

been made, may be disposed of in such manner as the legislature shall in the future by law direct.

[Section VII.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That the surveyor general shall give notice in one of the public newspapers in the city of Philadelphia, and in one public paper in each county of this state in which newspapers are printed, for six successive weeks, between the first day of May and the first day of August next, that the term limited by law is extended for the respective periods above mentioned.

¹Chapter 1139.

Passed April 17, 1795. Recorded L. B. No. 5, p. 440, etc.

See Act of March 20, 1797, Chapter 1928, extending time for application for lands. See Act of April 11, 1799, Chapter 2081, extending time regulating proof of claims.

CHAPTER MDCCCLVI.

AN ACT TO PROVIDE FOR LAYING OUT AND ESTABLISHING TOWNS AND OUT LOTS WITHIN THE SEVERAL TRACTS OF LAND HERETOFORE RESERVED FOR PUBLIC USES, SITUATED RESPECTIVELY AT PRESQUE ISLE, ON LAKE ERIE, AT THE MOUTH OF FRENCH CREEK, AT THE MOUTH OF CONEWANGO CREEK, AND AT FORT LE BOEUF.

In order to facilitate and promote the progress of settlements within this commonwealth, and to afford additional security to the frontiers thereof, by the establishment of towns within the several tracts of land heretofore reserved for public uses:

[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 the governor may and shall appoint two commissioners, to survey, or cause to be surveyed, one thousand and six hundred acres of land for town lots, and three thousand and four hundred acres of land, adjoining thereto, for out lots, at or near to Presque Isle, on Lake Erie, within the

tract heretofore reserved for public use, in and by an act, entitled, "An act for the sale of the vacant lands within this commonwealth,"¹ passed on the third day of April, in the year one thousand seven hundred and ninety-two; and the said lands so surveyed shall respectively be laid out into town lots and out lots, in such manner and with such streets, not more than one hundred nor less than sixty feet wide, and such lanes, alleys and reservations for public uses, as the said commissioners shall direct; but no town lots shall contain more than one-third of an acre, no out lot shall contain more than five acres, nor shall the reservations for public uses exceed in the whole twenty acres; and the town hereby directed to be laid out shall be called "Erie," and all the streets, lanes and alleys thereof, and of the out lots thereto adjoining, shall be and forever remain common highways.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That the said commissioners shall, with all convenient dispatch, file a draught return and report of the survey and proceedings made and executed by virtue of this act, in the office of the secretary of the commonwealth, and thereupon it shall be lawful for the governor, at such time and times, in such manner and on such terms, as to him shall appear most advantageous to the commonwealth, to sell, or cause to be sold, at public auction, and by letters patent under the seal of the state, to grant and convey, to the highest and best bidders respectively, one-third part of the town lots, and one-third part of the out-lots surveyed and laid out as aforesaid, upon the conditions hereinafter specified, that is to say: that the respective purchasers shall and do, within the term of two years from and after the day of sale, erect and build one house, at least sixteen feet square, and containing at least one brick or stone chimney, on each and every town lot by them respectively purchased; and the governor shall not grant nor issue any patent, nor, from and after the expiration of the said term of two years, shall any sale so made as aforesaid be deemed or construed to vest in the respective purchasers any title, interest, claim or demand, in law or equity, to the lots by them respectively purchased, but all payments previously made shall thenceforth be forfeited to the com-

monwealth, unless satisfactory proof be first given to the court of common pleas of the proper county, and be by such court certified to the governor, that a house has been erected and built on the town lots respectively, for which patents shall from time to time be required, according to the true intent and meaning of this act. Provided always, That the governor shall, at least eight weeks previously to the sale of the said town lots and out lots, or any of them, issue and publish, or cause to be issued and published, in at least one newspaper in each of the counties in this commonwealth in which newspapers are printed, a notification of the time, place, terms and conditions of such sale. Provided also, That the governor shall cause a draught or draughts of the said town and out lots to be exposed to view in some suitable public situation, in each of the places where such notifications shall be published, and also at the time and place when and where the said lots shall be exposed to sale. And provided further, That at the time of such sale, not more than one town lot and one out lot shall be put up to sale together.

