

CHAPTER MDCXII.

1792.

(See a supplement to this act, 6th March, 1793, chap. 1650.)

An ACT declaring *Little Lehigh, and Poco Poco, or Big creek, in Northampton county, and Penn's creek, in Northumberland county, public highways.*

Little Lehigh declared a public highway.

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 passing of this act, Little Lehigh, in Northampton county, shall be a public highway, from the mouth thereof up to Adam Deshler's mill-dam.*

Poco Poco creek declared a highway.

SECT. II. *And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for any person and persons to make and keep open, at his or their own expense, a passage in Jacob Weiss's mill-dam, across Poco Poco, or Big creek, in Northampton county aforesaid, sufficient for the passage of rafts and boats; provided that the said passage, so made and kept open, shall not injure the private rights of the said Jacob Weiss, his heirs or assigns; and the said Poco Poco creek, from the mouth to the falls thereof, shall be a public highway, from and after the passing of this act, saving the rights of the said Jacob Weiss, as aforesaid.*

Penn's creek declared a highway.

SECT. III. *And be it further enacted by the authority aforesaid, That from and after the passing of this act, Penn's creek, in the county of Northumberland, below the mouth of Sinking creek, not heretofore declared a public highway, shall hereafter be, and is hereby, declared to be a public highway, from the mouth thereof to the mouth of Sinking creek.*

Passed 3d. April, 1792.—Recorded in Law Book No. IV. page 317.

CHAPTER MDCXIII.

(See the notes to chap. 1033, vol. 2, pa. 102.)

An ACT for the sale of the vacant lands within this commonwealth.

WHEREAS the most valuable lands within this commonwealth, included within the purchase made from the native Indians in the year one thousand seven hundred and sixty-eight, have been taken up, located, and appropriated for the use of divers purchasers, at prices heretofore established by law, and those which remain unsold and unsettled, being inferior in quality or situation, cannot be sold at the same prices: And whereas the prices fixed by law for other lands belonging to the commonwealth are found to be so high, as to discourage actual settlers from purchasing and improving the same:

SECT. I. *Be it therefore 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 passing of this act, the price of all the vacant lands within the limits of the purchase made of the Indians in the year one thousand seven hundred and sixty-eight, and all pre-*

The price of certain vacant lands reduced, &c.

ceding purchases, excepting always such lands as have been previously settled upon or improved, shall be reduced to the sum of fifty shillings for every hundred acres; and the price of vacant lands, within the limits of the purchase made of the Indians in the year one thousand seven hundred and eighty-four, and lying east of Allegheny river and Conewango creek, shall be reduced to the sum of five pounds for every hundred acres thereof; and the same shall and may be granted to any person or persons applying for the same at the price aforesaid, in the manner and form accustomed under the laws heretofore enacted, and now in force.

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Other vacant lands reduced, &c.

SECT. II. *And be it further enacted by the authority aforesaid,* That from and after the passing of this act, all other lands belonging to this commonwealth, and within the jurisdiction thereof, and laying north and west of the rivers Ohio and Allegheny, and Conewango creek, excepting such parts thereof as heretofore have been, or hereafter shall be, appropriated to any public or charitable use shall be, and are hereby, offered for sale to persons who will cultivate, improve and settle the same, or cause the same to be cultivated, improved and settled, at and for the price of seven pounds ten shillings for every hundred acres thereof, with an allowance of six per centum for roads and highways, to be located, surveyed and secured to such purchasers, in the manner herein after mentioned.

All other land. how to be sold and at what rate.

SECT. III. *And be it further enacted by the authority aforesaid,* That upon the application of any person who may have settled and improved, or is desirous to settle and improve, a plantation within the limits aforesaid, to the Secretary of the Land-Office, which application shall contain a particular description of the lands applied for, there shall be granted to him a warrant for any quantity of land within the said limits, not exceeding four hundred acres, requiring the Surveyor-General to cause the same to be surveyed for the use of the grantee, his heirs and assigns for ever, and make return thereof to the Surveyor-General's office, within the term of six months next following, the grantee paying the purchase money, and all the usual fees of the Land-Office.

