

rected by the laws of this commonwealth in cases of claims to city lots granted or assigned by the commonwealth, and similar proceedings shall be had for obtaining possession of the said lot by the said president, directors and company, but nothing in this act contained shall operate to give validity to any rights or claims barred by the said acts, or otherwise.

Passed April 4, 1799. Recorded L. B. No. 6, p. 372, etc. See the Act incorporating the company, passed March 16th, 1798, Chapter 1974.

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### CHAPTER MMLIII.

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AN ACT FOR OFFERING COMPENSATION TO THE PENNSYLVANIA CLAIMANTS OF CERTAIN LANDS WITHIN THE SEVENTEEN TOWNSHIPS, IN THE COUNTY OF LUZERNE, AND FOR OTHER PURPOSES THEREIN MENTIONED.

[Section I.] (Section I. P. L.) 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 Isaac Whelen, of Chester county, Thomas Boude, of Lancaster county, and General William Irwine, of Cumberland county, be, and they are hereby, appointed commissioners, whose duty it shall be carefully to examine and ascertain the quantity, quality and situation of all lands, lying within what have been commonly called and known by the name of the Seventeen Townships, in the county of Luzerne, held or claimed under a Pennsylvania title, under a patent, or a location or warrant, before the decree of Trenton, by which the right of jurisdiction was declared to be in Pennsylvania, on which a survey has been executed, and returned agreeably to law, and to divide the same, according to their value, into four classes, distinguished by the name of the first, second, third and fourth class, the first class to contain the lands of the greatest value, and the second, third and fourth classes those of inferior value, preserving a due proportion between

each, and shall adjudge what sum per acre each Pennsylvania claimant shall receive, not exceeding the rates hereinafter mentioned. Provided always, That nothing herein contained shall authorize the said commissioners to proceed to the performance of the duties enjoined upon them by this act, until persons claiming land to the extent of forty thousand acres, under grants made by Pennsylvania, shall have conveyed and released the same to the state, by deeds duly executed and filed in the land office, for the purpose and for the considerations expressed in this act, and until persons commonly called Connecticut settlers, claiming land to the extent aforesaid, shall have signified in writing, under their hands and seals, duly executed in the presence of two witnesses and filed in the land office, that they will submit to and abide by the determination of the said commissioners. And provided, That if part of the said land, but not to the extent aforesaid, shall have been released, or if the Connecticut claimants, to the extent aforesaid, should not make their submissions according to the provisions herein contained, then such releases, as shall have been made by Pennsylvania claimants as aforesaid, shall be null and void, and the property, which shall have been so as aforesaid released, shall vest and be held in the same manner, as if this act had not been passed. Provided also, That the lines of the respective tracts of lands, so as aforesaid, submitted to the examination of the commissioners, shall be the same as those bounding the original grants, and that the said commissioners shall not examine any lands, but those which the Pennsylvania claimants shall have agreed as aforesaid to submit to their examination.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That to such of the aforesaid Pennsylvanian claimants, having title as aforesaid to lands within either of the said classes, who shall comply with the conditions of this act, such compensation shall be made as the said commissioners shall award, not exceeding the rates hereinafter set forth, in certificates to be issued as hereinafter directed, transferable and bearing interest, receivable as specie in all payments to be made at the land office, that is to say, to those whose lands shall be in the first class, a sum not exceeding five dollars an

acre; to those whose lands shall be in the second class, a sum not exceeding three dollars an acre; to those whose lands shall be in the third class, a sum not exceeding one dollar and fifty cents an acre; and to those whose lands shall be in the fourth class, a sum not exceeding twenty-five cents an acre. Provided always, That nothing in this act contained shall be construed to direct or empower the said commissioners to include the whole of any one original survey in any one class, unless, in their opinion, the quality of the whole tract will justify it, nor that they shall fix the price of each tract included in the same class at one price per acre, unless, in their opinion, such tracts should be of equal value, but that the rate per acre of the several tracts arranged in the same class, shall be according to their relative value.

[Section III.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That every Pennsylvania claimant, who shall have conveyed and released to the commonwealth a regular title, as specified in this act, shall, on application to the board of property, be entitled to receive a ticket directed to the comptroller-general, stating the number of acres so released and conveyed to the commonwealth, and the class to which the said land belongs, and also certifying the amount awarded by the commissioners in favor of such Pennsylvania claimant, and the balance of principal and interest due from such Pennsylvania claimant to the commonwealth, on account of the original purchase money of such tract or tracts, which shall be submitted to the register-general and the comptroller-general, to issue and deliver to such claimant one or more certificates of the nature hereinbefore specified, for the sum to which his compensation shall amount, after having deducted the principal and interest so due to the commonwealth; and the said comptroller-general is hereby authorized and directed to issue such certificate or certificates accordingly, and to alter or renew such certificates, so as to accommodate payments at the land office; and all public money which shall come to the hands of the receiver-general is hereby appropriated to the payment of the said certificates; and in case of disputes between Pennsylvania claimants before the issuing of the certificates in pursuance of

this act, such disputes shall be decided by the board of property, according to the general usage. Provided, That their decision shall not prevent the party, against whom it is made, from prosecuting his claim in the courts of law as usual; and in case of an appeal from the decision of the board of property, the certificates shall not issue until the dispute shall be decided.

[Section IV.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That no Pennsylvania claimant shall be entitled to compensation under this act, who shall not make application to the board of property for that purpose within six months from the passing of this act. Provided, That if such claimant shall, at the time of passing this act, be a *feme covert*, under the age of twenty-one years, or out of the United States, one year shall be allowed for making such application from the time such claimant shall cease to be a *feme covert*, arrive at the age of twenty-one years, or return to some part of the United States.