[Section III.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That one moiety or half part of the purchase money of each and every lot sold in the manner directed in this act shall be paid within three months from and after the time of such sale, and the other moiety or half part thereof within one year from the time of such sale, together with lawful interest for the same; and in case payment for any of the lots should not be made within the term or terms herein mentioned and fixed for payment, the sale of such lot or lots shall be absolutely void and of no effect.

[Section IV.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That the said commissioners shall also survey, or cause to be surveyed, previously to and exclusive of the survey of the said town lots and out lots, one lot of sixty acres, on the southern side of the harbor of Presque Isle, one moiety thereof upon the bank, and the other moiety below the bank, comprehending the point at the entrance of the harbor, one lot of thirty acres on the peninsula, at or near the entrance of the harbor, and one other lot on the peninsula, to contain one hundred acres, for the accommodation and use of the United

States, in erecting and maintaining forts, magazines, arsenals and dock yards thereon, and in such other improvements as the said United States may judge proper to make for their advantage and convenience; and the situations and forms of the said three lots shall be chosen and fixed, with special reference to the uses aforesaid, by the said commissioners, and the engineer who shall be employed by the United States, if any such shall be appointed and shall attend for that purpose, and the said commissioners shall, with all convenient dispatch, return and file in the office of the secretary of the commonwealth, a draught of said draught being approved by the governor, and recorded by the secretary, shall be deposited in the office of the surveyor general; and it shall be lawful for the United States, at any time thereafter, to take possession of and occupy the said three last mentioned lots, and thereon to erect, establish and maintain all necessary forts, magazines, arsenals and dock yards, and to make such other improvements thereon as they may judge proper, and the same to continue to possess, occupy and hold, so long as they shall deem it expedient to maintain, and shall actually maintain, a fort, garrison or other military establishment, at or near Presque Isle, and no longer. Provided always, That if the mill seats on the creek running near the ruins of the old French fort shall fall within the cessions hereby made to the United States, the same shall nevertheless be, and hereby are reserved for the use of this state, with the right of erecting mills thereon, but no buildings, mills excepted, shall be erected within six hundred yards of the centre of any fort which shall be erected by the United States on either of the lots ceded to them as aforesaid. Provided also, That it shall be lawful to lay out and open convenient roads through such parts of the said three lots, as the reasonable accommodation of the state or its citizens may require, without injury to the United States in respect to the true object of the cession; and it is the express intent and meaning of this act, that nothing herein contained shall be deemed, construed or in any wise taken to cede and transfer unto the United States the jurisdiction or right of soil in and to the said three last mentioned lots, but only the occupancy and use thereof for the purposes aforesaid.

[Section V.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That the said commissioners shall also survey, or cause to be surveyed, three hundred acres for town lots, and seven hundred acres of land adjoining thereto for out lots, at the most eligible places within the tract heretofore reserved for public use at the mouth of French Creek; and the lands so surveyed shall be respectively laid out and divided into town lots and out lots, in such manner and with such streets, lanes, alleys and reservations for public uses, as the said commissioners shall direct; but no town lot shall contain more than one-third of an acre, no out lot shall contain more than five acres, nor shall the reservations for public uses exceed in the whole ten acres; and the town hereby last directed to be laid out shall be called "Franklin," and all the streets, lanes and alleys thereof, and of the out lots thereto adjoining, shall be and forever remain common highways.

[Section VI.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That the said commissioners shall file a draught, return and report of the survey, and proceedings made and executed with respect to the last mentioned town and out lots; and the governor shall proceed to sell at public auction, and to convey to the respective purchasers, one-third of the town lots, and one-third of the out lots, in like manner, with like power and authority, and subject to the like regulations, restrictions, terms, conditions and forfeitures, as are hereinbefore provided touching the survey, return, sale and conveyance of the town lots and out lots directed to be laid out at or near to Presque Isle.

[Section VII.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That the said commission shall also survey, or cause to be surveyed, three hundred acres for town lots, and seven hundred acres of land adjoining thereto for out lots, at the most eligible place within the tract heretofore reserved for public use at the mouth of Conewago creek; and the lands so surveyed shall be respectively laid out and divided into town lots and out lots, in such manner, and with such streets, lanes, alleys and reservations for public uses, as the said commissioners shall direct; but no town lot shall contain more

than one-third of an acre, no out lot shall contain more than five acres, nor shall the reservations for public uses exceed in the whole ten acres; and the town hereby last directed to be laid out shall be called Warren," and all the streets, lanes and alleys thereof, and of the out lots thereto adjoining, shall be and remain common highways.

