

**TITLES OF LANDS SETTLING DISPUTES**  
**Act of Mar. 20, 1811, P.L. 78, No. 67**  
AN ACT

Cl. 68

Providing for the settlement of certain disputed titles to lands north and west of the rivers Ohio and Allegheny, and Conewango creek.

WHEREAS the improvement of the lands lying north and west of the rivers Ohio and Allegheny, and Conewango creek, has been and still is impeded by certain disputes which have arisen concerning the titles to the said lands under the ninth section of an act of the general assembly, passed the third day of April, one thousand seven hundred and ninety two, entitled, "An act for the sale of vacant lands within this commonwealth;" And whereas an opinion is entertained that certain persons calling themselves the Holland land company, the population company, and the North-American land company, and also other persons who claim lands by warrants obtained from this commonwealth have forfeited their title and claim thereto by reason of non-performance of the conditions as to settlement, improvement and residence contained in the section aforesaid, and that the title to the said lands is still vested in this commonwealth: And whereas other persons generally denominated actual settlers, have made settlements and resided on the same lands, in virtue whereof they claim the same under the provisions of the act aforesaid: And whereas ejectments have been issued against some of the persons last aforesaid who have suffered judgment to be rendered against them by default, on account of their inability to make defence to the said ejectments, and have been dispossessed by certain process, and it being of importance to this commonwealth that the disputes aforesaid should be settled as speedily as possible; Therefore,

Section 1. 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 in all cases where an agreement has been entered into between an original warrant-holder or his legal representative and an actual settler, to settle and improve a tract of land, previous to such settler taking possession of said tract of land lying north and west of the rivers Ohio and Allegheny, and Conewango creek, surveyed on an original warrant, and said settler or his legal representative has made such actual settlement, continued residence and improvements thereon as are described in the ninth section of the act of the third of April, one thousand seven hundred and ninety-two, although after the time required by said act in such cases, the commonwealth doth hereby ratify and confirm the title to such tract to the parties aforesaid according to their said agreement, Provided, That the claim of any other person or persons who hold adverse to such contracting parties, shall not be affected by any thing herein contained.

Section 2. And be it further enacted by the authority aforesaid, That in all cases where an actual settler has, adverse to the original warrantee, taken possession of a tract of land surveyed on an original warrant, and has made such actual settlement, residence and improvements as are described in the said ninth section of said act, and an agreement or compromise shall take place at any time after the passing of this act, and before the first day of June, one thousand eight hundred and thirteen, between such actual settler or his legal representative and the original warrantee or his legal

representative, either by the warrantee or his legal representative releasing his claim to one hundred and fifty acres with the usual allowance of said tract, to be surveyed and laid off by the proper deputy-surveyor to said settler or his legal representative, including said settler's improvements, clear of expense or consideration, excepting the consideration of said settlement, or in cases where either party shall, between the dates aforesaid, purchase the right or claim of the other to said tract of land, that in such case the commonwealth shall cease to have any further claim to said tract, and the title to the same shall be confirmed to such warrantee and settler or their legal representatives accordingly.

Section 3. And be it further enacted by the authority aforesaid, That in all cases where an actual settler has, adverse to the original warrantee, taken possession of any tract of land heretofore surveyed on any original warrant, and who has made on the same such actual settlement, residence and improvement as is required in the ninth section of the said act of the third of April, one thousand seven hundred and ninety-two, and who has purchased any part of the said tract of the warrantee to include and secure his said improvement, that in all such cases, where the said warrantee or his legal representative, on or before the first day of June, one thousand eight hundred and thirteen, shall release to the said actual settler or his legal representative his claim to one hundred and fifty acres and allowance of six per cent of said tract, clear of expense, as a consideration for making said improvement, settlement and residence to be surveyed and laid off by the proper deputy-surveyor, in such case the commonwealth shall cease to have any further claim to such tract.

Section 4. And be it further enacted by the authority aforesaid, That all actual settlers who had, adverse to the warrantees, commenced an actual settlement and residence on any tract of land heretofore surveyed on original warrants, and who have resided thereon two years, and in that time cleared, fenced and cultivated three acres of said tract of land, and have abandoned their settlements on said tracts at any time before the whole of the settlement, residence and improvements required by said ninth section of said act of one thousand seven hundred and ninety-two, were fully and completely made and ended, and who shall either himself or his legal representative return to said tract before the said first day of June, one thousand eight hundred and thirteen, and settle and reside on the same so long as with the residence and improvements aforesaid made thereon shall amount to what is required by said ninth section of said act, such settler or his representative so returning and residing as aforesaid, shall be entitled to all the benefits of an actual settler under this act and the act of the third of April, one thousand seven hundred and ninety-two, but should he or his legal representative neglect to return or fail to re-commence said settlement within said time and perform the conditions herein before-mentioned and required, his previous settlement shall be considered abandoned after said first day of June, one thousand eight hundred and thirteen, and it shall be lawful in such cases after the said day for the original warrantee or his representative, to dispose of the same, in the same manner and under the same conditions as lands where no actual settlement was commenced; and on the same conditions and under the same exceptions as in other cases, will the commonwealth cease to have any further claim to such tracts of land.

