

CHAPTER CCVIII.

An ACT for the more speedy and effectual collection of certain debts due to this Commonwealth.

Section 1. **B**E 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 Cadwallader Evans, of Montgomery county, John Steele, of Lancaster county, and John Lyon, of Union town, in Fayette county, be, and they are hereby appointed commissioners who or any two of them shall be and they are hereby authorized to procure from the recorders and prothonotaries of the respective counties, such copies of deeds and other writings relating to the real estate of John Nicholson, deceased, as also a transcript of all and every mortgage and judgment which may affect the same, that due information may be had of what is subject to the lien of this commonwealth,

Commissioners appointed with powers to procure copies of deeds and other writings, relating to the real estate of John Nicholson.

Sec. 2. *And be it further enacted by the authority aforesaid,* That the several land-officers of this commonwealth at the request of the commissioners aforesaid shall make out all the copies of papers which are in their respective offices necessary to the disclosure of the said John Nicholson's estate free from any expenses or fees,

The commissioners to receive, on application, copies of all necessary papers from the land officers, without fees.

Sec. 3. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the said commissioners to ascertain as near as may be the quality of the estate of the said John Nicholson as well as extent situate in each county subject to the lien of the commonwealth and make an estimate of the value thereof,

To ascertain, as near as may be, the quality and extent of the estate of J. Nicholson in each county subject to the lien of the commonwealth.

Sec. 4

Sec. 4. *And be it further enacted by the authority aforesaid,* That the said commissioners or a majority of them shall average the demand of the commonwealth on the whole of the several estates, subject to the lien according to the estimated value thereof, and shall make report of their proceedings to the Governor, who shall cause to be sold by the sheriff of the respective counties, according to due course of law, the several estates so subject to the lien of the commonwealth; or so much thereof as shall produce the amount averaged or assessed as aforesaid, on each particular estate: *Provided nevertheless,* That when any person or persons or the managers of any of the land companies, who have any legal or equitable claim or interest in any particular estate or estates, subject to the lien as aforesaid, shall pay into the State treasury the quota or amount of the State debt averaged or assessed on such estate or estates, or securing the same to be paid in two equal annual instalments with interest, it shall and may be lawful for the said commissioners or a majority of them, and they are hereby authorized and required to transfer and set over the lien of the commonwealth thereon, to the sole use and benefit of such person or persons, or to the use of such company, so claiming and paying as aforesaid.

To average the demand of the commonwealth on the several estates subject to the lien, and make report to the Governor, who shall cause the same to be sold, &c.

on payment of the sum assessed on any particular estate by any person claiming an interest therein the commissioners empowered to convey to such person, the state or lien thereon.

Sec. 5. *And be it further enacted by the authority aforesaid,* That in all cases, where the lien of the commonwealth cannot be clearly ascertained, or where the estate is not equal to the average rate assessed by the commissioners as aforesaid, the said commissioners, or a majority of them, shall have full power and authority to settle by compromise, or otherwise, with any person or persons, or the managers of any of the land companies, on behalf of the land company

Where the commissioners, shall be authorized to compromise with individuals or the managers of land companies,

or companies, who may claim a legal or equitable interest in any of the lands, late the property of the said John Nicholson, deceased, in such manner and on such terms, as to them after a full investigation of the case may appear most to the advantage of the commonwealth, the approbation of the Governor being first had and their proceedings therein shall be final and conclusive on the part of the commonwealth.

in what cases
the commissi-
oners may
purchase in the
property, for
the use of the
State.

Sec. 6. *And be it further enacted by the authority aforesaid,* That if the said commissioners, or a majority of them, should at any time be of opinion that it would be more to the advantage of the commonwealth, to purchase on account of the commonwealth any of the property so offered for sale by the sheriffs as aforesaid, than to suffer the same to be sold for a less sum than the amount averaged or assessed thereon as aforesaid, they are hereby authorized so to do and to take deeds or conveyances in their own names as joint tenants in trust for the use of the commonwealth: *Provided,* That no purchase either directly or indirectly shall be made in behalf of the commissioners aforesaid, in their own right, nor shall any of the property of John Nicholson, be vested in them otherwise than as in trust for the commonwealth.

Commissioners
to take oath or
affirmation for
the faithful
discharge of
their duties.

Sec. 7. *And be it further enacted by the authority aforesaid,* That each of the said commissioners before he acts shall take an oath or affirmation before some judge or justice of the peace, that he will diligently, faithfully and impartially discharge the duties assigned to him by this act; and in case either of the said commissioners shall die or refuse or become incapable to act, the Governor shall appoint a person to supply his place, and all acts by a majority of the said com-
mis-

missioners, shall be as valid as if they had all joined therein.

Sec. 8. *And be it further enacted by the authority aforesaid,* That the said commissioners appointed by or to be appointed under the authority of this act, shall receive their travelling and other necessary incidental expenses, to be settled as other accounts, and paid on warrants drawn by the Governor out of the State treasury, and shall receive in full compensation for their services, ten per cent. upon the monies paid into the State treasury: *Provided,* That the sum paid for travelling and other incidental expenses and attorneys fees shall not exceed two thousand dollars.

Their compensation.

Sec. 9. *And be it further enacted by the authority aforesaid,* That the said commissioners shall have power to ask, demand, receive and recover by due course of law, from any person or persons any and all the books, papers and documents, in his, her or their possession, which have any relation to the said estate, and to give a receipt or receipts therefor, and the same to deposit in the office of the comptroller-general of this commonwealth, and such receipt shall be a full discharge to the person and persons delivering such books, papers and documents as aforesaid.

Empowered to recover by due course of law, books and papers, &c.

Sec. 10. *And be it further enacted by the authority aforesaid,* That it shall not be lawful for the commissioners of the several counties, to sell for taxes any lands described in two certain advertisements or notices published by Samuel Bryan, late comptroller-general, in the Aurora of July twentieth, one thousand eight hundred and three and the twenty-seventh of January, one thousand eight

Commissioners of the several counties prohibited from selling any of the lands of J. Nicholson for taxes.

eight hundred and four, or which may appear from the proper records, or otherwise, to belong to the estate of the said John Nicholson; but the same shall be paid by warrants on the treasury as soon as it shall be ascertained, that the land upon which such taxes are charged, are subject to the lien aforesaid.

Commissioners empowered to cause partition to be made of the partnership lands of John Nicholson.

Sec. 11. *And be it further enacted by the authority aforesaid, That in any case were the said John Nicholson, in his life time had or held lands in partnership, or in common with any other person or persons, the said commissioners, or a majority of them, are hereby authorized to cause partition to be made of the said land by writ, or otherwise, in order to ascertain the respective interests of the said part owners, as well as the separate interest of the said John Nicholson; and if it shall be necessary to make said partition by writ, in case of disagreement between the parties, the said commissioners, or a majority of them, shall be made parties to such writ either plaintiffs or defendants, and such partition so made, shall be as available in law, as if the same had been made by the said John Nicholson, in his life time, and the costs thereof, shall be paid equally by the parties as in other cases, and the said commissioners, shall be allowed for their part of such costs in the settlement of their accounts.*

CHARLES PORTER, *Speaker*

of the House of Representatives:

JAMES BRADY, *Speaker*

of the Senate.

APPROVED—the thirty-first day of March, in the year of our Lord one thousand eight hundred and six.

THOMAS M'KEAN.