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of 1781 and 1785. Therefore, be it enacted, &c that such of the said bills of credit as are now outstanding, as shall not be paid into the state treasury under the laws heretofore enacted, on or before the second Tuesday of Janu-

ary next, (1806,) shall not thenceforth be received by the state treasurer, but shall for ever be irredeemable; any law or laws now in force to the contrary notwithstanding."

## CHAPTER MCXXVIII.

*An ACT for directing the mode of distributing the donation lands, promised to the troops by this commonwealth.*

SECT. I. WHEREAS the General Assembly, by a resolution, passed the seventh of March, one thousand seven hundred and eighty, did resolve upon certain allowances of land to be given by this state to the officers and privates of the Pennsylvania line, as therein particularly specified: And whereas, by an act of Assembly passed the twelfth day of March, one thousand seven hundred and eighty-three, a certain tract of country, therein described, was located and set apart, exclusively, for the purpose of fulfilling the aforesaid grant: Therefore, in order that the persons to whom the said allowances were made may have the same distributed to them respectively, and legal titles granted, vesting in them the right thereto:

SECT. II. *Be it enacted and it is hereby enacted by the Representatives of the Freemen of the commonwealth of Pennsylvania, in General Assembly met, and by the authority of the same,* That the Surveyor-General shall forthwith appoint deputies, such as shall be approved of by the Supreme Executive Council, for the purpose of surveying and laying off in lots the said tract of country; which deputies shall, severally, give bond to the state, with sufficient security, in the sum of eight hundred pounds, conditioned for the faithful performance of the duties of their office, and shall follow such directions and instructions, as they may, from time to time, receive from the Executive Council and Surveyor-General.

SECT. III. And whereas difficulties may arise in determining the cases to which the said grant of lands, by the aforesaid resolution, shall extend, and whether the same doth also include the grant of lands promised to the army by Congress.

SECT. IV. *Be it further enacted by the authority aforesaid,* That all officers and soldiers of the Pennsylvania regiments, or of independent corps, acknowledged by this state as of the quota of Pennsylvania in the federal army, and officers, being citizens of this state at the time of their entering into the service, not attached to the line of any state, who have served therein until the end of the late war with Great-Britain; and all officers, as aforesaid, who have been deranged by the regulations and arrangements of the army, according to the act of Congress, passed October, one thousand seven hundred and eighty, or at any subsequent period of the war, together with the widows and children, or either thereof, of such officers and privates aforesaid, as were slain in battle, or died in the service, shall be, and they are hereby entitled to lands, according to the pay and rank they held last before they left the said service, in the proportions laid down in the resolution aforesaid.

Deputy-Surveyors to be appointed, to lay off the donation tract of land into districts.

Who shall be entitled to donation lands.

SECT. v. And whereas the General Assembly, by their resolutions of the twenty-first of March, one thousand seven hundred and eighty-three, did declare, that the honourable the Baron Steuben, late Inspector-General of the American army, should be entitled to receive from this state a grant of lands, equal to a Major-General of the Pennsylvania line, and that Lieutenant-Colonel Tilghman should be entitled to a grant of lands, equal to a Lieutenant-Colonel of the same line. And whereas, by resolutions of Assembly of the twenty-first of February, one thousand seven hundred and eighty, and the twenty-third of December, one thousand seven hundred and eighty, and by an act of Assembly passed the twenty-second day of December, one thousand seven hundred and eighty-one, the troops therein directed to be raised were promised like proportions of land with the Pennsylvania line :

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SECT. vi. *Be it therefore enacted by the authority aforesaid,* That the said Major-General Baron Steuben, Lieutenant-Colonel Tilghman, and the aforesaid officers and soldiers of the troops, raised by virtue and in pursuance of the aforesaid resolutions of the twenty-first of February and twenty-third of December, one thousand seven hundred and eighty, and the aforesaid act of the twenty-first day of December, one thousand seven hundred and eighty-one, shall also be, and they are hereby, entitled to lands, according to the pay and rank they respectively held last before they left the service, in the proportions aforesaid.

