

continued by the expiration of the commissions of the justices of either of the courts within this state who may have held their respective courts since the expiration of such commissions, shall be and they are hereby continued and no writ of error or other procedure shall be effectual in the law to defeat any act, authority or jurisdiction exercised or done by such justices in their respective courts on account of the expiration of such commissions.

Passed March 31, 1784. Recorded L. B. No. 2, p. 306, etc. See the Acts of Assembly passed September 13, 1785, Chapter 1177; March 4, 1786, Chapter 1205.

CHAPTER MXCIV.

AN ACT FOR OPENING THE LAND OFFICE FOR GRANTING AND DISPOSING OF THE UNAPPROPRIATED LANDS WITHIN THIS STATE.

(Section I, P. L.) Whereas the estates of the late proprietaries of Pennsylvania were by a law passed the twenty-seventh day of November, in the year one thousand seven hundred and seventy-nine¹ vested in this commonwealth:

And whereas by a subsequent law passed the ninth day of April, one thousand seven hundred and eighty-one, the land office was opened for the completing all such titles as had commenced before the tenth day of December, one thousand seven hundred and seventy-six, and inasmuch as it is just that all the citizens of this state holding lands should be placed on the same footing, with respect to their titles and the legal demands of government; and the time being now come when it appears necessary not only to increase the population of this state but to enable government to draw every possible advantage from the estates so vested in them:

[Section I.] (Section II, P. L.) Be it therefore enacted and it is hereby enacted by the Representatives of the Freemen of the

¹ Passed November 27, 1779, Chapter 874.

Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That the land office shall be openèd for the lands already purchased from the Indians on the first day of July next at the rate of ten pounds for every hundred acres with the usual fees of granting, surveying and patenting, excepting such tracts as shall be surveyed westward of the Allegheny mountain [which] shall be three pounds ten shillings and no more and that the several officers of the land office are hereby fully empowered and directed to do and perform every act and thing incident or in anywise appertaining to their said offices with respect to receiving, filing and entering locations, granting warrants on the same, receiving the consideration, directing copies of warrants or other rights, receiving returns and issuing patents of confirmation as heretofore agreeable to the former customs and usages of the said offices.

[Section II.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That every applicant for lands shall produce to the secretary of the land office a particular description of the lands applied for with a certificate from two justices of the peace of the proper county, specifying whether the said lands be improved or not, and if improved how long since the said improvement was made, that interest may be charged accordingly.

[Section III.] (Section IV, P. L.) And be [it] enacted by the authority aforesaid, That the quantity of land granted to any one person shall not exceed four hundred acres, and that all grantees under this act as well as all claimants of unpatented lands whatsoever be and they are hereby confined to the same time with respect to patenting as is limited and directed by the law of this state, entitled "An act for establishing a land office and for other purposes therein mentioned,"¹ and the law entitled "An act to vest certain powers in the president of this state, together with the other officers therein named and for other purposes therein mentioned."²

[Section IV.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That all persons possessed of old rights; unsatisfied warrants or other grants from the late proprietaries,

¹ Passed April 9, 1781, Chapter 940.

² Passed April 9, 1782, Chapter 964.

be and they are hereby confined in locating the same to the lands already purchased from the Indians; and in order to prevent disputes touching the same it is hereby enjoined on the commissioners appointed for making a further purchase 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.

[Section V.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That when the Indians shall be satisfied for the unpurchased lands within the limits of this state, the supreme executive council shall give official information thereof to the surveyor general, who shall thereupon appoint district surveyors for laying out all such lands within the said purchase as shall be found fit for the purpose of cultivation, into tracts of not more than five nor less than two hundred acres each numbering the same on the general draught or plot of each district and so soon as two hundred lots are surveyed the said surveyor general, together with the secretary and receiver-general of the land office or their lawful deputies by them respectively appointed, shall proceed to sell the same by public auction at such place or places and at such times and subject to such regulations as the supreme executive council may direct. And upon the payment of the full consideration bid at such sales, in the certificates hereinafter mentioned, specie or money of this state together with all fees in specie of surveying and patenting a title shall be granted in the usual manner and form for the land so sold. But in case the vendee should desire further time for the payment of a moiety of the said consideration, two years shall be allowed him, on his paying all fees and giving bond for the remaining moiety due to the state with lawful interest in specie or money of this state only, and upon this last payment his title shall be completed, before which time the lands shall stand charged with and be subject to said payment.

