

1802. sum not exceeding five hundred dollars, to be recovered as other fines and forfeitures are recoverable by law.

The penalties or disabilities created by this act, except so far as relates to Judges, Sheriffs or jurors, not to extend to land or the claimants thereof within the seventeen townships of Luzerne, &c.

SECT. III. *And be it further enacted by the authority aforesaid,* That none of the penalties or disabilities created by the present act, except so far as relates to Judges, Sheriffs or jurors, shall relate to land or the claimants of land within the seventeen townships of Luzerne county, or any of them, so far as concerns any act of theirs respecting lands within the said townships, which have been or may hereafter be duly submitted according to law, under the provisions of an act of the General Assembly of this commonwealth, passed on the fourth day of April, one thousand seven hundred and ninety-nine, entitled "An act offering compensation to Pennsylvania claimants of land within the seventeen townships in Luzerne county, and for other purposes therein mentioned," or any supplement thereto.

Any person selling or purchasing, or in any manner contracting for land under the Connecticut title or either of the land companies, to forfeit 200 dollars.

SECT. IV. *And be it further enacted by the authority aforesaid,* That any person who shall, from and after the first day of June next, bargain, sell or convey, or by any ways or means obtain, get or procure any pretended right or title, or make or take any promise, contract, grant or covenant, to have any right or title of any person or persons, in or to any lands, tenements, or hereditaments within this state, under the said pretended title from the state of Connecticut, or either of the said companies, shall forfeit the sum of two hundred dollars, which forfeiture shall be recoverable by action of debt, in any court of record in this commonwealth, the one half thereof to the use of the commonwealth, and the other half to the person who shall sue for the same; and such promise, contract, grant or covenant, is hereby declared to be utterly void and of no effect.

Proclamation to be issued by the Governor.

SECT. V. *And be it further enacted by the authority aforesaid,* That the Governor is hereby authorized and required to make known the contents of this law by proclamation, and to enjoin obedience thereto.

Passed 6th April, 1802.—Recorded in Law Book No. VIII. page 191.

CHAPTER MMCCCLXXXIX.

[See chap. 2042, ante, pa. 362, and the notes thereto.]

A further SUPPLEMENT to the act, entitled "An Act offering compensation to the Pennsylvania claimants of certain lands within the seventeen townships, in the county of Luzerne, and for other purposes therein mentioned," passed the fourth day of April, one thousand seven hundred and ninety-nine.

Who shall have the benefit of the act to which this is a supplement and on what terms.

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 all Pennsylvania claimants, whose titles originated prior to the decree at Trenton, entitled to land within the seventeen townships, who shall transmit their releases, and all Connecticut claimants intended to be embraced within the provisions of the act to which this act is a supplement, claiming land within the said seventeen townships, who shall submit their titles to the Secretary of the

Land-Office on or before the first day of August next, shall be entitled to all the benefits of the aforesaid act. 1802.

SECT. II. *And be it further enacted by the authority aforesaid,* That all applications of Connecticut claimants, actually transmitted and received at the Land-Office aforesaid, although after the time heretofore appointed by law for their being received, shall be acted upon by the commissioners, in like manner as if they had been received before the expiration of the time so limited and appointed.

SECT. III. Whereas, divers Connecticut claimants who have transmitted their applications to the Land-Office of Pennsylvania, to be received within the provisions of the act passed the fourth day of April, one thousand seven hundred and ninety-nine, have since sold their land, or part thereof, to other persons, *Be it therefore enacted by the authority aforesaid,* That such subsequent purchasers shall be admitted to the benefits of the said act, passed the fourth day of April, one thousand seven hundred and ninety-nine, in the same manner as their venders would have been entitled, without such purchasers being required to make any new application for that purpose; and all purchasers under process of law, of land claimed under the title of the Susquehanna company, within the said seventeen townships, already submitted by a former claim thereof, shall be equally entitled to the benefits of the said act of the fourth day of April, one thousand seven hundred and ninety-nine, as if such purchaser himself had submitted the same by his application to the Land-Office for that purpose.

SECT. IV. *And be it further enacted by the authority aforesaid,* That the attornies or agents duly authorized by such Connecticut claimants whose application has been or may be transmitted to the Land-Office or to the commissioners aforesaid, under the provisions of the act of the fourth day of April, one thousand seven hundred and ninety-nine, or this supplement thereto, where such claimants are infants, or residents of a distant part of this state, or reside out of this state, or are disabled by sickness or corporal infirmity, from attending the commissioners in person, may exhibit the title of such claimant, and take the oath of single title enjoined by the act of the fourth day of April, one thousand seven hundred and ninety-nine, in respect of the land so claimed, to the best of their knowledge and belief, and the same shall be equally valid as if done by the principals in person.

SECT. V. *And be it further enacted by the authority aforesaid,* That the commissioners aforesaid, or any of them, shall have power to summon before them any person or persons, and to administer oaths or affirmations generally, to any person appearing before them, touching the objects of the present act and the act to which this is a supplement; and any person swearing falsely in respect to any matter whereunto he shall be examined by the said commissioners, or any of them, and within the duties of their office, shall be subject to all the penalties by law annexed to the crime of wilful and corrupt perjury; but the power of the commissioners to summon and examine, upon oath or affirmation, any person whatsoever, shall be confined to the proper objects of their commission and the duties by law assigned to them.

Applications of Connecticut claimants transmitted and received at the Land-Office although after the time limited by law, shall be acted upon as if received within the prescribed period.