Other persons, on particular circumstances, to be entitled.

SECT. vii. *And be it enacted by the authority aforesaid,* That the said grant of lands by this state shall not include the donation of lands promised by Congress as aforesaid, nor shall it be construed so as to affect or invalidate the claim of the said troops thereto.

The grant of the state not to affect any grant promised by Congress.

SECT. viii. *Provided nevertheless,* That no person shall be entitled to any lands, agreeable to this act, by virtue of any promotion or rank obtained by brevet or other commission, unless he hath actually been allowed pay agreeable thereto by the United States.

Lands not to be given by rank upon brevet only.

SECT. ix. *And be it further enacted by the authority aforesaid,* That the Comptroller-General of this state shall, and he is hereby directed forthwith to form complete lists of the persons entitled to receive lands, agreeably to this act, annexing thereto their rank, and the quantity to which they are respectively entitled, and shall lay the same before the Supreme Executive Council, who shall thereupon give orders to the Surveyor-General, that he may instruct his deputies what number of lots to survey, and in what quantities to lay them off.

The Comptroller to furnish the Executive with a complete list of persons entitled to donation lands.

SECT. x. *And be it further enacted by the authority aforesaid,* That the lots shall be of four descriptions, one to contain five hundred acres each, another three hundred acres each, another two hundred and fifty acres each, and another two hundred acres each, with the usual allowances; that a quantity equal to what may be necessary for the Major-Generals, Brigadier-Generals, Colonels, Captains, and two thirds of the Lieutenant-Colonels, shall be laid off into lots of five hundred acres; a quantity equal to what may be necessary for the regimental Surgeons and Mates, also for the Chaplains, Majors and Ensigns, into lots of three hundred acres each; a quantity equal to what may be necessary for one third of the Lieutenant-Colonels, and for the Sergeants, Sergeant-Majors, and

The lots of land to be divided into four descriptions, containing different quantities.

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Qualification of the Surveyor and his deputies, respecting an impartial survey, as to the quality of the lands and the boundaries.

Deputies to number the classes of lots numerically.

SECT. XI. *And be it further enacted by the authority aforesaid,* That the Surveyor-General shall give such instructions to his several deputies, concerning the numbering of the classes of lots, respectively, as that they may succeed each the other in numerical order, and that each of the said classes shall commence with the number one, and proceed on numerically, and that no two of the same class of lots shall bear the same number.

When the lots are laid off, a draft shall be made of the whole ; and when all applications are satisfied, be deposited in the Rolls-office.

SECT. XII. *And be it further enacted by the authority aforesaid,* That when a sufficient number of lots shall be surveyed, and returned to the Surveyor-General, he shall cause a draft to be laid down of the whole, noting on each the number thereof, which shall be kept by the Supreme Executive Council, until after all the applications, agreeable to this act, shall have been satisfied, and afterwards shall be safely deposited in the office of the Master of the Rolls, as a public record, to serve, to all intents and purposes, in lieu of recording the patents, any law, custom or usage, to the contrary notwithstanding.

The mode of distributing the same by lottery, according to the rank of the party.

SECT. XIII. *And be it further enacted by the authority aforesaid,* That the Supreme Executive Council shall cause numbers, correspondent to each of the four classes, to be made on pieces of square white paper, as nearly of an equal size as may be, and the said numbers separately and carefully, in their presence, to roll and bind up well with silken thread, as uniformly as possible, and deposit the same in four wheels, like unto lottery wheels, to be by them provided at the expense of the state for that purpose, which wheels shall be well turned round, before any applicant shall be permitted to draw therefrom, and the same shall be frequently afterwards repeated ; that the said wheels shall be kept in safe custody, under the direction of a committee of three of the members of the Supreme Executive Council, to be chosen by the Board from time to time, and sealed, except when drawn from ; that the said committee shall judge and determine on the right of every applicant to receive grants of land under this act, allowing an appeal to the Supreme Executive Council, in all cases of doubt and difficulty, whose decision thereon shall be