Proceedings in favour of settlers.

SECT. IV. *And be it further enacted by the authority aforesaid,* That the Surveyor-General shall, with the approbation of the Governor, divide the lands thus offered for sale into proper and convenient districts, in such manner as he may think expedient, so that the boundaries of each district, either natural or artificial, may be known, and appoint one deputy-surveyor for each district, who shall give bond and security, as is customary with other deputy-surveyors in this commonwealth, and shall reside within, or as near as possible to, his respective district; and every such deputy-surveyor shall, within sixty days next after his appointment, certify to the Surveyor-General, the county, township and place, where such deputy-surveyor shall keep his office open, for the purpose of receiving warrants, in order that all persons who may apply for lands as aforesaid may be duly informed thereof; and every deputy-surveyor, who shall receive any such warrant, shall make fair and clear entries thereof in a book, to be provided by him for that purpose, distinguishing therein the name of the person therein mentioned,

Deputy-surveyors of districts to be appointed.

Deputies to give notice of the place where their offices are kept.

And keep books for entering warrants, &c.

1792. the quantity of land, date thereof, and the day on which such deputy-surveyor shall receive the same, which book shall be open at all seasonable hours to every applicant, who shall be entitled to copies of any entries therein, to be certified as such, and signed by the deputy-surveyor, the party paying one quarter of a dollar therefor.

Further duties of deputy-surveyors.

SECT. V. *And be it further enacted by the authority aforesaid,* That the deputy-surveyor shall, at the reasonable request and proper cost and charges of the respective grantees in such warrants named, proceed to survey the lands in such warrants described, as nearly as may be, according to the respective priorities of their warrants; provided, that they shall not, by virtue of any warrant, survey any tract of land, that may have been actually settled and improved prior to the date of the entry of such warrant with the deputy-surveyor of the district, except for the owner of such settlement and improvement; and having perfected such surveys, shall enter the same in a book, to be kept by the deputy-surveyor, and to be called the survey book; and the same book shall remain in his office, liable to be inspected by any person whatsoever, who shall demand to see the same, upon the payment of eleven pence for every search; and the deputy-surveyor shall cause copies of any such survey to be made out, and delivered to any person, upon the payment of one quarter of a dollar for each copy.

Deputies not to survey out of their districts.

The land in each warrant to be surveyed in one tract;

the form prescribed.

If the survey exceeds the quantity in the warrant the excess to be paid for.

SECT. VI. *And be it further enacted by the authority aforesaid,* That in making any survey by any deputy-surveyor, he shall not go out of his proper district to perform the same, and that every survey made by any deputy-surveyor without his proper district shall be void and of non effect; and the Surveyor-General, and his deputies, are hereby severally directed and enjoined to survey, or cause to be surveyed, the full amount of land contained and mentioned in any warrant, in one entire tract, if the same can be found, in such manner and form, as that such tract shall not contain in front on any navigable river or lake, more than one half of the length or depth of such tract, and to conform the lines of every survey in such manner as to form the figure or plot thereof, as nearly as circumstances will admit, to an oblong, whose length shall not be greater than twice the breadth thereof; and in case any such survey should be found to contain a greater quantity of land, than is mentioned in the warrant on which it shall be made, so that such excess be not more than one tenth of the number of acres mentioned in such warrant, besides the usual allowance for roads and highways, the return thereof shall nevertheless be admitted under the warrant, provided the party procuring such return to be made shall forthwith pay to the Receiver-General of the Land-Office, the price or value of such excess or overplus land, at the same rate at which he paid for the land mentioned in the warrant.

Deputies how and when to make return to the Surveyor-General.

SECT. VII. *And be it further enacted by the authority aforesaid,* That every deputy-surveyor to be appointed by virtue of this act shall, within the month of February, in the next year, make and return into the office of the Surveyor-General, plots of every survey which he shall have made in pursuance of any warrant, connected together in one general draft, so far as they may be contiguous.

ous to each other, with the courses and distances of each line, the quantity of land contained in each survey, and the name of the person for whom the same was surveyed; and every succeeding year he shall make a like return of the surveys made in the year preceding.

