

CHAPTER LXXI.

AN ACT

Directing the recovery of the principal and interest due to the Commonwealth from persons holding lands by virtue of locations or other office titles, issued from or under the proprietary government, and for other purposes.

SECT. 1. *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 it shall be the duty of the Surveyor General to make out a list of all lands held by location or any other office right, issued from and under the proprietary government, on which surveys have been, or shall hereafter be made and returned into his office, and on which no patents have issued, designating the county in which such lands are situated, with such other descriptions of the same as the records of his office will enable him to give, including the names in which such locations or other office rights are entered and surveys have been returned, and on the list being completed, the same shall at any time after the first day of April, eighteen hundred and twenty, be transmitted to the Deputy Surveyor of the county in which such lands are situated.

Surveyor General to make out lists.

Lists descriptive of the lands.

SECT. 2. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the Deputy Surveyor of any county, to whom any such list or lists shall be furnished as aforesaid, to ascertain as far as may be practicable, such tracts therein described as are situated within their respective districts, and in whose possession the same may be, and the name or names of the present owner or owners, and whether one or more claim under the same survey, whereupon he shall make a return thereof to the Surveyor General, noting particularly in each case, the name or names of the owner or owners, and the occupier or possessor, the township in which they reside, with such other information as may be deemed necessary for carrying into effect the intention of this act.

Duty of the deputy surveyors.

Returns to include the names of each occupier.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the Surveyor General on the receipt of any of the returns as aforesaid, shall furnish the Secretary of the land office with a list thereof, and also a ticket on each survey, and the said Secretary shall thereupon make a calculation of the amount of principal and interest due the Commonwealth on each survey, respectively, and the same being certified under his hand and seal of office, as soon as may be conveniently done, shall transmit the same to the Deputy of the Attorney General, or other agent of the county in which such persons reside, with such other evidence as he may deem necessary; and it shall be the duty of such Deputy of the Attorney Gen-

Surveyor General to furnish Sec'y of the land office with lists.

Secretary of land office to certify the amount due & transmit it to deputy attorney gen.

Suits to be brought.

Calculation of secretary of land-office to be evidence. Stay of execution. Proviso. Notice to tenant sufficient.

Proviso.

Balance of purchase money and interest to be credited in certain cases.

Dep. atty. general to attend sales.

Patents may issue within 9 months after suit is brought.

ral or other agent, to institute a suit in the nature of a scire facias on a mortgage against the owner or owners, or against the person or persons in possession of such lands as aforesaid, for the recovery of such sum or sums as appear to be due the Commonwealth, and to prosecute the same to judgment and recovery in the usual manner, and such calculation certified by the Secretary of the Land-Office, to be just and true, shall be received in evidence in any such suit: *Provided*. That all persons against whom judgment shall be rendered as aforesaid, shall be entitled to one year's stay of execution, to be computed from the return of the scire facias: *And provided also*, That in case of a scire facias service thereof on the terre tenant shall be sufficient, who shall give notice thereof to his landlord under the like penalties for neglect or refusal so to do, as are provided by the laws of this Commonwealth in cases of ejectment, and in case there be no person in possession, publication of notice for six successive weeks in a newspaper published nearest to the land by the sheriff, shall be held to be a competent service: *And provided also*, That on any scire facias issued in pursuance of this act, it shall be sufficient if it states the quantity and situation of the land, and the amount of the patenting fees, and no declaration shall be necessary.

SECT. 4. *And be it further enacted by the authority aforesaid*, That any person or persons holding a warrant or warrants, issued under the authority of the Commonwealth, and on which surveys have been made and returned into the Surveyor General's office, or patents have issued, and who are also in possession of the title to the same lands, or any part thereof, by virtue of a proprietary warrant or location, that the Secretary of the Land-Office, under the direction of the board of property, shall carry to their credit the amount of purchase money and interest paid by them, or those under whom they claim on their said new warrants, and if for a part of a tract a proportional part of each and every such payment.

SECT. 5. *And be it further enacted by the authority aforesaid*, That in all cases where a levari facias shall have been issued for the sale of such lands as aforesaid, it shall be the duty of the Deputy of the Attorney General, or other agent of the county in which such lands as aforesaid are situated, to attend to such sales, and if no person shall offer a sum equal to the amount due the Commonwealth (including debt, interest and costs) then said attorney or agent shall have such tracts of land purchased for the use of the Commonwealth.

SECT. 6. *And be it further enacted by the authority aforesaid*, That the Secretary of the Land-Office be, and he is hereby authorised to issue patents on any such location or locations, or other office rights as aforesaid, upon the application of any person or persons entitled to receive the same, previous to, or within nine months after the institution of a

