

bounds, viz. beginning on the Monongahela river, one mile above the mouth of Pidgeon creek, thence a direct line to Thomas Parkinson's old mill on said creek, thence up said creek to Bentley's mills, thence along the roads from said mills to the Quaker meeting-house, thence to Nathan Heald's saw-mill on Pike run, thence to the main road leading from Washington to Brownsville, thence along said road to the Monongahela river, and thence down said river to the place of beginning, shall be a separate election district; and the electors thereof shall hold their elections at the house now occupied by Edward West, in said district. 1799. } trict in Washington county.

Passed 10th April, 1799.—Recorded in Law Book No. VI. page 445.

CHAPTER MMLXVII.

An ACT for the benefit of Elizabeth Allen and Elizabeth Margaret Tilghman.

Passed 11th April, 1799.—Private act—Recorded in Law Book No. VII. page 28. (n)

(n) (This act respects the sale of lots in Allen Town, and lands in Northampton, the estates of minors.)

CHAPTER MMLXIX.

An ACT to provide for selling the several reserved tracts of land adjoining the towns of Erie, Franklin, Warren and Waterford, and for other purposes therein mentioned. (Ante, p. 233, chap. 1845.)

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 is hereby empowered to direct the Surveyor-General to make, or cause to be made, actual surveys of the reserved tracts of land adjoining the towns of Erie, Franklin, Warren and Waterford, which have not been laid out in town or out-lots, or ceded to the United States, and to lay off the same into lots, not exceeding one hundred and fifty acres in each, and marking the lines thereof, and designating first, second or third quality in said drafts: *Provided always,* That in each of the said reserved tracts the quantity of five hundred acres be laid off, for the use of such schools or academies as may hereafter be established by law in the said several towns; which said several surveys shall be returned to the office of the Surveyor-General, and general drafts thereof to the office of the Secretary of the commonwealth.

The Govern^r or empow^{er}ed to direct actual surveys of reserved tracts adjoining Erie, Franklin, Warren and Waterford, and to lay the same out into lots. Reservation in each tract for the use of schools. Surveys and general drafts thereof to be returned.

SECT. II. *And be it further enacted by the authority aforesaid, That* the Governor, after the said actual surveys shall be made, and general drafts thereof lodged in the office of the said Secretary, be, and he is hereby authorized and required to transmit a copy of each draft to the commissioners to be appointed for the sale of the in and out-lots in and adjoining the towns of Erie, Franklin, Warren and

Copies of the surveys to be sent to the commissioners for making sale of the lots in and adjoining the said towns.

1799. Waterford, as soon as conveniently may be ; and it shall then be the duty of the said commissioners to give notice by advertisements, at least six weeks, in three of the public newspapers in the city of Philadelphia, in at least one paper printed in Dauphin county, one in Pittsburgh, one in Lancaster, and one in Washington, of the time that the books will be open for the sale of all the reserved lands laid out by virtue of this act, adjoining the above towns, on the following terms, to wit ; one fifth part of the purchase money shall be paid at the time of sale to the commissioner attending ; one fifth part to the Receiver-General of the Land-Office, within twelve months from the day of sale ; one fifth part within two years from the said day ; and the remaining two fifth parts at or before the expiration of three years after such sale ; but that no contract shall be confirmed by said commissioner for fifteen days after the said books shall be opened, and the highest price offered within that time shall be accepted.

Proceedings of the commissioners to make sales thereof, and terms of sale.

Entries to be made of purchases, certificates to be issued to purchasers, and copies thereof sent to the Secretary's office.

Limitation of prices.

Condition of actual settlement.

