

them, shall deem most expedient, towards opening and improving a road through Penn's Valley Mountains, beginning at the Old Ford on the Laurel run, and from thence following the marked road, as laid out in the year one thousand seven hundred and ninety-seven, until it intersects the road leading to Potter's mills.

And whereas it hath been represented to the legislature that the moneys heretofore appropriated for opening the state road from Bedford to Pittsburg have been insufficient for the purpose, and that the opening of said road being necessary, and of public utility. Therefore:

[Section III.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That the sum of one thousand dollars, in addition to former grants, shall be, and is hereby, granted and appropriated, for the purpose of opening and improving the said road, to be paid out of the arrearages of taxes due to the commonwealth from Westmoreland county, on warrant or warrants of the governor for that purpose drawn on the treasurer of said county, and to be applied to that part of the road which lies between Turtle creek and Pittsburg. Provided always nevertheless, That the treasurer shall have credit in the said warrant or warrants for such taxes, as may be due from Allegheny county to the county of Westmoreland.

Passed April 11, 1799. Recorded L. B. No. 7, p.

CHAPTER MMLXXX.

AN ACT TO PROVIDE FOR SELLING THE SEVERAL RESERVED TRACTS OF LAND ADJOINING THE TOWNS OF ERIE, FRANKLIN, WARREN AND WATERFORD, AND FOR OTHER PURPOSES THEREIN MENTIONED.

[Section I.] (Section I, P. L.) 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 the governor is hereby empowered to direct the surveyor general to make, or cause to be made, actual surveys of the reserved tracts of land adjoining the towns of Erie, Franklin, Warren and Waterford, which have not been laid out in town or outlots, or ceded to the United States, and to lay off the same into lots, not exceeding one hundred and fifty acres in each, and marking the lines thereof, and designating first, second or third quality in said draughts. Provided always, That in each of the said reserved tracts the quantity of five hundred acres be laid off, for the use of such schools or academies as may hereafter be established by law in the said several towns; which said several surveys shall be returned to the office of the surveyor general, and general draughts thereof to the office of the secretary of the commonwealth.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That the governor, after the said actual surveys shall be made and general draughts thereof lodged in the office of the said secretary, be, and he is hereby, authorized and required to transmit a copy of each draught to the commissioners to be appointed for the sale of the in and outlots in and adjoining the towns of Erie, Franklin, Warren and Waterford, as soon as conveniently may be; and it shall then be the duty of the said commissioners to give notice by advertisement, at least six weeks, in three of the public newspapers in the city of Philadelphia, in at least one paper printed in Dauphin county, one in Pittsburg, one in Lancaster, and one in Washington, of the time that the books will be open for the sale of all the reserved lands, laid out by virtue of this act, adjoining the above towns, on the following terms, to wit: one-fifth part of the purchase money shall be paid at the time of sale to the commissioner attending, one-fifth part to the receiver general of the land office, within twelve months from the day of sale, one-fifth part within two years from the said day, and the remainder two-fifth parts at or before the expiration of three years after such sale, but that no contract shall be confirmed by said commissioner for fifteen days after the said books shall be opened, and the highest price offered within that time shall be accepted.

[Section III.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That it shall be the duty of the commissioner to enter the purchaser's name in his book, the number, quality and quantity of acres, date of entry, and amount of sale, a certified copy of which he is to give to the purchaser, which certificate shall be forwarded to the secretary's office, within six months after the date thereof; but no sales shall take place at less than four dollars per acre for land of the first quality, three dollars per acre for land of the second quality, and two dollars per acre for land of the third quality. Provided always, That nothing herein contained shall be taken or construed to vest any right or title, in law or equity, in any person or persons purchasing as aforesaid, unless he, she or they shall, within three years after the date of their respective purchases, make an actual settlement thereon, by clearing, fencing and cultivating at least two acres for every fifty acres contained in one survey, and erect on each lot or tract a messuage for the habitation of man, and reside thereon for the space of five years following their first settlement of the same, and in default of such actual settlement, residence and improvement, the purchaser or purchasers shall forfeit all payment made to the commonwealth, and the governor is hereby authorized to direct that such forfeited lot or tract be sold at public sale, in the town near where such forfeited lot or tract may lay; and [no] patents shall issue for any lot or tract sold by virtue of this act, until satisfactory proof be made to the governor of this commonwealth of such actual settlement, residence and improvement having been made as aforesaid.

[Section IV.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That the governor be, and he is hereby, authorized to appoint four commissioners, one of which shall reside in each town, whose duty it shall be, with the assistance of two reputable citizens appointed by the judges of the court of common pleas of the county of Allegheny, for each commissioner to appraise all the in and outlots in the towns of Franklin, Warren and Waterford, and the first section of Erie, and the outlots thereto adjoining, which appraisement shall be regularly entered in a book for that purpose. It shall then be the duty of

the commissioners aforesaid to advertise the town and outlots for sale on the following terms, to wit: the one-third part of the purchase money shall be paid at the time of sale to the commissioner attending when the entry of sale is made, whose duty it shall be to certify the same; one-third part to the receiver general of the land office, within twelve months from the day of sale; and the remaining one-third part, within eighteen months from the day of sale; for the performance of which the purchasers respectively shall, at the time of sale, give bond for the payments of the said instalments to the said commissioners; and at the expiration of eighteen months aforesaid the governor is hereby authorized to grant patents to the purchasers, provided the purchase money is paid according to the sales.

[Section V.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That those persons who have purchased any lot or lots in the second and third divisions of the town of Erie, may take lot or lots in the first division of said town, at the same price they purchased them at the former sales, and that all those who have paid for or improved any forfeited lot or lots shall have a pre-emption to said lot or lots, at the prices the[y] sold for at former sales, provided he, she or they apply in three months after the passing of this act, and pay for the same.

[Section VI.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That the commissioner at the town of Erie shall offer at public sale the lot of ground reserved in said town, at the mouth of Cascade creek, including the same, after giving three months' notice, in three of the public newspapers in this state, of the time and place of such sale, on the same conditions specified in the third section of this act, provided the same amounts to fifty dollars per acre.

[Section VII.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That the said commissioners, before they enter on the duties required by this act, shall give bond, with two good sureties, in a sum not less than five thousand dollars, to the governor, each conditioned for the true and faithful performance of their respective trusts; and shall receive three

cents on every dollar received and contracted for, which shall be in full for all their services; and the persons appointed by the court to assist each commissioner to appraise the town and out-lots shall receive two dollars each per day, which shall be in full for all their services.

Passed April 11, 1799. Recorded L. B. No. 7, p. 24, etc. See Supplementary Act of February 19, 1800, Chapter 2107.

CHAPTER MMLXXXI.

AN ACT TO EXTEND THE PERIOD HERETOFORE ALLOWED FOR APPLYING FOR DONATION LANDS, AND TO REGULATE THE MODE FOR AUTHENTICATING CLAIMS THERETO.

[Section I.] (Section I, P. L.) 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 the time allowed for applying for donation lands shall be, and the same is hereby, extended to the first day of September next, and that all lawful claims now filed and suspended, or which shall be filed previously to the said first day of September, shall be considered and allowed in the manner hereinafter directed.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That before any such claims shall be allowed, the same shall be presented to the comptroller general, register general and treasurer of this commonwealth, who shall inquire into the lawfulness thereof, and whether the same remains unsatisfied, and thereupon transmit to the secretary of the land office a certificate, stating that the claim ought to be allowed or rejected, as the case may be, which certificate shall be conclusive.

[Section III.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That the officers of the land office shall advertise in the public papers of Philadelphia, Harrisburg