Section 5. And be it further enacted by the authority aforesaid, That every actual settler who had commenced an actual settlement and residence on a tract of land heretofore surveyed on an original warrant, adverse to the warrantees, and who has been evicted therefrom by process of law at the suit of the warrantee or his legal representatives, shall be entitled to all the benefits of an actual settler under this act and the act of the third of April, one thousand seven hundred and ninety-two, and upon the warrantee or his legal representatives releasing to such settler or his legal representative one hundred and fifty acres of said tract and the usual allowance to be surveyed and laid off by the proper deputy-surveyor, including said settler's improvement clear of expense, or in cases where either party shall purchase the right or claim of the other to said tract of land, in such case the commonwealth shall cease to have any further claim to said tract, but the title shall be ratified and confirmed to the said settler and warrantee accordingly.

Section 6. And be it further enacted by the authority aforesaid, That in all cases where no actual settlement and residence as aforesaid now exist, or has been made on a tract of land heretofore surveyed on an original warrant, but the warrantee or his legal representative shall, before the first day of June, one thousand eight hundred and fourteen, agree with any person or persons to commence an actual settlement on said tract on or before the said first day of June, one thousand eight hundred and fourteen, and release to such actual settler his claim to a hundred and fifty acres and allowance of said tract clear of expense, to be laid off by the deputy-surveyor of the proper county; and said person or persons, his or their legal representatives, shall commence an actual settlement on the same before said time and continue a residence thereon for five years next following the first commencement, and within that time clear, fence and cultivate at least two acres for every hundred acres in said survey, and erect a house thereon fit for the habitation of man, in such cases the commonwealth shall cease to have any further claim to said tract and will confirm and ratify the title to the same.

Section 7. And be it further enacted by the authority aforesaid, That where patents commonly called prevention-patents have issued to said party or parties for said land, and he, she or they, shall request a new patent for the same land, it shall be granted on payment of the usual fees of office, and on delivering up the old patent to the secretary of the land-office that it may be cancelled.

Section 8. And be it further enacted by the authority aforesaid, That in all cases where the original warrantee or his legal representative shall compromise with an actual settler for a tract of land in any of the ways before mentioned, and where a new warrant of default shall have been issued for the same tract, the state treasurer shall repay the amount of purchase-money that may have been paid for said vacating-warrant, together with the fees of office.

Section 9. And be it further enacted by the authority aforesaid, That none of the provisions in the foregoing sections of this act shall be construed to affect any agreement heretofore made between an actual settler who has made the settlement, residence and improvements, on a tract of land, and any person who was to procure the title for the said settler, and on which tract of land the original warrantee had failed to fulfil the conditions of the said ninth section of the said act of one thousand seven hundred and ninety-two, but all such

contracts shall remain as heretofore, unless an agreement shall take place between all parties concerned before the aforesaid first day of June, one thousand eight hundred and thirteen, or the original grantee or his legal representative shall release his claim to the contracting parties, on which release taking place, the state in all such cases will cease to have any further claim to said land, and the titles shall be ratified and confirmed accordingly.

Section 10. And be it further enacted by the authority aforesaid, That the party or parties to any of the compromises or agreements, mentioned in the foregoing sections, shall cause the evidence of such agreement or compromise to be recorded in the office for recording of deeds of the county in which the said land lies, and a certified copy thereof transmitted to the secretary of the land-office shall be evidence of such agreement, and the usual proof of settlement and residence being filed in said land-office, patents shall thereupon issue agreeable to the provisions in the foregoing sections, anything herein before said to the contrary notwithstanding.

Section 11. And be it further enacted by the authority aforesaid, That any civil process which shall be issued out of any court of record or from any alderman or justice of the peace within this commonwealth, against the Holland land company, the Pennsylvania population company, or the North-American land company, or other warrant holders, by the name of the respective companies or warrant holders, as the case may require, shall be served on the agent or attorney in fact of said company, or other warrant holders, in cases where attorneys or agents are or may be appointed; and on due proof of said service, and on return thereof being made according to law, the same proceeding shall be had thereon against any of said companies or warrant holders, their agents or attorneys, as is had against other defendants in like cases, agreeably to the laws of the commonwealth.

**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 12. And be it further enacted by the authority aforesaid, That in cases where an actual settler may heretofore have purchased the right of a warrantee to a tract of land, north and west of the rivers Ohio and Allegheny, and Conewango creek, whereon he may have made an actual settlement agreeably to the act of the third of April, one thousand seven hundred and ninety-two, and where such settler shall apply to the land-office to patent the same, it shall be the duty of the secretary of the land-office to grant such patent on the usual proof of settlement being made, and a regular chain of title being produced from such warrantee and the arrears of purchase money, (if any there be,) and the usual office fees being first paid; Provided, That nothing contained in the foregoing shall be construed to prevent the commonwealth at any time hereafter from asserting her right in cases of forfeiture under the act of the third of April, one thousand seven hundred and ninety-two, where the warrant holders and actual settlers shall fail to embrace the provisions of this act.

Section 13. And be it further enacted by the authority aforesaid, That this act be published four weeks successively in one newspaper in the city of Philadelphia, and in such other newspapers published in the western counties of this state, as the governor may think proper to direct, on or before the first

day of June next, and the expense thereof shall be paid out of any unappropriated money in the treasury after settlement made by the accountant department.