SECT. III. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the commissioner to enter the purchaser's name in his book, the number, quality and quantity of acres, date of entry, and amount of sale, a certified copy of which he is to give to the purchaser, which certificate shall be forwarded to the Secretary's office within six months after the date thereof ; but no sales shall take place at less than four dollars per acre for land of the first quality, three dollars per acre for land of the second quality, and two dollars per acre for land of the third quality : *Provided always,* That nothing herein contained shall be taken or construed to vest any right or title, in law or equity, in any person or persons purchasing as aforesaid, unless he, she or they shall, within three years after the date of their respective purchases, make an actual settlement thereon, by clearing, fencing and cultivating at least two acres for every fifty acres contained in one survey, and erect on each lot or tract a messuage for the habitation of man, and reside thereon for the space of five years following their first settlement of the same ; and in default of such actual settlement, residence and improvement, the purchaser or purchasers shall forfeit all payments made to the commonwealth, and the Governor is hereby authorized to direct that such forfeited lot or tract be sold at public sale, in the town near where such forfeited lot or tract may lay ; and no patents shall issue for any lot or tract sold by virtue of this act, until satisfactory proof be made to the Governor of this commonwealth of such actual settlement, residence and improvement having been made as aforesaid.

Commissioners to be appointed for appraising all the in and out-lots of the said town ;

and proceedings to make sale thereof.

SECT. IV. *And be it further enacted by the authority aforesaid,* That the Governor be, and he is hereby authorized to appoint four commissioners, one of which shall reside in each town, whose duty it shall be, with the assistance of two reputable citizens, appointed by the Judges of the Court of Common Pleas of the county of Allegheny, for each commissioner to appraise all the in and out-lots in the towns of Franklin, Warren and Waterford, and the first section of Erie, and the out-lots thereto adjoining, which appraisement shall be regularly entered in a book for that purpose. It shall then be the duty of the commissioners aforesaid to advertise the town and out-lots for sale, on the following terms, to wit ; the one

third part of the purchase money shall be paid at the time of sale to the commissioner attending, when the entry of sale is made, whose duty it shall be to certify the same; one third part to the Receiver-General of the Land-Office, within twelve months from the day of sale; and the remaining one third part within eighteen months from the day of sale; for the performance of which the purchasers, respectively, shall, at the time of sale, give bond for the payments of the said instalments to the said commissioners; and at the expiration of eighteen months aforesaid, the Governor is hereby authorized to grant patents to the purchasers, provided the purchase money is paid according to the sales. 1799.

SECT. V. *And be it further enacted by the authority aforesaid,* That those persons who have purchased any lot or lots in the second and third divisions of the town of Erie, may take lot or lots in the first division of said town, at the same price they purchased them at the former sales, and that all those who have paid for or improved any forfeited lot or lots shall have a pre-emption to said lot or lots, at the prices they sold for at former sales; provided he, she or they apply within three months after the passing of this act, and pay for the same.

How purchasers in the second and third divisions of Erie may change for lots in the first division.

SECT. VI. *And be it further enacted by the authority aforesaid,* That the commissioner at the town of Erie shall offer at public sale the lot of ground reserved in said town, at the mouth of Cascade creek, including the same, after giving three months notice in three of the public newspapers of this state, of the time and place of such sale, on the same conditions specified in the third section of this act; provided the same amounts to fifty dollars per acre.

The reserved lot at the mouth of Cascade to be sold.

SECT. VII. *And be it further enacted by the authority aforesaid,* That the said commissioners, before they enter on the duties required by this act, shall give bond, with two good sureties, in a sum not less than five thousand dollars, to the Governor, each, conditioned for the true and faithful performance of their respective trusts, and shall receive three cents on every dollar received and contracted for, which shall be in full for all their services, and the persons appointed by the court to assist each commissioner to appraise the town and out-lots shall receive two dollars each per day, which shall be in full for all their services.

Official bonds, and compensation of the commissioners.

Passed 11th April, 1799.—Recorded in Law Book No. VII. page 24.

CHAPTER MMLXX.

An ACT to extend the period heretofore allowed for applying for donation lands, and to regulate the mode for authenticating claims thereto.

[See vol. 2... pa. 290, (chap. 1123,) and the notes thereto.]

SECT. 1. [EXTENSION of the time for applying for donation lands. 2. Proceedings to render and allow claims. 3. Land officers to advertise and draw lots for claimants. Obsolete.]

SECT. IV. *And be it further enacted by the authority aforesaid,* That on the first day of May, in the year one thousand eight hundred, the powers herein given shall cease, no lots for donation lands

Limitation of the powers given by this act.