attorney-General of the commonwealth, for the time being, or any two of them. (Note to former edition.)

CHAPTER MCXXI.

An ACT for the better securing personal liberty, and preventing wrongful imprisonments.

SECT. I. WHEREAS personal liberty is a principal blessing derived from free constitutions of government, and certain methods of proceeding should be prescribed, so that all wrongful restraints thereof may be easily and speedily redressed: *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 if any person shall be or stand committed or detained for any criminal or supposed criminal matter, unless for treason or felony, the species whereof is plainly and fully set forth in the warrant of commitment, in vacation time and out of term, it shall and may be lawful to and for the person so committed or detained, or any one on his or her behalf, to appeal or complain to any Judge of the Supreme Court, or to the President of the Court of Common Pleas for the county, within which the person is so committed or detained; and such Judge or Justice, upon view of the copy or copies of the warrant or warrants of commitment or detainer, or otherwise, upon oath or affirmation legally made, that

Habeas Corpus to be granted by Justices of Supreme Court; and the President of the Court of Common Pleas of the several counties.