

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for any person and persons, to make and keep open at his or their own expense, a passage in Jacob Weiss' mill dam, across Pocopoco or Big creek, in Northampton county aforesaid, sufficient for the passage of rafts and boats, provided that the said passage, so made and kept open, shall not injure the private rights of the said Jacob Weiss, his heirs or assigns; and the said Pocopoco creek, from the mouth to the falls thereof, shall be a public highway from and after the passing of this act, saving the rights of the said Jacob Weiss, as aforesaid.

[Section III.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That from and after the passing of this act, Penn's creek, in the county of Northumberland, below the mouth of Sinking creek, not heretofore declared a public highway, shall hereafter be, and is hereby, declared to be a public highway, from the mouth thereof to the mouth of Sinking creek.

Passed April 3, 1792. Recorded L. B. No. 4, p. 317. Supplement passed March 6, 1793, Chapter 1661. See Act of April 11, 1795, Chapter 1829.

CHAPTER MDCXXIV.

AN ACT FOR THE SALE OF THE VACANT LANDS WITHIN THIS COMMONWEALTH.

Whereas the most valuable lands within this commonwealth, included within the purchase made from the native Indians in the year one thousand seven hundred and sixty-eight, have been taken up, located and appropriated for the use of divers purchasers, at prices heretofore established by law, and those which remain unsold and unsettled, being inferior in quality and situation, cannot be sold at the same prices; and whereas the prices fixed by law for other lands belonging to the com-

monwealth, are found to be so high as to discourage actual settlers from purchasing and improving the same:

[Section I.] (Section I, P. L.) Be it therefore 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 from and after the passing of this act, the price of all the vacant lands within the limits of the purchase made of the Indians in the year one thousand seven hundred and sixty-eight, and all preceding purchases, excepting always such lands as have been previously settled upon or improved, shall be reduced to the sum of fifty shillings for every hundred acres, and the price of vacant lands, within the limits of the purchase made of the Indians in the year one thousand seven hundred and eighty-four, and lying east of Allegheny river and Conewango creek, shall be reduced to the sum of five pounds for every hundred acres thereof, and the same shall and may be granted to any person or persons applying for the same at the price aforesaid, in the manner and form accustomed under the laws heretofore enacted and now in force.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That from and after the passing of this act, all other lands belonging to this commonwealth, and within the jurisdiction thereof, and laying north and west of the rivers Ohio and Allegheny and Conewango creek, excepting such parts thereof as heretofore have been, or hereafter shall be, appropriated to any public or charitable use, shall be, and are hereby offered for sale to persons who will cultivate, improve and settle the same, or cause the same to be cultivated, improved and settled, at and for the price of seven pounds ten shillings for every hundred acres thereof, with an allowance of six per centum for roads and highways, to be located, surveyed and secured to such purchasers, in the manner hereinafter mentioned.

[Section III.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That upon the application of any person who may have settled and improved, or is desirous to settle and improve, a plantation within the limits aforesaid,

to the secretary of the land office, which application shall contain a particular description of the lands applied for, there shall be granted to him a warrant for any quantity of land within the said limits, not exceeding four hundred acres, requiring the surveyor general to cause the same to be surveyed for the use of the grantee, his heirs and assigns forever, and make return thereof to the surveyor general's office, within the term of six months next following, the grantee paying the purchase money, and all the usual fees of the land office.

[Section IV.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That the surveyor general shall, with the approbation of the governor, divide the lands thus offered for sale into proper and convenient districts, in such manner as he may think expedient, so that the boundaries of each district, either natural or artificial, may be known, and appoint one deputy surveyor for each district, who shall give bond and security, as is customary with other deputy surveyors in this commonwealth, and shall reside within, or as near as possible to, his respective district; and every such deputy surveyor shall, within sixty days next after his appointment, certify to the surveyor general, the county, township and place where such deputy surveyor shall keep his office open, for the purpose of receiving warrants, in order that all persons who may apply for lands as aforesaid may be duly informed thereof; and every deputy surveyor who shall receive any such warrant, shall make fair and clear entries thereof in a book, to be provided by him for that purpose, distinguishing therein the name of the person therein mentioned, the quantity of land, date thereof, and the day on which such deputy surveyor shall receive the same, which books shall be open at all reasonable hours, to every applicant, who shall be entitled to copies of any entries therein, to be certified as such, and signed by the deputy surveyor, the party paying one quarter of a dollar therefor.