[Section V.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That it shall be the duty of the said commissioners also to ascertain all the rights or lots within the said Seventeen Townships, which were occupied or acquired by Connecticut claimants, who were actually settlers there at or before the time of the said decree at Trenton, 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, and to divide the said rights or lots into four classes, to be distinguished in the manner hereinbefore mentioned, according to their respective value, taking into consideration both the quality and situation, and make out certificates therefor, with a draft of the survey thereto annexed; and in case the said original settlers, their heirs or assigns, shall make application to the land office at any time before the first day of January, in the year of our Lord one thousand eight hundred and one, and agree to pay to the commonwealth, by eight equal annual instalments, at the rate of two dollars per acre for lands of the first class, at the rate of one dollar and twenty cents per acre for lands of the

second class, at the rate of fifty cents per acre for lands of the third class, and at the rate of eight and one-third cents per acre for lands of the fourth class, with interest upon each instalment till the same is paid; whereupon patents for lands so certified shall be issued from the proper office, paying the legal fees for such patents, and also the surveying fees.

[Section VI.] Provided nevertheless, and it is hereby expressly ordered, That no patents shall issue to affect any lands, the titles whereof shall be in any person or persons claiming under Pennsylvania, until such person or persons have conveyed their title to the commonwealth. And provided also, That the lands to be granted to any Connecticut claimants, by virtue of this act, shall be mortgaged by such claimant or claimants, for the payment of the principal and interest of the aforesaid instalments due to the commonwealth as aforesaid.

[Section VII.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That in case any lands shall be conveyed to the commonwealth by the aforesaid Pennsylvania claimants, for which no application shall be made, in manner hereinbefore directed, by Connecticut claimants, on or before the first day of January, in the year one thousand eight hundred and one, it shall be lawful for the governor, and he is hereby required, to order such lands to be sold at public auction in the city of Philadelphia, giving six months' notice of such sale in one or more of the newspapers of the said city, provided the same shall not be sold at a less price than that at which the state has by this act directed it to be offered to the Connecticut claimants; and in case any of the land so exposed to sale should not sell for the sum for which it was offered to the Connecticut claimants, then, in such case, it shall be the duty of the attorney-general immediately thereafter to cause legal process to be issued for dispossessing every such person of the land so claimed, and not sold by the commonwealth, excepting the case of minors under twenty-one years of age, and persons beyond sea, who shall be allowed a further time of one year from the time the land claimed by them was exposed to sale as aforesaid, by themselves, guardians, or attorneys, to make their application, and comply with the terms of this act.

[Section VIII.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That each person claiming the provisions of this act shall, prior to the commissioners classing and valuing such person's land by virtue of this act, make oath or affirmation (which oath or affirmation either of the said commissioners is hereby authorized to administer) "that he or she does not claim title under a joint right of the Pennsylvania claimants and of the Connecticut settlers, but that he or she holds exclusively under one or the other of the aforesaid rights, and that he or she has not directly or indirectly done, or caused to be done, any act or thing, to destroy or conceal such joint title, with a view of coming within the provisions of this act," and if it shall appear that any person claiming the provisions of this act holds by such joint title, or that such joint title has been destroyed or concealed, with the view aforesaid, then, in that case, such lands shall not be within the provisions of this act.

[Section IX.] (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That each of the said commissioners, before he acts, shall take an oath or affirmation before some judge or justice of the peace "that he will diligently, faithfully and impartially discharge the duties assigned to him by this act;" and in case either of the said commissioners shall die, or refuse or become incapable to act, the governor shall appoint a person to supply his place, and all acts by a majority of the said commissioners shall be as valid as if they had all joined therein.

[Section X. (Section IX, P. L.) And be it further enacted by the authority aforesaid, That the said commissioners shall keep a regular account of their proceedings in a book, which shall be deposited by them in the office of the secretary of the land office, and they may appoint a clerk, who shall be sworn or affirmed before them, faithfully to register all their proceedings in pursuance of this act, and they may appoint a surveyor or surveyors, and employ chain-carriers and markers for the purpose of such surveys, as they shall judge necessary, and the said surveyor, chain-carriers and markers shall be sworn before a justice of the peace, or one of the commissioners, faithfully to per-

form their respective duties, and shall receive a reasonable compensation for their services, to be fixed by the said commissioners, and paid by the commonwealth; and all surveys made by direction of the said commissioners shall be by them returned to the office of the surveyor-general.

[Section XI.] (Section X, P. L.) And be it further enacted by the authority aforesaid, That there shall be allowed, and paid out of the public treasury, to each of the said commissioners, three dollars and fifty cents per day and to their clerk three dollars per day, for each day that they shall be respectively employed in performing the duty required by this act.

[Section XII.] (Section XI, P. L.) And be it further enacted by the authority aforesaid, That in cases of dispute between the Connecticut claimants, they may elect to have the same decided by the said commissioners, or appeal, before such decision, to the court of common pleas of the proper county, and a certificate from the clerk of such commissioner, or from the prothonotary of such court of common pleas before which tribunal such decision may be had, certifying in whose favor the same is adjudged, shall be good evidence to obtain a patent from the proper office aforesaid.

Passed April 4, 1799. Recorded L. B. No. 6, p. 394, etc. Supplement passed March 15, 1800, Chapter 2138.

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## CHAPTER MMLIV.

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### AN ACT FOR THE RELIEF OF THE CHAMBERSBURG ACADEMY.

Whereas the trustees of the Chambersburg Academy have, by their petition, represented that a building, of the dimensions of sixty-five by twenty-five feet, hath been erected at the expense of a few citizens of Chambersburg, and its vicinity, that up-