

the head, complying with certain terms; and a penalty is imposed for offering flour for sale in casks of dimensions inferior to those prescribed by law. For acts making provision for the inspection of flour in the western counties, see post. chap. 1006, chap. 1584. For acts regulating the assize of bread, see chap. 707, 1936. (*Note to former edition.*)

By a supplement to the laws for preventing the exportation of flour not merchantable, passed April 17th, 1795, (chap 1851,) all flour or middlings brought for sale as flour of wheat, shall be condemned if there is any flour of Indian corn mixed with it, and a penalty therefor. But an appeal is allowed from the decision of the Inspector: and if the decision is confirmed, the costs shall be paid by the owner, otherwise by the Inspector. Appeal must be prosecuted within 20 days, &c.

By another supplement, passed March 16th, 1798, (chap 1964) The Inspector of flour is authorized to receive the

fees of inspection from the owner or owners, his, her or their agent or factors, or other persons in possession of the flour at the time of inspection, and the said owner, &c. shall pay the full amount of the fees due for inspection, and the owner, &c. so paying, is authorized to demand and receive the said fees of inspection from the purchasers of the flour, and the fees of inspection so paid, shall be a charge on the sale of the flour by the owner, &c. or other person in possession after its inspection, distinct and separate from the price agreed on for the said flour.

By a further supplement, passed March 15th, 1800. (chap. 2133.) Flour made of rye and Indian corn is subjected to inspection, and the manner of packing and branding the same is prescribed; may be packed in hogsheads of certain dimensions, and the inspection fee fixed; fines, penalties and forfeitures to be recovered as directed by the act in the text.

CHAPTER DCCCCXXIX.

An ACT for establishing a Land-Office, and for other purposes therein mentioned.

WHEREAS many of the lands in this state, heretofore taken up and located under grants, warrants and other office rights, before the tenth day of December, in the year of our Lord one thousand seven hundred and seventy-six, are yet unpatented, and the purchase money and arrearages of purchase money thereon due are vested in the commonwealth, subject to the disposal of the Legislature, and the owners and holders of such rights, since the shutting up of the land-office, have not had it in their power to pay in the purchase money, or arrearages of purchase money, and obtain patents, to compleat their titles to the same: For remedy whereof,

II. *Be it enacted, and it is hereby enacted,* That an office be, and it is hereby erected, constituted and appointed, which shall consist of three persons, or officers, called or known by the names of the Secretary of the land-office, Receiver-General* and Surveyor-General, which office shall be held and kept in the city of Philadelphia, or such other place as the General Assembly shall from time to time order and direct, and that into the said office shall be removed and safely kept all the records and papers of the former land-office or Board of Property, in the hands, custody or possession of the late Secretary, Surveyor-General, Receiver-General, or of any other person or persons entrusted with the care or management thereof, by or under the late Proprietaries of the province of Pennsylvania, or of their Governors or Lieutenant or Deputy-Governors; and all future grants and confirmations of land shall issue from the said office, in manner and form herein mentioned.

Office to consist of three persons.

Their names.

Where to be kept.

Records of the former offices to be removed.

[*The office of Receiver-General is abolished, and the duties vested in the State-Treasurer.]

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Officers to be appointed by the Assembly, &c. [The appointment of all officers is now vested in the Governor by the constitution.] The fees are regulated by a subsequent act.]

[III. *And be it further enacted,* That the said Secretary of the land-office, the Receiver-General and Surveyor-General shall be appointed by the General Assembly, and commissioned by the President or Vice-President, in Council, and shall hold their said offices for the term of five years, unless sooner removed by the Representatives of the freemen of this commonwealth, in General Assembly met. And the said Secretary of the Land-Office, Receiver-General, and Surveyor-General, shall be entitled to receive such fees, from time to time, as heretofore have been allowed by law, until the same shall be altered by the Legislature, and shall have power to appoint deputies or clerks, to assist in executing the business of their respective offices, for whose conduct they shall be responsible, and copies of records, entries and papers of the said office, duly attested by them, or their lawful deputies, under their hand and seal of office, shall be as good evidence as the original bye-law might or could be.] And the Surveyor-General shall have power to appoint a deputy or deputies in any county of this state, who shall have power to make and return into the Land-Office surveys of land, only in the county for which such deputy or deputies shall be appointed, for the conduct of which deputy or deputies the said Surveyor-General shall be responsible.

Officers to enter into obligations.

IV. *And be it further enacted,* That the Secretary of the Land-Office, Surveyor and Receiver-General, shall, severally, before they are empowered to act, enter into an obligation, before the President of the state, with one or more sufficient sureties, in the sum of ten thousand pounds, to the commonwealth of Pennsylvania, conditioned for the faithful discharge of their respective offices.

Persons entitled to lands within the Indian purchase, may have patents on condition, &c.

