

CHAPTER MCLXXX.

AN ACT TO COMPEL THE SPEEDY SETTLEMENT AND THE PAYING OR SECURING OF THE DEBTS DUE TO THIS STATE FOR LANDS HELD BY LOCATION OR OTHER OFFICE RIGHT OBTAINED BEFORE THE TENTH DAY OF DECEMBER ONE THOUSAND SEVEN HUNDRED AND SEVENTY-SIX AND YET REMAINING UNPATENTED.

(Section I. P. L.) Whereas in and by an act of the general assembly of this commonwealth passed the seventh day of April one thousand seven hundred and eighty-one, entitled "An act for emitting the sum of five hundred thousand pounds in bills of credit for the support of the army and for establishing a fund for the redemption of the same and for other purposes therein mentioned,"¹ it was enacted and declared that together with the guarantee of the honor and faith of Pennsylvania which was thereby given, so much as should be sufficient of the arrearages and sums of money due to this state for lands theretofore granted or claimed by virtue of warrants, locations, surveys, or any other title, that might be deemed good and valid according to the law, custom or usage in force under the late government, should be and thereby was pledged and declared to be a fund out of which the bills of credit aforesaid should be redeemed and cancelled within the term of five years from the passing of the said act; that is to say the one-fifth thereof yearly and every year until the whole should be redeemed and cancelled as aforesaid:

(Section II. P. L.) And whereas in and by one other act of the general assembly passed the ninth day of April one thousand seven hundred and eighty-one, entitled "An act for establishing a land office and for other purposes therein mentioned,"² it was among other things enacted and declared 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 tenth day of December, one thousand seven hundred and seventy-six, should be paid in to

¹ Chapter 939.

² Chapter 940.

the receiver-general of the land office, the one-fourth part thereof in one year, one other fourth part thereof in two years, one other fourth part thereof in three years, and the residue thereof in four years after the passing of the said act, under certain penalties in the said act mentioned, and that on the payment of such purchase money together with the legal fees of office, patents duly executed should be issued for every such tract or parcel of land.

(Section III. P. L.) And whereas in and by another act of the said general assembly passed the fifth day of April one thousand seven hundred and eighty-two, entitled "An act to vest certain powers in the president of the state together with other officers therein named and for other purposes therein mentioned,"³ it was for the reasons therein mentioned among other things enacted and declared that the said respective times and periods affixed and mentioned by the act aforesaid for the payment of the purchase money due on the lands aforesaid were and should be enlarged for the space of two years over and above the said dates and times respectively.

(Section IV. P. L.) And whereas a large proportion of the debts so as aforesaid assigned and pledged as a fund for the redemption of the bills of credit emitted by virtue of the act first above recited still remain due to the state and it is just and necessary that the same should be duly collected and that the said bills of credit should be redeemed and cancelled according to the true intent and meaning of the several acts herein before recited.

(Section V. P. L.) And whereas from the scarcity of money yet prevailing in such parts of the state as have till lately been desolated or disturbed by hostile invasion some of the persons indebted to the state as aforesaid may be unable to pay the whole of their respective debts within the times limited and described by law, and it is the desire of the legislature to grant to such persons such further relief and indulgence as may be given consistently with the honor and interests of the state:

Therefore:

[Section I.] (Section VI. P. L.) Be it enacted and it is hereby

³ Chapter 164.

enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met and by the authority of the same, That it shall and may be lawful to and for all and every person or persons who are or shall be entitled either in law or equity to any lands in this state within the limits of the purchase or purchases made from the Indians before the declaration of the independency of the United States by virtue of any grant, warrant, location or office right whatsoever made or accrued before the tenth day of December in the year of our Lord one thousand seven hundred and seventy-six, upon which a patent or patents have not been issued, and such person and persons are hereby severally enjoined and required as soon as conveniently may be to apply to the proper officers of the land-office and to settle and adjust the sum and sums of money due to the state for the purchase of such lands respectively, and to pay or secure the same in manner herein after mentioned; that is to say, on the settlement and ascertainment of the sum of money due for principal and interest on any such tract or parcel of land, the debtor or party rightfully claiming a patent for such land may pay the sum of money so due or any part thereof in such manner as is now lawful for making such payment or secure the same by giving bond for the whole or the residue thereof as the case may be to the president of the supreme executive council for the time being for the use of the state, conditioned for the payment of the sum due in five equal annual payments together with the whole interest which shall be due on such bond at each and every of the said periods respectively, the first of which said payments shall become due and be paid on or before the tenth day of April which will be in the year of our Lord one thousand seven hundred and eighty-seven. And the said bonds shall be so drawn and construed as that each and every of the said annual payments may be prosecuted for and recovered as they respectively become due as fully and effectually as if the time for making the last and final payment were elapsed, and upon such bond duly executed being lodged with the receiver-general of the land-office, he shall certify the same and the party rightfully claiming shall thereupon and on payment of legal office fees be entitled to and re-