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SECT. VIII. *And be it further enacted by the authority aforesaid,* That the deputy-surveyor of the proper district shall, upon the application of any person who has made an actual settlement and improvement on lands lying north and west of the rivers Ohio and Allegheny, and Conewango creek, and upon such person paying the legal fees, survey and mark out the lines of the tract of land to which such person may, by conforming to the provisions of this act, become entitled by virtue of such settlement and improvement: *Provided,* That he shall not survey more than four hundred acres for such person, and shall, in making such survey, conform himself to all the other regulations by this act prescribed.

Deputies to make surveys for actual settlers:

Proviso.

SECT. IX. *And be it further enacted by the authority aforesaid,* That no warrant or survey, to be issued or made in pursuance of this act, for lands lying north and west of the rivers Ohio and Allegheny, and Conewango creek, shall vest any title in or to the lands therein mentioned, unless the grantee has, prior to the date of such warrant, made, or caused to be made, or shall, within the space of two years next after the date of the same, make, or cause to be made, an actual settlement thereon, by clearing, fencing and cultivating at least two acres for every hundred acres contained in one survey, erecting thereon a messuage for the habitation of man, and residing, or causing a family to reside thereon, for the space of five years next following his first settling of the same, if he or she shall so long live; and that in default of such actual settlement and residence, it shall and may be lawful to and for this commonwealth to issue new warrants to other actual settlers for the said lands, or any part thereof, reciting the original warrants, and that actual settlements and residence have not been made in pursuance thereof, and so as often as defaults shall be made, for the time and in the manner aforesaid, which new grants shall be under and subject to all and every the regulations contained in this act: *Provided always nevertheless,* That if any such actual settler, or any grantee in any such original or succeeding warrant, shall by force of arms of the enemies of the United States, be prevented from making such actual settlement, or be driven therefrom, and shall persist in his endeavours to make such actual settlement as aforesaid, then, in either case, he and his heirs shall be entitled to have and to hold the said lands, in the same manner as if the actual settlement had been made and continued.

What settlement will vest a title in the warrant.

(On the subject of this section, see vol. 2, page 205, to 240.)

When other warrants may issue.

Proviso.

SECT. X. *And be it further enacted by the authority aforesaid,* That the lands actually settled and improved according to the provisions of this act, to whosoever possession they may descend or come, shall be and remain liable and chargeable for the payment of the consideration or purchase money at the rate aforesaid, for every hundred acres, and the interest thereon accruing from the dates of such improvements; and if such actual settler, not being hindered as aforesaid, by death, or the enemies of the United States, shall

The lands to be liable for the consideration money and interest.

Actual settlers when to apply for

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warrants,
&c.

neglect to apply for a warrant for the space of ten years after the time of passing this act, it shall and may be lawful to and for this commonwealth to grant the same lands, or any part thereof, to others, by warrants, reciting such defaults; and the grantees, complying with the regulations of this act shall have, hold and enjoy the same to them, their heirs and assigns; but no warrant shall be issued in pursuance of this act, until the purchase money shall be paid to the Receiver-General of the Land-Office.

Stay of patents after caveats are decided; and suits when to be brought.

(See vol. 2, page 207-B.)

Proceedings in such suit; or in case non est entered.

Effect of a patent.

What lands shall not be taxed for ten years.

Reservations of certain tracts of land for the commonwealth.

The Lake Erie tract annexed to Allegheny county.

SECT. XI. *And be it further enacted by the authority aforesaid,* That when any caveat is determined by the Board of Property, in manner heretofore used in this commonwealth, the patent shall nevertheless be stayed for the term of six months, within which time the party against whom the determination of the Board is, may enter his suit at common law, but not afterwards; and the party in whose favour the determination of the Board is, shall be deemed and taken to be in possession, to all the intents and purposes of trying the title, although the other party should be in actual possession, which supposed possession shall nevertheless have no effect upon the title; at the end of which term of six months aforesaid, if no suit is entered, a patent shall issue according to the determination of the Board, upon the applicant producing a certificate of the prothonotary of the proper county that no suit is commenced, or if a suit is entered, a patent shall, at the determination of such suit, issue in common form to that party in whom the title is found by law; and in both cases, the patent shall be and remain a full and perfect title to the lands against all parties and privies to the said caveat or suit; saving nevertheless to infants, femmes covertes, persons beyond sea, *non compos mentis*, and others under disabilities, their respective rights, until twelve months after such disabilities are removed.

