

PUBLIC LANDS - LAND OFFICE - WARRANTS, PATENTS AND SURVEYS

Act of Mar. 1, 1811, P.L. 54, No. 48

Cl. 68

AN ACT

To encourage the warranting and patenting of lands, north and west of the rivers Ohio and Allegheny and Conewango creek.

Section 1. Mortgages for purchase money

The Secretary of the Land Office of this commonwealth be and he is hereby authorized to issue warrants and patents to all actual settlers residing north and west of the rivers Ohio and Allegheny, and Conewango Creek, who have complied with the acts of 1792 and 1794, who may apply within two years after the passing of this act with such documents as are now required by law to obtain warrants and patents in that part of the state, also a certificate of the deputy surveyor of the proper district, certifying that to the best of his knowledge and belief, the lands contained in said survey had not been claimed by any other person, by warrant or otherwise, and on the payment of the usual fees of office, such persons shall receive their warrants and patents, upon executing a mortgage to the Governor for the use of the Commonwealth to secure the payments of the purchase money and the interest due this Commonwealth, in ten equal annual instalments, and all mortgages executed in pursuance of this act shall be for the purchase money and interest thereon only, and shall be filed in the office of the Secretary of the Land Office, and shall be available in law without the recording thereof. And it shall be the duty of the Secretary of the Land Office, before he shall deliver any such patent to be enrolled, to indorse thereon that a mortgage is executed by the patentee to the Governor, for the use of the Commonwealth, to secure the payments as aforesaid, specifying the amount thereof: Provided always, that any person or persons, who have executed, or who may hereafter execute a mortgage or mortgages to the Governor, for the use of the Commonwealth, to secure the payment of purchase money on lands, shall not in consequence of their executing such mortgage or mortgages, be deprived of the privileges to which freeholders are entitled, any law or custom to the contrary notwithstanding. That nothing in this act shall prevent any person or persons or their legal representatives from paying the whole amount due the Commonwealth, at any time within the ten years aforesaid; and that the application and mortgage as above stated may be made and executed by a legal agent or representative, duly constituted by letter of attorney, acknowledged before some Justice of the Peace in the county where the land may lie: provided, that no warrant or patent issued under the authority of this act to any actual settler shall prejudice or in any wise affect, or impair the right, interest or claim of any person or persons whomsoever in any of the said lands. 1811, March 1, P.L. 54, 5 sm.1. 198, Sec. 1.

Compiler's Note: Section 28 of Act 207 of 2004 provided that any and all references in any other law to a "district justice" or "justice of the peace" shall be deemed to be references to a magisterial district judge.

Section 2. Warrants to be issued for land surveyed under act of 1792, without re-survey

All surveys made, or that may hereafter be made, agreeably to the eighth section of the act of April 3, 1792, and entered in the survey book of the proper Deputy Surveyor. It shall be the duty of the Deputy Surveyors, on application to them made, to make return of said surveys into the Surveyor General's

office at any time after the passing of this act, and the Surveyor General shall file the same in his office, after which the lands so surveyed and returned need not be again surveyed, but the Secretary of the Land Office shall issue warrants of acceptance for the same to the person or persons applying to take their titles, agreeably to the provisions and directions of the first section of this act. 1811, March 1, P.L. 54, 5 sm.l. 198, Sec. 2.

Section 3. Money received to be entered to credit of applicant

At any time after the passing of this act, on the application of any of the settlers as aforesaid, who may have filed their applications in the land office, it shall be the duty of the Secretary of the Land Office to issue a certificate to the treasurer of this Commonwealth, authorizing him to receive any sum or sums of money, not less than ten dollars, and upon the receipt being returned to the land office, it shall be entered to the credit of the said applicant, although he may not have executed a mortgage so as to entitle him to a warrant or patent. 1811, March 1, P.L. 54, 5 sm.l. 198, Sec. 3.