final and conclusive, and having approved thereof shall admit each applicant, by himself or order, (except in cases where alienation is prohibited before the distribution of the lands,) if a Major-General, to draw four tickets from the wheel containing the numbers on the five hundred acre lots; if a Brigadier-General, three tickets from said wheel; if a Colonel, two tickets from said wheel; if a Lieutenant-Colonel, one from said wheel, and one from the wheel containing the numbers on the two hundred and fifty acre lots; if a Surgeon, Chaplain or Major, two tickets from the wheel containing the numbers on the three hundred acre lots; if a Captain, one ticket from the wheel containing the numbers on the five hundred acre lots; if a Lieutenant, two tickets from the wheel containing the numbers on the two hundred acre lots; if an Ensign, or Regimental Surgeon's Mate, one ticket from the wheel containing the numbers on the three hundred acre lots; if a Sergeant, Sergeant-Major, or Quarter-Master-Sergeant, one ticket from the wheel containing the numbers on the two hundred and fifty acre lots; and if a Drum-Major, Fife-Major, Drummer, Fifer, Corporal, or private centinel, one ticket from the wheel containing the numbers on the two hundred acre lots.

SECT. XIV. *And be it further enacted by the authority aforesaid,* That the said committee shall make report, from time to time, to the Supreme Executive Council, of the numbers drawn for or by each applicant, and the President or Vice-President in Council shall then, forthwith, cause to be filled up and sealed with the state seal, and signed and delivered, patents for the lots respectively, corresponding to the number so drawn, which patents shall be provided and printed at the expense of the state, in sufficient quantities, upon parchment, in manner and form following, viz.

The committee to report the numbers drawn to the executive, who shall thereupon issue patents.

THE Supreme Executive Council of the commonwealth of Pennsylvania, to all to whom these presents shall come, Greeting:

Form of the patents.

KNOW ye, that in consideration of the services rendered by \_\_\_\_\_ in the late army of the United States, (or in the service of this state, as the case may be,) there is granted, by the said commonwealth, unto the said \_\_\_\_\_ a certain tract or parcel of land, lying in the county of \_\_\_\_\_ (describing the particular bounds of the land, and the number it bears,) with its appurtenances, unto the said \_\_\_\_\_ his heirs and assigns, for ever, (here insert the usual tenure and reservation.) In witness whereof his Excellency \_\_\_\_\_ Esq. President, (or, if absent, the Honourable \_\_\_\_\_ Esq. Vice-President,) of the Supreme Executive Council, hath hereunto set his hand, and caused the state seal to be affixed, the \_\_\_\_\_ day of \_\_\_\_\_ in the year of our Lord \_\_\_\_\_ and \_\_\_\_\_ of the commonwealth.

Attest, \_\_\_\_\_ Secretary.

And the Supreme Executive Council shall insert in the general draught, and within each lot, the name and rank of the person for whom it was drawn.

Names to be inserted in the lots.

SECT. XV. *And be it further enacted by the authority aforesaid,* That the following fees shall be allowed for surveying, draughting and returning, as herejn before directed, and no other, that is to

Fees allowed for surveying.

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say; for every lot of five hundred acres, three pounds; every lot of three hundred acres, two pounds; every lot of two hundred and fifty acres, and every lot of two hundred acres, one pound ten shillings; which allowance shall include all expenses of chain-bearers, markers, and other charges, to be paid by each applicant, in proportion to his lands, previous to his being admitted to draw. And whereas the term of two years, limited in the law passed March, one thousand seven hundred and eighty-three, appears to be too short for making all the applications, a considerable part thereof having since elapsed:

[SECT. XVI. *Therefore, be it enacted, and it is hereby enacted by the authority aforesaid,* That the said term shall be extended, to continue until the expiration of one year after the Surveyor-General shall have returned to Council the draught of the lots laid down, as herein before directed, of which return public notice shall be immediately given by Council, in the newspapers, and the drawing and patenting shall then forthwith commence.]