[Section VIII.] (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That the said commissioners shall file a draught, return and report of the survey, and proceedings made and executed with respect to the said last mentioned town and out lots; and the governor shall proceed to sell at public auction, and to convey to the respective purchasers, one-third of the town lots, and one-third of the out-lots, in like manner, with like power and authority, and subject to the like regulations, restrictions, terms, conditions and forfeitures, as are hereinbefore provided touching the survey, return, sale and conveyance of the town lots and out lots directed to be laid out at or near Presque Isle.

(Section IX, P. L.) And whereas Andrew Ellicott lately surveyed and laid out a town, within the tract heretofore reserved for the public use at Le Boeuf, near the head of the navigation of French creek, and the draught and plan of the said town being communicated by the governor to the general assembly, was by them approved. Therefore:

[Section IX.] Be it enacted by the authority aforesaid, That the said draught and plan of the town so surveyed and laid out by the said Andrew Ellicott, within the tract heretofore reserved for the public use at Le Boeuf aforesaid, being first recorded in the office of the secretary of the commonwealth, and the original thereof deposited in the office of the surveyor general, shall be, and the same is hereby, in all respects, accepted, ratified, confirmed and established, as fully and effectually as if it had been made by virtue of a law previously authorizing a town to be surveyed and laid out at Le Boeuf, agreeably to the division, and with such streets, lanes, alleys and reservations for public uses, as are in the said draught or plan particularly contained; and the commissioner hereinbefore directed to be appointed shall also survey, or cause to be surveyed, five hun-

dred acres of land adjoining the last mentioned town, for out lots, and the same shall be divided in such manner, and with such streets, lanes and alleys, as the said commissioners shall direct, but no out lot shall contain more than five acres, nor shall the reservation for public uses exceed in the whole ten acres and the said last mentioned town shall be called "Waterford," and all the streets, lanes and alleys thereof, and of the out lots thereto adjoining, shall be and forever remain common highways.

(Section X, P. L.) And whereas sundry persons have already built and erected houses within the said last mentioned town, and it is reasonable that they should thereby acquire a right of pre-emption on the lots on which they are respectively settled. Therefore:

[Section X.] Be it enacted by the authority aforesaid, That the several persons who have acutally settled and built houses on the several lots, which in the said draught or plan of the last mentioned town are numbered respectively nineteen, twenty, twenty-one, twenty-two, seventy-six, seventy-seven, one hundred and fifty-six, one hundred and sixty-one, and two hundred and seventy-six, or their heirs and assigns, shall, at the expiration of two years from and after the passing of this act, be entitled to claim and have patents for the said lots respectively, upon conditions hereinafter specified, that is to say: that they shall respectively give satisfactory proof to the court of common pleas of the proper county, who shall certify the same to the governor, that they, or some persons representing them respectively, have constantly resided on their respective lots for and during the said term of two years, and also shall, on one month's notice, pay into the treasury a sum which shall be equal to the price which shall be bid for any lots of similar dimensions and of similar situations, of which the governor shall be the judge, within the said last mentioned town, at the sale hereinafter directed to be made, and the governor shall not grant or issue any patent, nor from and after the expiration of the said term of two years, shall the settlement of such persons respectively, or any provision in this act contained, be deemed or construed to vest in the respective settlers any title, interest, claim or demand, in law or equity, to

the lots on which they are respectively settled as aforesaid, but all payments previously made shall thenceforth be forfeited to the commonwealth.

[Section XI.] (Section XI, P. L.) And be it further enacted by the authority aforesaid, That the said commissioners shall file a draught, return and report of the survey, and proceedings made and executed with respect to the said last mentioned out lots; and the governor shall proceed to sell at public auction, and to convey to the respective purchasers, one-third of the town lots, and one-third of the out lots last mentioned (exclusively of those lots that shall be reserved for public uses, and those that are appropriated in favor of the present settlers thereon by the next preceding section of this act) in like manner, with like power and authority, and subject to the like regulations, restrictions, terms, conditions and forfeitures, as are hereinbefore provided touching the survey, return, sale and conveyance of the town lots and out lots directed to be laid out at or near Presque Isle.