SECT. XII. *And be it further enacted by the authority aforesaid,* That no direct taxes shall be levied, assessed or collected, for the use of this commonwealth, upon or from any of the lands or tenements lying north and west of the purchase made of the Indians in the year one thousand seven hundred and sixty-eight, or the personal estate found thereupon, for the full space or term of ten years from and after the passing of this act.

SECT. XIII. *And be it further enacted by the authority aforesaid,* That the following tracts of land shall be reserved for the use of the commonwealth, that is to say; at Presque-isle formed by Lake Erie, the island or peninsula which forms the harbour, and a tract extending eight miles along the shore of the Lake, and three miles in breadth, so as to include the tract already surveyed, by virtue of a resolution of the General Assembly, and the whole of the harbour formed by the said Presque-isle, at the mouth of Harbour creek, which empties into the Lake Erie, and along the shore of the Lake, on both sides of said creek, two thousand acres.

SECT. XIV. *And be it further enacted by the authority aforesaid,* That all the lands within the triangle on Lake Erie, purchased from the United States, shall be taken and deemed, and they are hereby declared to be, within the limits of the county of Allegheny.

SECT. XV. *And be it further enacted by the authority aforesaid* 1792.
 'That it shall and may be lawful to and for the holder or holders of any unsatisfied warrant and warrants, heretofore issued for lands, agreeably to the seventh section of the act, entitled "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,"* passed on the twenty-first day of December, in the year one thousand seven hundred and eighty-four, to locate the quantity of land for which such unsatisfied warrant and warrants was and were granted, in any district of vacant and unappropriated land within this commonwealth; provided the owner or owners of such unsatisfied warrants shall be under the same regulations and restrictions, as other owners of warrants taken for lands lying north and west of the Allegheny river and Conewango creek, are made subject by this act, the said recited act, or any other act or acts of the General Assembly, to the contrary thereof in anywise notwithstanding.

Unsatisfied warrants, issued under a former law, may be located on any vacant lands; * (Vol 2, pa. 272.)

Subject to the restrictions of this act.

Passed 3d April, 1792.—Recorded in Law Book No. IV. page 319

CHAPTER MDCXIV.

An ACT for establishing and building a bridge across the river Lehigh, at Bethlehem, in the county of Northampton.

[**JOIN SHROPP** empowered to build a bridge across Lehigh at or near the ferry at Bethlehem, and to take certain specified tolls; to obtain the consent of the owners of the ground on each side of the river, penalty for exacting unlawful tolls, and appeal to the next sessions on conviction. Provision for making the bridge a free bridge, if the legislature should so declare it, and how the compensation is to be estimated.]

Passed 3d April, 1792.—Recorded in Law Book No. IV. page 318.

CHAPTER MDCXVII.

An ACT for establishing a nightly watch, providing lamps, and supporting pumps, for public use, in the borough of Lancaster, in the county of Lancaster.

[**THE** borough of Lancaster divided into four wards. 2. Ward- [Printed at large, vol. 4th, 8 vo. pa. 146. vol. 3, folio, pa. 222.]
 ens and assessors to be chosen on the fourth Monday in September, annually, by the freeholders and taxable inhabitants of the borough. Vacancies to be supplied by the burgesses and assistants, penalty on wardens refusing to serve, but not compellable to serve more than one year in any term of three years. 3. The manner prescribed for laying assessments, the pay of assessors and duty of the wardens, assessments to be returned to the corporation, not to exceed four pence in the pound in any one year, and deficiencies to be paid out of the next year's rate. Surplus to be carried to next year's ac-