[SECT. XVII. *And be it further enacted by the authority aforesaid,* That, immediately after the termination of the period allowed for making applications, as aforesaid, the Supreme Executive Council shall cause the remaining lots, and the residue of the lands appropriated as aforesaid, which may not be applied for, to be laid off, advertised and sold, within a reasonable time, under their direction, for the benefit of the state; and that all certificates shall be receivable in payment of the purchase money thereof, which are now receivable at the Land-Office for the purchase money of lands sold by this commonwealth, agreeable to law.]

SECT. XVIII. And whereas the lines of the western and northern boundaries of this state are not yet run, and the lands appropriated for the army, and herein directed to be surveyed, extend thereto: Therefore, in order to avoid interferences, by surveying lands without the lines of this state,

SECT. XIX. *Be it enacted, and it is hereby enacted by the authority aforesaid,* That the Supreme Executive Council shall direct, in such manner as may be best, that the lands remote from the said boundaries shall be first surveyed, until the said lines shall be run, for the completion of which measures are already taken by the state.

SECT. XX. *And be it further enacted by the authority aforesaid,* That an agent, duly qualified, shall be appointed by the Supreme Executive Council, who shall proceed immediately, and explore the country to be laid off, agreeable to the directions of this act, noting the quality of the land in the several parts thereof, the hills, mountains, waters, creeks, marshes, uplands, bottom land, &c. and such other occurrences as may deserve notice, with their situation and distance, but particularly the parts of the land which he may deem unfit for cultivation.

SECT. XXI. *And be it further enacted by the authority aforesaid,* That the said agent shall take and subscribe an oath or affirmation, before the Supreme Executive Council, well and truly to execute the business hereby entrusted to him, without partiality or favour, either to the state or any individual, and for his services and ex-

The period for making applications extended.

After the period allowed for applying is expired the residue of the lands shall be sold, for the use of the state.

Lands remote from the western and northern boundaries to be first surveyed.

An agent to be appointed, to explore the country to be laid off. His duty.

His qualification and pay.

penses herein, he shall be allowed at the rate of one pound and ten shillings for every day he shall be so employed. 1785.

SECT. XXII. *Provided always,* That the length of time charged by him shall not exceed four months; and the Supreme Executive Council shall draw for such part of his pay, to enable him to proceed on the business, as may to them seem proper.

Not to be employed longer than four months, and may be paid in advance.

SECT. XXIII. *And be it further enacted by the authority aforesaid,* That the remarks, notes and description of the country, made by the said agent, as before directed, shall be published as soon as possible, under the direction of the Supreme Executive Council.

His remarks to be published.

SECT. XXIV. *And be it further enacted by the authority aforesaid,* That the Surveyor-General shall appoint such a sufficient number of deputies, in manner aforesaid, as to have the whole tract of country surveyed and returned to him on or before the first of February, one thousand seven hundred and eighty-six: And if any deputy, so as aforesaid appointed, who shall accept thereof, shall not have returned the surveys assigned him within that period, his bond shall be put in suit immediately after, to be recovered by the Attorney-General, for the use of the commonwealth: And the agent to be appointed, as directed by this act, shall also report to the Surveyor-General, from time to time, if any of the deputies neglect, or unnecessarily delay, the performance of their duty.

The whole tract of country to be surveyed by the 1st Feb'y, 1786.

Delinquent surveyors to be sued.

The agent to report to the Surveyor-General.