[Section V.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That the deputy surveyor shall, at the reasonable request and proper cost and charges of the respective grantees in such warrants named, proceed to sur-

vey the lands in such warrants described, as nearly as may be, according to the respective priorities of their warrants; provided, that they shall not, by virtue of any warrant, survey any tract of land that may have been actually settled and improved prior to the date of the entry of such warrant with the deputy surveyor of the district, except for the owner of such settlement and improvement; and having perfected such surveys, shall enter the same in a book to be kept by the deputy surveyor, and to be called the survey book, and the same book shall remain in his office, liable to be inspected by any person whatsoever, who shall demand to see the same, upon the payment of eleven pence for every search; and the deputy surveyor shall cause copies of any such survey to be made out and delivered to any person, upon the payment of one quarter of a dollar for each copy.

[Section VI.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That in making any survey by any deputy surveyor, he shall not go out of his proper district to perform the same, and that every survey made by any deputy surveyor without his proper district shall be void and of non effect; and the surveyor general and his deputies are hereby severally directed and enjoined to survey, or cause to be surveyed, the full amount of land contained and mentioned in any warrant, in one entire tract, if the same can be found, in such manner and form as that such tract shall not contain in front on any navigable river or lake, more than one-half of the length or depth of such tract, and to conform the lines of every survey in such manner as to form the figure or plot thereof, as nearly as circumstances will admit, to an oblong, whose length shall not be greater than twice the breadth thereof; and in case any such survey should be found to contain a greater quantity of land than is mentioned in the warrant on which it shall be made, so that such excess be not more than one-tenth of the number of acres mentioned in such warrant, besides the usual allowances for roads and highways, the return thereof shall nevertheless be admitted under the warrant, provided the party procuring such return to be made shall forthwith pay to the receiver general of the land office, the price or value of such

excess or overplus land, at the same rate at which he paid for the land mentioned in the warrant.

[Section VII.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That every deputy surveyor to be appointed by virtue of this act shall, within the month of February in the next year, make and return into the office of the surveyor general, plots of every survey which he shall have made in pursuance of any warrant, connected together in one general draft, so far as they may be contiguous to each other, with the courses and distances of each line, the quantity of land contained in each survey, and the name of the person for whom the same was surveyed; and every succeeding year he shall make a like return of the surveys made in the year preceding.

[Section VIII.] (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That the deputy surveyor of the proper district shall, upon the application of any person who has made an actual settlement and improvement on lands lying north and west of [the] rivers Ohio and Allegheny, and Conewango creek, and upon such person paying the legal fees, survey and mark out the lines of the tract of land to which such person may, by conforming to the provisions of this act, become entitled, by virtue of such settlement and improvement. Provided, That he shall not survey more than four hundred acres for such person, and shall, in making such survey, conform himself to all the other regulations by this act prescribed.

[Section IX.] (Section IX, P. L.) And be it further enacted by the authority aforesaid, That no warrant or survey to be issued or made in pursuance of this act, for lands lying north and west of the rivers Ohio and Allegheny, and Conewango creek, shall vest any title in or to the lands therein mentioned, unless the grantee has, prior to the date of such warrant, made, or caused to be made, or shall, within the space of two years next after the date of the same, make, or cause to be made, an actual settlement thereon, by clearing, fencing and cultivating at least two acres for every hundred acres contained in one survey, erecting thereon a messuage for the habitation of man, and residing or causing a family to reside thereon, for the space

of five years next following his first settling of the same, if he or she shall so long live; and that in default of such actual settlement and residence, it shall and may be lawful to and for this commonwealth to issue new warrants to other actual settlers for the said lands, or any part thereof, reciting the original warrants, and that actual settlements and residence have not been made in pursuance thereof, and so as often as defaults shall be made, for the time and in the manner aforesaid, which new grants shall be under the subject to all and every regulations contained in this act. Provided always, nevertheless, That if any such actual settler, or any grantee in any such original or succeeding warrant, shall, by force of arms of the enemies of the United States, be prevented from making such actual settlement, or be driven therefrom, and shall persist in his endeavors to make such actual settlement as aforesaid, then, in either case, he and his heirs shall be entitled to have and to hold the said lands, in the same manner as if the actual settlement had been made and continued.

