

LAND OFFICE - PUBLIC LANDS - GRANTS, WARRANTS AND SURVEYS

Act of Apr. 3, 1792, 3 Sm.L. No. 1613

Cl. 68

AN ACT

For the sale of the vacant lands within this commonwealth.

Section 2. 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 lying 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 3. 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 for 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 Land Office and all the usual fees of the Land Office.

Section 4. 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 book shall be open at all seasonable 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 5. 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 survey 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 6. 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 and 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 allowance 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 over-plus land, at the same rate at which he paid for the land mentioned in the warrant.

Section 7. 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 8. 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, be 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 9. 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 default shall be made, for the time and in the manner aforesaid, which new grants shall be under and subject to all and every the regulations contained in this act: Provided always, nevertheless, That if any such actual settler, or any grantee in any such original or succeeding warrants 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 10. 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 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 15. 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," passed on December 21, 1784, 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 of any other act or acts of the General Assembly to the contrary thereof in any wise notwithstanding.