Passed 24th March, 1785.—Recorded in Law Book, No. II. pa. 464. (m)

(m) See chap. 996, ante. pa. 62, the donation district described, sect. 5, and the time for making application fixed by sect. 7. But this has been since extended by various acts, (*vide infra.*)

§ 8. Officers and soldiers not to sell their shares of land until actually surveyed: and every such sale to be null and void, to all intents and purposes.

Donation lands shall be and remain exempted from taxation, for and during the life of the officer and soldier receiving them, unless the same shall be aliened or transferred to any other person. Vol. 1, pa. 489, and ante. chap. 1136, pa. 287.

By a supplement to this act, passed 30th of Sept'r, 1791, (chap. 1581,) after reciting, that since the boundary line between this state, and the state of New-York had been run, it appeared that a number of surveys had fallen within the state of New-York, &c.—The Surveyor-General was directed to ascertain and report to the governor, as soon as might be, what number of patents had been granted for lands of the description aforesaid, had fallen in the state of New-York, together with the number of acres contained in each patent, and the names of the persons who obtained the same; and the governor was requested to cause the same to be printed, and notice to be given to all persons concerned to apply before the 1st of December (then) next, on

which day the Surveyor-General was directed to ascertain by lot, in such manner as should be prescribed by the governor, the order of priority, according to which the persons who should apply should proceed to choose other lands, instead of those they had thus lost.

§ 2. Applicants to choose other lots of like quantity, out of any of the tracts in the donation districts already surveyed, and not otherwise disposed of.

§ 3. New patents to issue without fees; provided no individual should be entitled to receive such patent, until he had previously returned the patent formerly granted to him for lands that had fallen in the state of New-York, that the same might be cancelled, and had also given a quit claim to the commonwealth for any compensation he might be entitled to, on account of his loss.

And by an act passed 10th of April, 1792, (chap 1633,) all persons who were entitled to the benefit of the above supplement, were allowed to apply for the same before the 1st day of July (then) next.

§ 2. The Surveyor-General's report respecting the patentees in the tenth district, was directed to be reprinted, &c.

And, further, by an act passed 5th of April, 1793, (chap. 1660,) the officers of the Land-Office were directed forthwith to proceed and ascertain, by

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And by an act passed 23d of Feb'y, 1801, (chap. 2183.) The Comptroller-General was directed to furnish to the secretary of the Land-Office, a list of the names of those persons, whose lots fell into the state of New-York, who had received no equivalent; and also a list of the number of lots reserved in lieu thereof, agreeably to the act of 30th of Sept'r, 1791, to which were to be added, eight lots to be taken from the undrawn lots in any district such applicant should choose, not already appropriated, from which lots the said persons should choose other lots instead of those they had lost, and to have priority in the order they applied; provided such application was made within three years after passing this act: And if any fraud should be suspected by the secretary of the Land-Office, or if any difference should arise between applicants, the Board of Property were to investigate and decide as in other cases. And it was made the duty of the secretary of the Land-Office, to call on any attorney applying, to declare on oath or affirmation, that he had no interest in the claim, otherwise than to serve the applicant.

By a supplement to the several acts for distributing donation lands, passed 6th of April, 1792, (chap. 1626.) The land officers were directed, on the 2d day of July (then) next, to draw lots for every person entitled to donation lands, who had not received the same, agreeably to the list submitted by the

Comptroller-General to the Executive Council, in the same manner as if the persons entitled were present, and under the same regulations that were prescribed by the act in the text; save only so far as the same relates to duties to be performed by certain members of the Supreme Executive Council.

§ 2. Patent to issue to applicants within two years from passing this act

§ 3. Any lands unapplied for within the term of two years to be disposed of agreeably to the regulations of the act for the sale of vacant lands within this commonwealth.

The same provision is contained in the second section of the act of 5th of April, 1793, before cited.

