

## CHAPTER MCCLXXXV.

AN ACT FOR ASCERTAINING AND CONFIRMING TO CERTAIN PERSONS CALLED CONNETICUT CLAIMANTS THE LANDS BY THEM CLAIMED WITHIN THE COUNTY OF LUZERNE AND FOR OTHER PURPOSES THEREIN MENTIONED.

(Section I. P. L.) Whereas an unhappy dispute for many years subsisted between the province and state of Pennsylvania on the one part and the colony and state of Connecticut on the other part relative to certain lands within the charter boundary of Pennsylvania but which were claimed by Connecticut as falling within the limits of her charter, which dispute was finally terminated by the [decree] of the court of commissioners at Trenton on the thirtieth day of December, one thousand seven hundred and eighty-two, in the mode prescribed by the articles of confederation of the United States, by which decree the question between the two states was decided in favor of Pennsylvania:

And whereas before the termination of the said claim of Connecticut, a number of its inhabitants with their associates settled upon and improved divers tracts of land lying on or near to the northeast branch of the river Susquehanna and the waters thereof and now within the county of Luzerne:

And whereas parts of the same lands have been claimed under titles derived from the late proprietaries of Pennsylvania, and these interfering claims have caused much contention, expense and bloodshed and this assembly being desirous of putting an end to those evils by confirming such of the Connecticut claims as were acquired by actual settlers prior to the termination of the said dispute agreeably to the petition of a number of the said settlers and by granting a just compensation to the Pennsylvania claimants: And whereas the lands aforesaid claimed by the Connecticut settlers have been usually assigned to them in rights or lots of about three hundred acres each which rights or lots have either been entire or in two or more divisions:

Therefore:

(Section II. P. L.) [Section I.] 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, That all the said rights or lots now lying within the county of Luzerne which were occupied or acquired by Connecticut claimants who were actually settlers there at or before the termination of the claim of the state of Connecticut by the [decree] aforesaid and which rights or lots were particularly assigned to the said settlers prior to the said [decree] agreeably to the regulations then in force among them, be and they are hereby confirmed to them and their heirs and assigns; Provided that all the claimants whose lots are hereby confirmed shall by themselves, guardians or other lawful agents within eight months next after the passing of this act prefer to the commissioners hereinafter mentioned their respective claims to the lots aforesaid, therein stating the grounds of their claims and sufficiently describing the lots claimed so that the same may be made known and ascertained and support the same by reasonable proofs.

(Section III. P. L.) And whereas it will be necessary to institute a summary mode of ascertaining and establishing the right of each claimant.

[Section II.] Be it further enacted by the authority aforesaid, That Peter Muhlenberg, Timothy Pickering and Joseph Montgomery, Esquires, be and they are hereby appointed commissioners for the purposes hereinafter expressed and declared and in case of the death, absence or refusal to serve of any or all of the said commissioners, the supreme executive council are hereby authorized and required to supply the vacancy or vacancies occasioned thereby by other new appointment or appointments.

[Section III] (Section IV. P. L.) And be it further enacted by the authority aforesaid, That the said commissioners shall repair to the county of Luzerne within two months next after the passing of this act and at such place within the same county and at such time as they the said commissioners shall appoint to meet together for the purpose of receiving and examining the claims of all persons to the lots intended by this act to be confirmed. And the said commissioners are hereby empowered to

adjourn their meeting from time to time and to such places within the said county as they shall judge best for the proper and speedy execution of their commission. And that all persons interested in the said lots may be duly notified to make and support their claims thereto within the time prescribed by this act, the said commissioners shall cause it to be published in one or more of the newspapers printed in Pennsylvania and Connecticut with an advertisement subjoined expressing the time and place proposed for their first meeting, and copies of this act and of the said advertisement shall also be posted up at sundry places within the said county for the information of the inhabitants. And the examination of the said claims shall be by witnesses on their oaths or affirmations (which the said commissioners are severally empowered to administer) and such other evidence as shall be produced to the said commissioners or which they can obtain. And of such claims as shall be supported by evidence satisfactory to the said commissioners or any two of them there shall be made a fair entry, in which the lots so claimed shall be described and in such manner that the same may be clearly known and ascertained. Provided, that where two or more claims of Connecticut claimants to the same lot shall be presented and it shall appear to the said commissioners by satisfactory evidence that the same lot ought to be confirmed agreeably to the meaning of this act they shall make a fair entry thereof as aforesaid, and if the several claimants agree to submit their claims to the determination of the said commissioners they shall proceed to hear and determine the same accordingly. But if they do not [thus] agree either of the claimants may prosecute his claim in the proper court of law as in ordinary cases of contested titles.