[Section X.] (Section X, P. L.) And be it further enacted by the authority aforesaid, That the lands actually settled and improved according to the provisions of this act, to whosoever possession they may descend or come, shall be and remain liable and chargeable for the payment of the consideration or purchase money, at the rate aforesaid for every hundred acres, and the interest thereon accruing from the dates of such improvements; and if such actual settler, not being hindered as aforesaid, by death, or the enemies of the United States, shall neglect to apply for a warrant for the space of ten years after the time of passing this act, it shall and may be lawful to and for this commonwealth, to grant the same lands, or any part thereof, to others, by warrants reciting such defaults; and the grantees complying with the regulations of this act shall have, hold and enjoy the same to them, their heirs and assigns; but no warrant shall be issued in pursuance of this act until the purchase money shall be paid to the receiver general of the land office.

[Section XI.] Section XI, P. L.) And be it further enacted by the authority aforesaid, That when any caveat is deter-

mined by the board of property, in manner heretofore used in this commonwealth, the patent shall nevertheless be stayed for the term of six months, within which time the party against whom the determination of the board is, may enter his suit at common law, but not afterwards; and the party in whose favor the determination of the board is, shall be deemed and taken to be in possession, to all intents and purposes of trying the title, although the other party should be in actual possession, which supposed possession shall nevertheless have no effect upon the title; at the end of which term of six months aforesaid, if no suit is entered, a patent shall issue according to the determination of the board, upon the applicant producing a certificate of the prothonotary of the proper county that no suit is commenced, or if a suit is entered, a patent shall, at the determination of such suit, issue in common form to that party in whom the title is found by law; and in both cases the patent shall be and remain a full and perfect title to the lands against all parties and privies to the said caveat or suit; saving nevertheless to infants, femes covertes, persons beyond sea, non-comptes mentes, and others under disabilities, their respective rights, until twelve months after such disabilities are removed.

[Section XII.] (Section XII, P. L.) And be it further enacted by the authority aforesaid, That no direct taxes shall be levied, assessed or collected, for the use of this commonwealth, upon or from any of the lands or tenements lying north and west of the purchase made of the Indians in the year one thousand seven hundred and sixty-eight, or the personal estate found thereupon, for the full space or term of ten years from and after the passing of this act.

[Section XIII.] (Section XIII, P. L.) And be it further enacted by the authority aforesaid, That the following tracts of land shall be reserved for the use of the commonwealth, that is to say: at Presque Isle, formed by Lake Erie, the island or peninsula which forms the harbor and a tract extending eight miles along the shore of the lake, and three miles in breadth, so as to include the tract already surveyed, by virtue of a resolution of the general assembly, and the whole of the harbor

formed by the said Presque Isle at the mouth of Harbor creek, which empties into the Lake Erie, and along the shore of the lake on both sides of said creek, two thousand acres.

[Section XIV.] (Section XIV P. L.) And be it further enacted by the authority aforesaid, That all the lands within the triangle on Lake Erie, purchased from the United States, shall be taken and deemed, and they are hereby declared to be, within the limits of the county of Allegheny.

[Section XV.] (Section XV, P. L.) And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the holder or holders of any unsatisfied warrant and warrants, heretofore issued for lands, agreeably to the seventh section of the act, entitled "An act to alter and amend an act of assembly, entitled 'An act for opening the land office for granting and disposing of the unappropriated lands within this state,'"¹ passed on the twenty-first day of December, in the year one thousand seven hundred and eighty-four, to locate the quantity of land for which such unsatisfied warrant and warrants was and were granted, in any district of vacant and unappropriated land within this commonwealth, provided the owner or owners of such unsatisfied warrants shall be under the same regulations and restrictions as other owners of warrants taken for lands lying north and west of the Allegheny river and Conewango creek, are made subject by this act, the said recited act, or any other act or acts of the general assembly, to the contrary thereof in anywise notwithstanding.

Passed April 3, 1792. Recorded L. B. No. 4, p. 319. Laying out town of Presque Isle; see Act of April 8, 1793, Chapter 1677. Donation lands promised State troops; see Act of April 6, 1792, Chapter 1637. See Acts passed April 18, 1856, appointing commissioners to lay out the town of Erie.

¹Chapter 1122.