And by the 2d section of the act of 23d of Feb'y, 1801, before cited. The Comptroller-General was directed to furnish the secretary of the Land-Office with a list of the names of all those persons, who had theretofore drawn lots, under the former laws directing the manner of distributing the donation land, and who had not received patents for the same, together with the number of the survey and district which had been drawn opposite to their names; and it was made the duty of the secretary of the Land-Office, on application, to cause patents to issue for the lots respectively corresponding to the numbers so drawn; which patents were to be provided and printed upon parchment, at the expense of the state; and upon any apprehension of fraud, or if any difference should arise between the parties applying, the Board of Property was directed to decide as in other cases.

§ 3. The Board of Property was directed to proceed on all applications made, or to be made, by persons intended to be embraced within the provisions of this act, in the same manner as is directed by the 13th section of the act in the text; and when the lots shall have been so drawn as aforesaid, the secretary of the Land-Office, on application made within the time, and in the manner prescribed by the first section of this act, was directed to grant patents to such persons, under the inspection of the Board of Property, in the same manner as the Executive Council was directed by the above recited act, and without any charge of office fees. Provided that nothing in this act contained, shall be construed so as to defeat or impair any right to donation lands, acquired by persons entitled to the same, who had not yet received any equivalent, and who had applied within the time, and in the manner pre-

scribed by the several acts theretofore passed for the distribution of donation lands.

By an act entitled "An act relative to donation lands," passed April 17th, 1795, (chap. 1844,) the Comptroller-General was directed forthwith to form complete lists of the persons entitled to receive donation lands agreeably to the act in the text, whose names were not included in the list contained and referred to in the last report made by him under the said act, and to annex thereto their rank, and the quantity of land to which they were respectively entitled, and transmit the same to the land officers, or one of them, who were directed to contract with some person to prepare tickets under their inspection, as thereafter directed, for all and every the officers and soldiers entitled to shares in said donation lands, whose lots had not been drawn. And the incidental expenses were provided for.

§ 2. And the person so employed, was to cause numbers corresponding to each of the four classes mentioned and described in the tenth section of the act in the text, to be made on pieces of square white paper, as nearly of an equal size as might be, and the said numbers separately and carefully, in the presence of said land officers, to roll and bind up well with silken thread, as uniformly as possible, and deposit the same in four wheels similar to lottery wheels, to be by the said land officers provided, at the expense of the state, for that purpose, said wheels to be well turned round before any applicant should be permitted to draw therefrom, and the same to be frequently afterwards repeated; the said wheels to be kept in safe custody by the said officers under seal, except when drawing therefrom; the said officers to draw out of said wheels all the tickets for the drawing of which all the said officers and soldiers entitled to draw the same, should not attend for that purpose, by themselves or agents. Provided, that no greater number of tickets should be prepared and put into the wheels, than should amount to the number of tickets to which the officers and soldiers should be entitled, who had not theretofore drawn their lots. And the proportion, or number of tickets to be drawn, according to rank, was then prescribed.

§ 3. As soon as the drawing was finished, the said land officers were to make report to the governor of the numbers drawn for, or by, each person entitled to shares of the said donation lands, who was forthwith to cause to be filled up and sealed with the state

seal, and signed and delivered, patents for the lots respectively corresponding to the numbers so drawn, said patents to be provided and printed at the expense of the state, and to be expressed in the form prescribed by the act in the text.

§ 4. The legal representatives of any person deceased were entitled to all the advantages and emoluments of this act, and to draw lots in said lottery in the same manner, and with the like effect, that they might have done if living, and also to have lots drawn for them if absent, in the manner above provided.

§ 5. And as the terms limited by law appeared to be too short, to give opportunity to all persons entitled to shares in said land, to make application for the same, the term was continued for one year after the expiration of this act; persons beyond sea, or out of the United States, at the time of passing this act, to be allowed two years from the passing thereof; and all persons who, at the time of passing this act, were officers or soldiers in the United States army, were to be allowed three years from the passing thereof, to make their claim as aforesaid.