The venders of such claimants to be admitted to the same benefits, under the aforesaid law, that their venders would have been entitled to, without new applications, &c.

In what instances such claimants may be represented by attornies or agents.

The commissioners empowered to examine persons on oath, &c. who for swearing falsely shall incur the like penalties as are annexed to perjury.

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To receive legal assistance from the Attorney-General when required in the execution of their office. Empowered to appoint one permanent clerk and such assistants as may be requisite. Clerk's compensation.

Commissioners to be reimbursed all reasonable costs incurred in transporting the books, &c. from one place to another and their travelling expenses to be borne.

What lands they are to survey, value and certify;

and where a Pennsylvania claimant refuses to release, what to be the consequence.

[See the act of 23d March, 1811, which supplies the parts between crochets.]

SECT. VI. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the Attorney-General of this commonwealth, to give his legal advice and opinion, without delay, on any question submitted to him by the said commissioners, or a majority of them, respecting the execution of their commission.

SECT. VII. *And be it further enacted by the authority aforesaid,* That the said commissioners, or any of them who shall be engaged in the examination of titles of Connecticut claimants, shall be at liberty to employ one additional clerk permanently, and such occasional assistance as the business may absolutely require; provided no such clerk shall be paid more than two dollars per day for his services.

SECT. VIII. *And be it further enacted by the authority aforesaid,* That the commissioners, or any of them who may be employed in the examination of title as aforesaid, and may find it necessary to proceed in rotation through such of the seventeen townships where the Connecticut titles of the inhabitants thereof yet remain to be examined, shall be repaid all reasonable costs and charges expended in conveying from one township to another, the books, papers and documents belonging to the commission, and every other reasonable expense necessarily incurred in travelling from township to township.

SECT. IX. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the said commissioners to survey, value, and certify, not merely such parts and portions of the tracts of land claimed under the title of the Susquehanna company, within the seventeen townships aforesaid, as have been or may be released to this commonwealth by the Pennsylvania claimants thereof, but the whole of each tract of land claimed by a Connecticut claimant, who shall establish his title thereto in the manner prescribed by the aforesaid act of April fourth, one thousand seven hundred and ninety-nine, whether released to this commonwealth or not; and if any Pennsylvania claimant of such land shall refuse or neglect to release the same to this commonwealth, under the provisions of the aforesaid act of April fourth, one thousand seven hundred and ninety-nine, on or before the first day of August next, such Pennsylvania claimant shall not hereafter be entitled to recover the same by any action, in any court whatever in this commonwealth, against the Connecticut claimant, in whose favour a certificate shall be granted by the said commissioners, for such land, or against any person claiming under such certificate, or any patent issued by virtue thereof; but the Pennsylvania claimant so refusing or neglecting to release such lands as aforesaid, shall be at liberty to institute a suit [in the Supreme Court of Pennsylvania,] against this commonwealth, which suit shall be tried and determined [at any Circuit Court of the Supreme Court,] in the county of Luzerne, [unless on special motion and reasonable cause shewn, the Judges of the Supreme Court shall think fit to direct the venue to be changed in any suit so instituted, which in such case shall be tried and determined at any Circuit Court of the Supreme Court, to be held either in the county of Northumberland or the county of Lycoming,] at which trial the said court and jury shall have power to award a just compensation for the land so taken from such Pennsylvania claimant

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 shall be entitled to receive, in current money of the United States, the full sum so awarded in his favour, together with costs of suit, on presenting to the Governor of this commonwealth a certificate of the verdict and judgment in such suit, and the costs thereof to be taxed in the usual manner, and certified by the Judges before whom the said trial was held, and by the clerk of the court, whereupon the Governor shall issue his warrant for the amount aforesaid, to the Treasurer of this commonwealth. 1802.

SECT. x. *And be it further enacted by the authority aforesaid*, That it shall be the duty of the said commissioners to demand and receive, of and from each Connecticut settler and claimant applying for a certificate under the aforesaid act of April fourth, one thousand seven hundred and ninety-nine, or the present act, every deed and document of title under the Susquehanna company, relating to the lands required to be certified, which may be in the power or possession of such Connecticut settler or claimant previous to the issuing of any certificate for such lands, which deeds and documents shall be transmitted by the said commissioners to the secretary of the Land-Office, together with all other papers relating to the said commission, when required by the Governor.

Every Connecticut claimant applying for a certificate first to deliver up to the commissioners all title-papers which they are to transmit to the secretary of the Land-Office.

Passed 6th April, 1802.—Recorded in Law Book No. VIII. page 124.

CHAPTER MMCCXC.

An ACT for the more certain administration of Justice.

WHEREAS, from sickness and other causes, the holding of the Courts of Justice of this commonwealth, at the regular terms, have been and may hereafter be prevented: Therefore,

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 no process, pleas, suits, actions or proceedings which have at any time been, now are, or hereafter shall be commenced, sued, brought, or depending before the Supreme Court, or any other court of this commonwealth, shall be discontinued or put without day, or so considered, by reason of the non-attendance of the Justices or Judges of the said courts, but shall stand good and effectual in law, to all intents and purposes, notwithstanding the non-attendance of any of the said Justices or Judges.

No process, suit, &c. brought or depending in the Supreme or any other Court within this state, shall be discontinued or abated on account of the non-attendance of the Justices or Judges thereof

Passed 6th April, 1802.—Recorded in Law Book No. VIII. page 182.