ceive a patent for such lands in such manner as if the purchase money were fully paid: Provided always, that such patent shall not be available so as to entitle the party obtaining the same to grant, convey or mortgage the lands or estate therein mentioned other than to the president, for the use of the state until the grantee or grantees therein named shall have made and duly executed a mortgage for the estate therein granted to the president as aforesaid for the further securing of the payment to be made according to the terms and conditions of the aforesaid bond, which mortgage the said receiver-general is hereby authorized and directed to procure and take in every such case and to indorse a note of the sum due and conditions of payment on the back of every such patent.

[Section II.] (Section VII. P. L.) And be it further enacted by the authority aforesaid, That every such mortgage as aforesaid, shall be recorded in the office of the secretary of the land-office in a book to be provided and kept by the said secretary, which record shall be as good and available to all intents and purposes as if such mortgage had been recorded in any other office or county within this state, any law, usage or custom to the contrary in anywise notwithstanding.

[Section III.] (Section VIII. P. L.) And be it further enacted by the authority aforesaid, That the receiver-general of the land-office, for drawing, taking and certifying every such bond and mortgage as aforesaid shall be entitled to demand and receive from the party executing the same the sum of seven shillings and sixpence and no more, and the secretary of the land-office, for recording and certifying in the usual manner in the back of every such mortgage that it is recorded, shall be entitled to receive from the said party five shillings and no more.

(Section IX. P. L.) And whereas many of the settlers upon the lands on the northern and western frontiers of this state have been very great sufferers by the ravages of the Indians during the late war, and thereby have for many years been prevented from the cultivation of the lands possessed by them and it is reasonable that during the continuance of the late war the interest accruing upon the purchase money due and payable as aforesaid by all actual settlers on said lands, their heirs or suc-

cessors whose habitations were rendered desolate by the Indians in the course of the late war, should be exonerated.

[Section IV.] (Section X. P. L.) Be it therefore enacted and it is hereby enacted by the authority aforesaid, That all actual settlers residing on the northern and western frontiers of this state, and who have been driven by the Indians from their habitations in the course of the late war, they or their legal representatives, shall be exonerated and acquitted of the interest accruing upon the purchase money due and payable as aforesaid from the first day of January which was in the year one thousand seven hundred and seventy-six until the first day of July in the year one thousand seven hundred and eighty-four. Provided they respectively pay or secure the purchase money of the lands by them severally claimed, in the manner and within the time herein before mentioned. Provided also, That the persons applying for the benefit of the said exoneration do prove, by the oath of a creditable person taken before a justice of the peace for the proper county or before a member of the supreme executive council that the person in whose right aforesaid benefit is claimed was in the course of the last war actually driven from his habitation on the said land through force or fear of the Indians and that the said plantation was consequently left without inhabitants.

[Section V.] (Section XI. P. L.) And be it further enacted by the authority aforesaid, That if any person or persons so entitled as aforesaid to any lands within said Indian purchase in this state and yet remaining unpatented shall refuse or neglect to pay or secure the purchase money or arrearages or purchase money due to the state, and demand a patent for the same in the manner herein before directed, on or before the tenth day of April which will be in the year of our Lord one thousand seven hundred and eighty-seven, every such person and persons, so neglecting or refusing, shall be barred and precluded from the benefit intended by this act with respect to further time of payment, and shall be forthwith prosecuted and proceeded against for the moneys due on such lands, by sale of the said lands according to law without further delay.

Passed September 16, 1785. Recorded L. B. No. 3, p. 24, etc.
See the Act of Assembly passed March 28, 1787, Chapter 1283.