

ALIENS TO PURCHASE AND HOLD REAL ESTATE - SUPPLEMENT
Act of Mar. 31, 1837, P.L. 121, No. 59

Cl. 68

Section 1. Purchases of lands not exceeding 5000 acres confirmed

All purchases of lands, tenements and hereditaments, within this Commonwealth, not exceeding five thousand acres, heretofore made, by all and every foreigner and foreigners, alien or aliens, not being the subject or subjects of some sovereign state or power, which is, or shall have been at the time or times of such purchase or purchases, at war with the United States of America, and who are residents within the United States, are hereby confirmed, and it shall be lawful for all and every such foreigner and foreigners, alien or aliens, to have and to hold the same, to them, their heirs and assigns, forever as fully, to all intents and purposes, as any natural born citizen or citizens may or can do. (1837, March 31, P.L. 121, Sec. 1.)

Section 2. Sales of lands by aliens confirmed; titles derived by descent from alien ancestors confirmed

In all cases where aliens have purchased real estate within this Commonwealth, and have sold the same, the said sales shall be valid, to all intents and purposes, and shall be construed to vest the title to the said real estate, as fully and effectually as if the said aliens had been citizens at the time of purchasing the same and in all cases where any alien residing in this Commonwealth, shall have purchased or held real estate therein, and shall have died without having been naturalized, the title thereof is hereby confirmed to his heirs, who, in case he had been a citizen would have inherited the same, and there shall be no escheat by reason of such alienage: Provided, That nothing herein contained shall in any wise affect or impair the vested rights of any other individual or individuals. (1837, March 31, P.L. 121, Sec. 2.)

Section 3. It shall be lawful for said burgess and council their officers, engineers and agents to enter upon any lands necessary for the purpose of surveying and locating the route, for conducting said water to the proper point or points in said borough, and placing down the necessary pipes or conductors, and to thereafter repair, improve or enlarge the same, and to take and hold possession of so much land as shall be required for constructing reservoirs and keeping the same in repair.

Section 4. When said burgess and council cannot agree with the owner or owners of such required land for the purchase thereof, or with persons claiming to have sustained damage by reason of any thing done under the authority of this act, or when, by reason of the legal incapacity of any such owner or owners or person damaged, no such purchase or agreement can be made, the court of Quarter Sessions of Erie county, shall, on the application of either party, take the same measures for ascertaining and enforcing payment of the value of such land or amount of damage done as is prescribed by the laws of the commonwealth in case of private roads: Provided, That no compensation for damage shall be allowed, unless the proper

proceedings for ascertaining the amount there of be instituted within one year after the land shall have been taken or damage done, saving to orphans and insane persons, one year after their disability shall be removed, to institute their proceedings for the purpose aforesaid.

Section 5. That the county commissioners of the counties of Erie, Beaver, Venango and Warren, are hereby, respectively, constituted a board of appraisers, and are required, respectively, to appraise all the in-lots and out-lots in the towns of Erie, Waterford, Beaver, Franklin and Warren, on which any purchase money is due to the commonwealth, and make out a list of such lots as soon as conveniently may be, and return the same, properly certified under their hands and official seals, to the Secretary of the Land Office of Pennsylvania, on or before the first day of July next, placing opposite each in and out-lot the rate fixed to said lot, respectively, distinguishing in said list the in-lots from the out-lots.

Section 6. All out-lots, valued by said commissioners at more than forty dollars per acre, shall be rated number one; all out-lots, valued at more than twenty and less than forty dollars per acre, shall be rated number two; all out-lots valued at more than ten and less than twenty dollars per acre, shall be rated number three; and all out-lots, valued at less than ten dollars, or at ten dollars per acre, shall be rated number four; Provided, That in making such valuation the value of buildings shall not be included.

Section 7. All in-lots, valued by said commissioners at more than one hundred dollars per lot, shall be rated number one; all valued at less than one hundred and more than seventy dollars per lot, shall be rated number two; all valued at more than forty and less than seventy dollars per lot, shall be rated number three; and all valued at forty or less than forty dollars per lot, shall be rated number four; and in making said valuation the buildings erected thereon shall in like manner be excluded.

Section 8. All such in-lots and out-lots, rated number one, shall pay the original purchase money and full interest; all rated number two, shall pay the original purchase money and four and an half per cent interest; all rated number three, shall pay the original purchase money and three per cent interest, and all rated number four, shall pay no interest and patents shall issue for said lots, on paying as aforesaid, with the patenting fees as now required by law for town lots.

Section 9. Before making the appraisement and valuation, as aforesaid, the said commissioners, shall be severally sworn or affirmed "that they will justly and impartially appraise the property aforesaid, at its bona fide cash value, and make a true return thereof to the land office by the rates aforesaid," and a majority of each board of commissioners shall view the property so to be appraised, unless they are otherwise well acquainted with the value thereof.

Section 10. On the requisition of the board of county commissioners of said respective counties, the Secretary of the Land Office is hereby required to furnish them with such lists of in and out-lots in said towns, as will enable the said

commissioners to ascertain on which lots purchase money is due to the commonwealth, and as soon as the commissioners shall have made the appraisement as heretofore required in addition to the list directed to be furnished to the land office they shall file a similar list in the office of said county commissioners, for the inspection of such persons as shall desire to see and examine the same.

Section 11. This law shall continue in force till the tenth day of April one thousand eight hundred and forty and no longer, and such laws of this commonwealth as are hereby altered or supplied, be, and the same are hereby repealed.

Section 12. That the commissioners of Perry county are hereby authorized to settle and adjust the claims of William Lackey, Esq., late sheriff of that county, upon such principles as they may deem just and equitable, for keeping and maintaining insolvent debtors in the jail of said county, and issue their warrants or checks on the county treasurer for any balance found due him.