[Section XII.] (Section XII, P. L.) And be it further enacted by the authority aforesaid, That one-half of the town lots and out lots to be sold in pursuance of this act shall be sold in the city of Philadelphia, one-fourth in Carlisle, in the county of Cumberland, and one-fourth in Pittsburg, in the county of Allegheny.

[Section XIII.] (Section XIII, P. L.) And be it further enacted by the authority aforesaid, That it shall be lawful for the governor, with the consent of the individuals respectively, to protract the enlistments of such part of the detachment of state troops, or such part thereof as are or may be in garrison at fort Le Boeuf, or to enlist as many men as he shall deem necessary, not exceeding one hundred and thirty, for the term of eight months (unless sooner discharged) from and after the expiration of the present term of enlistment, for the same pay and allowances as are now paid and allowed to the said detachment, and to draught and employ a competent number from the said garrison to protect and assist the commissioners, surveyors and other attendants, intrusted with the execution of the several objects of this act. Provided always nevertheless, That as soon as a fort shall be established at Presque Isle, and the United States

shall have furnished adequate garrisons for the same, and for fort Le Boeuf, the governor shall discharge the said detachment of state troops, except the party thereof employed in protecting and assisting the commissioners, surveyors, and other attendants as aforesaid, which shall be continued until the objects of this act are accomplished, and no longer.

[Section XIV.] (Section XIV, P. L.) And be it further enacted by the authority aforesaid, That if occurrences shall take place, which, in the opinion of the governor, will make it requisite that a greater force than the aforesaid detachment will be necessary to carry into effect the purposes of this act, or if, in his opinion, from the continuation of hostilities by the Indians, it will be requisite for the defense of any part of the western frontiers, he may, at his discretion, raise one complete company of expert riflemen, to consist of one captain, one lieutenant, one ensign, four sergeants, four corporals, one drummer and fifer, or two buglers, and sixty-five privates, to serve until the first day of December next, unless sooner discharged, who shall be entitled to the same pay and rations, and be under the same regulations and restrictions, as the troops directed to be raised by an act passed the twenty-eighth day of February, in the year of our Lord one thousand seven hundred and ninety-four, entitled, "An act for the more effectually securing the trade, peace and safety of the port of Philadelphia, and defending the western frontiers of this commonwealth."¹

[Section XV.] (Section XV, P. L.) And be it further enacted by the authority aforesaid, That in order to defray the expenses of making the survey at Le Boeuf, there shall be, and hereby is, appropriated the sum of seventeen thousand dollars, to be paid by the treasurer on the warrants of the governor; and the accounts of all disbursements, services and expenses, made and incurred in pursuance of this act, shall be exhibited and settled agreeably to the laws for settling other public accounts.

[Section XVI.] (Section XVI, P. L.) And be it further enacted by the authority aforesaid, That the act, entitled, "An act for laying out the town at Presque Isle,"² passed the eighth day of April, one thousand seven hundred and ninety-three, and

the supplement thereto, passed the eighteenth day of April, one thousand seven hundred and ninety-four, shall be, and the same are hereby, repealed.

Passed April 18, 1795. Recorded L. B. No. 6, p. 1.

See Act of April 11, 1799, Chapter 2080, as to sale of adjoining lands reserved.

¹Chapter 1715.

²Chapter 1677.

CHAPTER MDCCCLVII.

AN ACT FOR PROVIDING FOR THE INSPECTION OF GUNPOWDER.

Whereas gunpowder imported from abroad, and manufactured within this state, hath frequently been found to vary much in its strength, and sometimes of inferior qualities, and its defects not discovered until brought into actual use:

And whereas the modes heretofore used to prove the force thereof have been found uncertain and variable:

And whereas Joseph Leacock, of the city of Philadelphia, hath invented an engine, called a pendulum powder proof, with a graduated arch and catch-pall, by which it is conceived that the force of gunpowder may be proved by experiment, and the article reduced to certain and uniform standards of strength, whereby the manufacture may be advanced toward ultimate perfection, and the purchaser and consumers protected against fraud and imposition:

[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 from and after the first day of October next, all gunpowder manufactured within this state, with intent to sell the same within the city or county of Philadelphia, shall be put in good and tight kegs, or casks, of twenty-five, fifty or one hundred pounds net weight each, made of well seasoned timber, bound together with at least twelve hoops, and