V. *And be it further enacted,* That all and every the person and persons who are or shall be entitled, either in law or equity, to any lands in this state, within the limits of the Indian purchase, by virtue of any grant, warrant or location, before the tenth day of December, in the year of our Lord one thousand seven hundred and seventy-six, upon which patents have not issued, shall and may, upon payment to the Receiver-General of the Land-Office, hereby established, of the purchase money, and interest thereon, or the arrearages of such purchase money and interest agreed on for the said lands, together with the office fees; or if no purchase money or interest is or remains due therefor, then upon payment of the office fees, be entitled to receive a patent or patents for the same, as is hereafter directed, any former law, custom or usage, to the contrary hereof in any wise notwithstanding. And in all cases where surveys have not yet been made or returned to the former Land-office, on any grant, warrant or location, issued before the said tenth day of December in the year aforesaid, the owner or owners thereof, upon applying to the Land-office, at any time within the space of one year from the passing of this act, and paying down the one third of the purchase money and interest then due on the same, shall be entitled to receive an order, directed to the Surveyor-General, to have the same surveyed and returned; and after such survey and return, on payment of the residue of the purchase money, and interest, in manner aforesaid, he or they shall be entitled to receive a patent and confirmation of the same, in like manner.

Where surveys have not been returned to the former office, an order of survey and a patent may be obtained on certain conditions.

[VI. *And be it further enacted,* That all purchase money due for 1781.
lands in this state taken up, or entries thereof made, by any grant, licence, warrant, application, or office right whatever, before the said tenth day of December, in the year aforesaid, shall be paid into the Receiver-General of the Land-Office hereby established, that is to say; the one fourth part thereof in one year after the passing this act, one other fourth part thereof in two years after passing this act, and one other fourth part thereof in three years after passing this act, and the residue thereof in four years after the passing this act.* And in case of neglect or refusal of paying the aforesaid quotas of the purchase money, and interest, at the time herein limited for payment thereof, by the space of six months, it shall and may be lawful for the Commissioners of the county where the lands lie to issue their warrant to the Sheriff of the said county, who is hereby enjoined and required to execute the same, commanding him, after due notice to expose the same lands, or so much thereof as may be necessary to discharge the sum due, with interest and costs, to sale, and transmit the same to the Receiver-General of the Land-Office of this state; and the said Sheriff shall give the purchaser a deed for the land so by him sold, upon receipt of the purchase money and interest.

Purchase money to be paid to the Receiver-General.

Times of payment, &c.

Manner of proceeding, in case of refusal to pay. [*Further time allowed, chap. 953, sect. 4.]

[Sect. 6, 7 & 8, are obsolete.]

[VII. *Provided always,* That nothing herein contained shall empower any Commissioner to issue his warrant, or any Sheriff to sell any lands, for non-payment of purchase money and interest, where actual settlements have been made by the owner or owners of the lands, and where the owner or owners of such lands have been drove off by the power of the enemy.]

[VIII. *And be it further enacted,* That the several officers of the Land-Office shall meet annually, and transmit to the respective County Commissioners lists of the delinquents for purchase money and interest, or arrearages of purchase money and interest, in their respective counties, under the hand and seal of the Secretary of the Land-Office.]

List of delinquents to be transmitted to the County Commissioners.

IX. *And be it further enacted,* That all lands within this state heretofore surveyed under any grant, warrant, location, or other office right, shall be returned into the Surveyor-General's office (if not already returned) in the space of nine months from the passing of this act;† and upon application made by the owners of such lands to the surveyor, and their paying or tendering him his legal fees, in such case, if the surveyor refuse or neglect to make, or cause to be made, returns of the said land, he shall forfeit and pay the sum of fifty pounds, the one half to the informer, and one half to the use of the state, to be recovered in any Court of Quarter Sessions in this state, by indictment or information.

Returns of certain lands to be made within a limited time. [† See chap. 953, sect. 5, further time allowed.]

X. *And be it further enacted,* That all patents to be granted in pursuance of this act shall be by deed poll, and signed by the President, or, in his absence, by the Vice-President in Council, and countersigned by the Secretary of Council, and under the state seal in form following, viz. "The Supreme Executive Council of the commonwealth of Pennsylvania, To all to whom these presents shall come, greeting, Know ye, That in consideration of the sum of lawful money, paid by _____ into the Receiver-General's office of this commonwealth, there is granted by the said commonwealth unto the said _____ a certain tract or parcel of land, containing

Form of the patent.

1781. acres, lying in the county of _____ and township of _____ (describing the particular bounds of the land, and the date of the survey on which the grant issues) with its appurtenances, To have and to hold the said tract or parcel of land, with the appurtenances, unto the said _____ and his heirs, to the use of the said _____ his heirs and assigns for ever. (Here insert the tenure and reservation.) In witness whereof his Excellency _____ Esquire, President (or if absent) the Honourable _____ Esquire, Vice-President of the Supreme Executive Council, hath hereunto set his hand, and caused the state seal to be hereunto affixed, the _____ day of _____ in the year of our Lord _____ and of the commonwealth the _____ Attest. _____ Secretary."

Which patent shall be recorded in the Rolls-Office of this state.

Lands granted to be clear of all reservations, &c.