§ 6. After the expiration of the respective periods for making application as aforesaid, *so much of the donation lands, for which no application shall have been made, may be disposed of in such manner, as the legislature SHALL IN FUTURE by law direct.*

The time further extended by act of 20th of March, 1797, (chap. 1917.)

Extended to 1st of September, 1799, by act of 11th of April, 1799. (chap. 2070.) By the second section of which act, before any claim was to be allowed, the same was to be presented to the Comptroller General, Register General and State Treasurer, who were to inquire into the lawfulness thereof, and whether the same remained unsatisfied, and thereupon to transmit to the secretary of the Land-Office a certificate, stating that the claim ought to be allowed or rejected, as the case might be, which certificate was to be conclusive.

§ 3. The land-officers were directed to advertise in certain papers the time limited for presenting claims for donation lands, and to proceed after the said 1st of September, to draw lots in favour of all such claimants, as should have duly received as aforesaid a certificate of allowance from the Comptroller General, &c. upon the principles, in the manner and with the powers specified in the act of 17th of April, 1795.

§ 4. On the 1st of May, 1800. The powers herein given were to cease, no



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lots for donation lands were afterwards to be drawn, and the residue of the donation lands were to revert to the state, and be disposed of in such manner, "as SHALL be directed by law in relation to other lands, the property of the state."

Time extended to three years after 23d of February, 1801, by the before cited act of that date, (chap. 2183.)

By an act entitled "An act to complete the benevolent intention of the legislature of this commonwealth, by distributing the donation lands to all who are entitled thereto," passed 2d of April, 1802, (chap. 2276.) The preamble of which states; That some of the late officers and soldiers, &c. had not received their donation lands; and it had been represented, that amongst the lots in the 10th donation district, which the owners had released as being in the state of *New-York*, and for which they had received other lots in lieu thereof, many were still in *Pennsylvania*, and also that a number of lots might still be found within the bounds of the donation surveys, not numbered or returned as donation lots, nor otherwise appropriated.

§ 1. It was made the duty of the land officers to ascertain the number of donation lots returned of each description, which yet remained undrawn and not otherwise appropriated, or which having been drawn, had not been applied for in the time prescribed by law, and to cause numbers corresponding with each lot of the several descriptions, according to the quantity of land allowed to each grade of officers, &c. to be made on separate pieces of paper, as nearly of the same size as might be, to be carefully put in small boxes, equal to the number of different grades, which might be yet unsupplied, and on application of each person for their respective donation, the said land officers, after being satisfied of the justice of the claim, were to cause the box containing the tickets representing the quantity of land to which the applicant might be entitled, to be shook, so as to mix said tickets, and to draw or cause to be drawn therefrom, one or more of the numbers so deposited, as should be necessary to complete the quantity which such applicant might be entitled to; and in like manner to proceed on each and every application, and the person first applying to be entitled to the first draft, and immediately after drawing to proceed to issue a patent or patents for the respective lots so drawn, free of all expense, except the enrolling fees; *Provided*, That no lot to be drawn, or patent to be is-

sued in pursuance of this act shall interfere with, or defeat any prior title, which may have been acquired under the authority of any former law.

§ 2. The Surveyor-General was authorized to direct a survey to be made at the expense of the state, so as to ascertain with accuracy, all lots within the 10th district, reported to have fallen into the state of *New-York*, and as such released, and which may still be within *Pennsylvania*, or in the triangle, and to procure returns of all other lots included in the general drafts of any donation district, and not otherwise appropriated, and to divide large into smaller lots, which released lots, or other lots, as soon as the surveys were made and returned, were to be used to supply the boxes mentioned in the foregoing section, with a sufficient number of tickets, to carry the design of this act completely into effect.

§ 3. The Board of Property is authorized to exercise the same powers relative to donation lands as in other cases.

§ 4. The secretary of the commonwealth directed to deliver all books and other documents in his possession, relative to donation lands to the land officers.