[Section IV.] (Section V. P. L.) And be it further enacted by the authority aforesaid, That the said commissioners be and they are hereby authorized to appoint a surveyor or surveyors to survey all the lots aforesaid of the Connecticut claimants and the surveys thereof shall be returned to the said commissioners for their information and assistance in prosecuting their inquiries and examinations, and the surveys of such of the said lots the claimants to which shall be admitted by the said com-

missioners shall by them be afterwards returned together with their book of entries describing the same to the supreme executive council who shall cause patents to be issued for their confirmation and each patent shall comprehend all the parcels of land which are to be confirmed to the same claimants or joint claimants to whom by the return of the commissioners aforesaid the same shall be found to belong, and for each patent there shall be paid to the secretary of the council the sum of twenty shillings. And the said surveyors shall appoint proper persons for their chain carriers and markers, and the surveyors, chain carriers and markers shall severally be sworn or affirmed before a justice of the peace or one of the said commissioners, faithfully to perform their respective duties and they shall be allowed a reasonable compensation for their services to be fixed by the said commissioners and paid by the claimants aforesaid whose claims to the lands so surveyed shall be admitted as aforesaid and upon whom the same shall be apportioned by the said commissioners in the manner they shall judge most equitable.

[Section V.] (Section VI. P. L.) And be it further enacted by the authority aforesaid, That each of the said commissioners before he acts under his commission shall take an oath or affirmation before one of the members of the supreme executive council or a judge of the supreme court, diligently to proceed in the business of his commission and well and truly to hear and determine upon all claims and questions which shall come before him in pursuance of this act without favor, affection or hope of reward.

[Section VII.] (Section VIII. P. L.) And be it further enacted by the authority aforesaid, That there be allowed and paid out of the public treasury to each of the said commissioners twenty shillings per day and to the said clerk fifteen shillings per day for each day they shall be employed in performing the duties required of them by this act.

(Section IX. P. L.) And whereas the late proprietaries and divers other persons have heretofore acquired titles to parcel of the lands aforesaid agreeably to the laws and usages of Pennsylvania and who will be deprived thereof by the operation of

this act, and as justice requires that compensation be made for the lands of which they shall thus be divested and as the state is possessed of other lands in which an equivalent may be rendered to the claimants under Pennsylvania, and as it will be necessary that their claims should be ascertained by a proper examination.

[Section VIII.] Be it therefore enacted by the authority aforesaid, That all persons having such claims to lands which will be affected by the operation of this act shall be and they are hereby required by themselves, guardians or other lawful agents within twelve months from the passing of this act to present the same to the board of property, therein clearly describing those lands and stating the grounds of their claims and also adducing the proper proofs, not only of their titles but of the situations, qualities and values of the lands so claimed to enable the board to judge of the validity of their claims and of the quantities of vacant lands proper to be granted as equivalents. And for every claim which shall be admitted by said board as duly supported, the equivalent by them allowed may be taken either in the old or new purchase at the option of the claimant, and warrants and patents and all other acts of the public office relating thereto shall be performed free of expense. The said board shall also allow such a quantity of vacant land to be added to such equivalent as shall in their judgment be equal to the expenses which must necessarily be incurred in locating the surveying the same. And that the board of property may in every case obtain satisfactory evidence of the quality and value of the land which shall be claimed as aforesaid under the proprietary title they may require the commissioners aforesaid during their sitting in the said county of Luzerne to make the necessary inquiries by the oaths or affirmations of lawful witnesses to ascertain those points, and it shall be the duty of the said commissioners to inquire and report accordingly.

Passed March 23, 1787. Recorded L. B. No. 3, p. 210, etc. See the Acts of Assembly passed March 29, 1788, Chapter 1349. March 9, 1796, Chapter 1877. The Act in the text was repealed by the Act of Assembly passed April 1, 1790, Chapter 1505.