XI. *And be it further enacted,* That all and every the land or lands granted in pursuance of this act, shall be free and clear of all reservations and restrictions as to mines, royalties, quit-rents, or otherwise, so that the owners thereof respectively, shall be entitled to hold the same in absolute and unconditional property, to all intents and purposes whatsoever, and to all and all manner of profits, privileges and advantages, belonging to or accruing from the same, and that clear and exonerated from any charge or incumbrance whatsoever, excepting the debts of the said owner, and excepting and reserving only the fifth part of all gold and silver ore for the use of this commonwealth, to be delivered at the pit's mouth clear of all charges.

The grants, &c. to which this act shall extend.

XII. *And be it further enacted,* That nothing in this act shall extend, or be construed to extend, to give validity to any grant, warrant or location, issued after the fourth day of July, in the year of our Lord one thousand seven hundred and seventy-six, for any lands or lots within ten miles of the city of Philadelphia, or within three miles of any county town in this state, or to any warrant, grant or location, for a greater quantity of land than five hundred acres in one tract,* or to any lands or lots not granted in the usual forms of the Land-Office, or to lands not within the Indian purchase, any thing herein contained to the contrary in any wise notwithstanding.

*See the case of Hubley's Lessee v. Chew, in the note to chap. 953.]

Passed 9th April, 1781.—Recorded in Law Book vol. I. page 431. (n)

(n) A supplement to this act was passed June 25th, 1781, (chap. 936,) which defines the term *Location*, in the following manner. "An application made by any person for land in the office of the Secretary of the late Land-Office of Pennsylvania, and entered in the books of the said office, numbered, and sent to the Surveyor-General's office."

The act also directs the President, or Vice-President, in Council to sign all warrants of acceptance and resurvey, &c. And the Receiver-General to pay the money to the State-Treasurer once in every month, &c. and fixes the rate of exchange at one hundred and sixty-six and two thirds, of the currency of this state, for one hundred pounds sterling.

By an act passed April 4th, 1807, (chap. 2794,) continued by an act passed December 24th, 1807, (chap. 2875,) the Secretary of the Land-Office is to sign all Parents and Land Warrants until Jan'y 1st, 1818.

A board of property is instituted by an act passed April 5th, 1782. And further time given for the payment of the purchase money, and for the Surveyor General to receive returns from his deputies, (chap. 953.)

But by an act passed March 29th, 1809, the offices of Receiver-General and Master of the Rolls are abolished, and new arrangements made in the Land-Office. The Surveyor-General and Secretary of the Land-Office, and the Secretary of the Commonwealth are to constitute the Board of Property.

The Surveyor-General and Secretary of the Land-Office to be appointed for three years, but removable by the Governor, on the address of both houses of the Legislature. And see the act relating to the patenting of Lands, passed February 21st, 1810.

ting to lands, see the General Index to this edition.

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For a general summary of the law on this important subject, and notes of cases decided on the land titles in this state, see the act for opening the Land-Office, &c. passed April 1st, 1784; (chap. 1083.)

For a reference to all the laws rela-

CHAPTER DCCCCXXXI.

An ACT for the better support of the public credit, by an immediate sale of the lands therein mentioned, and fully securing the purchasers thereof in their titles, and also for preserving the common lands appurtenant to the city of Philadelphia, and other towns in this state, from unwarrantable encroachments.

WHEREAS the speedy and honourable redemption of the bills of credit, issued for the support of the just and necessary war in which we are now engaged, will have a happy tendency to re-establish public faith, and induce well-affected individuals freely to advance their property for the purposes of government, if they are secured of a true and real equivalent: And whereas the bills of credit of this state, dated on the twenty-ninth day of April last, were funded upon the solid property of the state, consisting of the Province Island, and the unappropriated lots contained within the bounds of the city of Philadelphia, which said lands were, by a former act of Assembly, subjected to sale, to be made by the President or Vice-President in Council, at any time within four years thereafter: And a speedy sale of the said island having become necessary, the same hath been advertised at public auction, to redeem the said bills of credit, so far as the price thereof shall extend: And whereas it is manifest that a part of the said bills of credit will remain unredeemed, after the said island shall be sold as aforesaid, for the redemption of which the said city lots have been solemnly pledged, and it is necessary to dispose of the same, in like manner, so that the purchasers may be assured of a clear and indefeasible title, and thereby be induced to offer the full value thereof:

II. *Be it therefore enacted, and it is hereby enacted,* That it shall and may be lawful for the President or Vice-President in Council, and he is hereby authorised and required, with all convenient speed, to apportion and set off such and so many of the said city lots, as shall, in his judgment and discretion, be sufficient to satisfy and redeem the residue of the said bills of credit, together with the interest which shall be due thereon, and also the charges of selling the said lands, and cancelling the said bills of credit remaining unredeemed, after the sale of the said island, and, so apportioned and set off, sell the same at public auction to the highest bidder, pursuant to the said act, entitled *An Act for striking the sum of one hundred thousand pounds in bills of credit, for the present support of the army, and for establishing a fund for the certain redemption of the same, and for other purposes therein mentioned;** in all cases

Certain city lots to be sold at public auction,

to redeem bills of credit, &c.

* [chap. 890.]