

LAND OFFICE - PUBLIC LANDS - GRANTS AND PATENTS

Act of Apr. 9, 1781, 1 Sm.L. No. 929

Cl. 68

AN ACT

For establishing a Land Office, and for other purposes therein mentioned.

Compiler's Note: Under section 1203 of The Administrative Code of 1929, the Department of Community Affairs acts as the Land Office of the Commonwealth.

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,

Section 2. 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.

Section 3. 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 by 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.

Section 4. 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.

Section 5. 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, 1776, 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.

Section 6. And be it further enacted, That all purchase money due for lands in this state taken up, or entries thereof made, by any grant, license, 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 the 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 purchase money and interest.

Section 7. 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.

Section 8. 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.

Section 9. 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.

Section 10. 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 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 forever. (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.

Section 11. And be it further enacted, That all and every, the land or lands granted in pursuance of this act, shall be free 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 clear and exonerated from any charge or incumbrance whatsoever, excepting the debts of said owner.

(11 amended May 9, 1889, P.L.175, No.197)

Section 12. 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, 1776, 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, anything herein contained to the contrary in any wise notwithstanding.