(Section VII, P. L.) And whereas the citizens of this state as well as the late officers and soldiers of the same have long labored under manifold inconveniences, by reason of the many just debts due to them from the United States remaining un-

paid, and inasmuch as it is the duty of the legislature of this state to see justice done to them:

[Section VI.] (Section VIII, P. L.) Be it therefore enacted by the authority aforesaid, That the receiver-general of the land office be authorized and required to receive in payment for all lands sold and granted in pursuance of this act as well in the old purchase as in that which is about to be made (the lands which are appropriated for the redemption of depreciation certificates, and the donation lands only excepted) all certificates of depreciation granted to the officers and soldiers of the late Pennsylvania line, the certificates for money loaned to the United States by citizens of this state, or granted in the name of or for the use of such citizens, and such certificates as have been, or may hereafter be granted to the officers and soldiers of the late Pennsylvania line and all other depreciation certificates granted to officers and soldiers of this state and all certificates for commutation and for arrearages of pay and the certificates of the commissaries, quarter masters and forage-masters; also certificates for debts due to the citizens of this state from the United States or from this state when liquidated by the proper officers of the continent or of this state respectively with all the interest due on the same at the day of payment; all such certificates which remain unliquidated to be reduced to specie value agreeably to the continental scale of depreciation by the commissioner of loans or by some continental officer, or an officer to be for that purpose appointed, before they are offered in payment at the said receiver-general's office, in order that the United States may be charged with the same and that gold, silver and the paper money of this state shall be receivable at the said office from all applicants whatsoever; but that those applicants who are not citizens of this state shall be restrained in their payments to specie and Pennsylvania money alone. Provided always, That no certificate be received from any person who was not at the time of issuing such certificate a citizen of this state and that no certificate be received that hath been alienated, transferred or sold by any person not a citizen of this state to a citizen of this state. And the receiver general is hereby enjoined and required in all cases of doubt, to make

strict inquiry touching the right of citizenship in the parties applying either by the oath of the party (which he is hereby empowered to administer) or otherwise as to him shall seem meet.

[Section VII.] (Section IX, P. L.) And be it further enacted by the authority aforesaid, That the receiver-general shall at the time of settling his accounts in the comptroller-general's office render and pay over all certificates by him received unto the comptroller-general and in his accounts which he shall render for the aforesaid purpose he shall distinguish between the several payments he may receive in specie, in Pennsylvania money and in the certificates aforesaid, with the interest due on each certificate at the time he may receive the same which time of receiving and the interest due, shall be endorsed on the back of each certificate respectively and the said comptroller-general shall and he is hereby authorized and directed to pass to the credit of the cash account of the said receiver-general all such certificates so produced as it shall appear to have been received by him aforesaid, together with the interest thereon to the time he may have received the same. And the said receiver general shall once in every month pay and deliver over to the treasurer of this state all such moneys as shall be received by him, by virtue of this act.

(Section X, P. L.) Provided always, That the said surveyor or surveyors so appointed or to be appointed as aforesaid shall have and receive for their trouble and expense of surveying, paying chain-carriers, markers, returning the survey of each and every survey within the purchase to be made from the Indians with a complete draught or plot of the same, three pounds ten shillings to be paid by the purchaser in specie by adding the said sum to the amount of sales of each and every tract.

Passed April 1, 1784. Recorded L. B. No. 2, p. 312, etc. See the Acts of Assembly passed December 21, 1784, Chapter 1122; December 30, 1786, Chapter 1259; October 3, 1788.