§ 5. On satisfactory proof being made to the Board of Property, by the widow, *heir* or *heirs* of any deceased officer or soldier, it was made the duty of the Board to direct a patent or patents to issue in the usual way, in favour of such widow, *heir* or *heirs*, for such donation lands, and on the same conditions as the officer or soldier would, if living, be entitled to.

§ 6. No application for donation lands hereafter to be admitted; and no patent for such land, already applied for to be granted, unless such patent is demanded within one year after passing this act.

The foregoing act continued for one year by the act of 1st of April, 1803, (chap. 2373.)

Further continued till 1st of April, 1805, by act of 29th of March, 1804, (chap. 2476.)

By an act passed 25th of March, 1805, (chap. 2560.) It was made the duty of the land officers to take out of the wheel all tickets for donation lots situate in the easternmost part of the second donation district, commonly called *Struck district*, which tickets shall not again be put in the wheel, but said lands shall be reserved for, and granted to those who may have settled the same agreeably to the act of 3d of April, 1792, and all such settlers who shall fully comply with the conditions of said

act, and subsequent acts relative to the disposal of the vacant lands within this commonwealth, shall obtain patents for the same, in the usual manner, and the officers of the Land-Office, on the application of any person holding donation lands by patent, within the bounds aforesaid, or within that part usually called the triangle, and the applicant, or applicants aforesaid, releasing his, her or their patent, or patents to the commonwealth, shall have another unappropriated lot or lots of equal quantity; which said lot, or lots shall be patented to the person or persons so releasing, in the usual manner and free of expense.

§ 2. This act, and the foregoing act, (chap. 2276,) of April 2d, 1802, (except the limitation clause of the said last recited act,) were to continue in force until the 1st of April, 1806.

The act of 25th of March, 1805, was annually continued in force, and by the act of 4th of April, 1809, the limitation was further extended until the 1st of April, 1810. Since which period there has been no further extension; and the offices are now closed against any application for donation lands.

By an act passed 11th of March, 1809, in consequence of a decision of the supreme court in the case of *Thomas Grant*, the brother of an officer who was killed in the service of the United States, during the war, and who was held to be entitled as heir at law under the 5th section of the act of 2d of April, 1802, his brother having died unmarried; no patent was to issue for donation lands, after passing this act, except to the widow or children of any deceased officer or soldier.

1785.

### CHAPTER MCXXX.

*An ACT for incorporating the Presbyterian Church of Falling-Spring, in the county of Franklin.*

Passed 25th of March, 1785.—Private act.—Recorded in Law Book No. II. page 474.

### CHAPTER MCXXXIV.

*An ACT for the limitation of actions to be brought for the inheritance or possession of real property, or upon penal acts of Assembly.*

SECT. I. WHEREAS it is necessary for the quieting of estates, and for the greater security of real property, that provision should be made for the limitation of actions to be brought for any manors, lands, tenements or hereditaments:

SECT. II. *Be it enacted, and it is hereby enacted by the Representatives of the Freemen of the commonwealth of Pennsylvania, in General Assembly met, and by the authority of the same, That, from henceforth, no person or persons whatsoever shall make entry into any manors, lands, tenements or hereditaments, after the expiration of twenty-one years next after his, her or their right or title to the same first descended or accrued; nor shall any person or persons whatsoever have or maintain any writ of right, or any other real or possessory writ or action, for any manor, lands, tenements or hereditaments, of the seizin or possession of him, her or themselves, his, her or their ancestors or predecessors, nor declare or allege any other seizin or possession of him, her or themselves, his, her or their ancestors or predecessors, than within twenty-one years next before such writ, action or suit, so hereafter to be sued, commenced or brought.*

Entry into lands &c. barred, after 21 years after the title accrued.

No seizin or possession shall be alleged beyond 21 years, before any writ of right, or any other real or possessory writ or action, for lands, &c. is sued.