suit in the manner aforesaid, and upon the payment of the sum due the Commonwealth with the usual fees of office, deducting therefrom seven year's interest, to be computed from the second day of December, one thousand seven hundred and seventy six, or on the payment of the usual fees of office, and the executing a mortgage to the Governor of the Commonwealth to secure the payment of the aggregate of the arrears of purchase money and the interest due thereon, after deducting the seven year's interest as aforesaid, in ten equal annual instalments, the interest of the whole aggregate sum remaining due to be paid yearly, and all mortgages which shall be executed in pursuance of this act, shall be filed in the office of the Secretary of the Land-Office, and shall be available in law without recording thereof; and it shall be the duty of the Secretary of the Land-Office before he shall deliver any such patent to be enrolled to endorse thereon, that a mortgage is executed by the patentee to the Governor for the use of the Commonwealth, to secure the payment of arrearages, and also endorse thereon the amount thereof: *Provided*, That if any person or persons shall neglect or refuse to comply with the true intent and meaning of this act, then, and in that case, it shall be the duty of the Secretary of the Land-Office to calculate the whole amount due the Commonwealth under the provisions of the act of Assembly, passed the twenty-fifth of January, one thousand eight hundred and sixteen, and it shall be his duty to transmit the same to the Deputy Attorney General of the proper county, who shall commence suit thereon, and prosecute the same to judgment and execution, according to the laws of this Commonwealth: *Provided always*, That any person or persons who may hereafter execute a mortgage or mortgages to the Governor for the use of the Commonwealth, to secure the purchase money and interest as aforesaid, shall not in consequence thereof be deprived of the privileges to which freeholders are entitled, any law or custom to the contrary notwithstanding; and that nothing in this act shall prevent any person or persons, or their legal representatives from paying the whole amount due the Commonwealth, at any time within the ten years aforesaid; and the mortgages as aforesaid may be made and executed by a legal agent or representative, duly constituted by letter of attorney, acknowledged before some justice of the peace in the county where the lands lie: *And provided further*, That no suit shall be instituted on any mortgage given as aforesaid, until one month after the last day whereon such mortgage money ought to have been paid, or conditions performed as therein set forth and contained: *And provided further*, That no suit shall be instituted against any person holding lands by virtue of locations or other office rights, issued from or under the proprietary government, prior to the first of April, one thousand eight hundred and twenty-one.

Seven year's interest to be deducted.

Ten annual instalments.

Mortgages to be filed in the land office.

Proviso.

In case of neglect of the party to comply.

Whole amount of interest to be charged.

Proviso.

Persons executing mortgages not deprived of privileges of freeholders.

Persons may pay in less than 10 years.

Proviso.

Proviso.

Proceedings in cases where no surveys or returns have been made. **SECT. 7.** *And be it further enacted by the authority aforesaid,* That in all cases whatever where lands are held by location or other office rights as aforesaid, and where the same have not been surveyed, or if surveyed, no returns thereof have been made into the Surveyor General's Office, the owner or owners of such locations, or other office rights, shall upon causing or procuring surveys to be made on their respective locations, or other office rights, by the Deputy Surveyor of the proper district or county in which the lands are situate, and upon causing or procuring the same surveys to be returned into the Surveyor General's Office, and upon payment of the purchase money, or executing a mortgage for the same, and paying the usual fees of office, shall be entitled to receive their patents respectively, on the same terms and under the same conditions, agreeably to the provisions of this act, as if surveys had been heretofore made and returned into the Surveyor-General's office.

Proceedings after patents have issued. **SECT. 8.** *And be it further enacted by the authority aforesaid,* That when any patents shall issue, either upon a mortgage or on the payment of the purchase money and interest, after suit shall have been commenced against such person or persons, it shall be the duty of the Secretary of the Land-Office to grant a certificate under his hand and seal of office, stating the facts as the case may be, and to direct the same to the Deputy of the Attorney General, or other agent of, the county in which such lands lie, and upon the payment of all legal costs which may have accrued, the said attorney or agent shall discontinue any such suit or suits, or if judgment be had, to enter satisfaction on the same, and to cause such certificate to be filed in court among the papers touching such suit or suits.

Where ejectments are now pending suits to be suspended. **SECT. 9.** *And be it further enacted by the authority aforesaid,* That in all cases where any ejectment is now pending for any lands contained in any such lists as aforesaid, the Deputy of the Attorney General, or other agent to whom the same may be transmitted shall not commence suit, or if suit be brought, the court shall suspend the same until such suit or ejectment be determined.

Dep. Attorney-General to receive no compensation except docket fee. **SECT. 10.** *And be it further enacted by the authority aforesaid,* That the Deputy of the Attorney-General, or other agent who may be employed to prosecute the aforesaid claims on behalf of the Commonwealth, shall not receive for his services any compensation beyond the usual docket fee, and in case of a non-suit, discontinuance or judgment against the Commonwealth, no attorney's fee shall be allowed; and the Deputy Surveyors to whom any list or lists aforesaid shall be transmitted on the receipt thereof, shall give public notice of a time and place, when and where he will receive any information required by him, to be furnished to the Surveyor General as directed by the second section of this act, from the holder or holders of land therein described, and shall be al-

Dep. Surveyor to give notice of time and place to receive information.

to be paid a reasonable compensation for noting the name or names of the owner or owners, the occupier or possessors of the respective tracts of land contained therein, and the township in which such persons reside, to be settled by the officers of the Accountant Department and to be paid in the usual way on a warrant drawn by the Auditor General, to be charged by the Secretary of the Land-Office, to the owner or owners, occupier or occupiers, or possessor of such tracts of land; but such Deputy Surveyors shall not receive any compensation for any actual surveys, unless a special order for that purpose be directed to him by the board of property, nor shall they be allowed for any extra services of any kind, unless they shall have been performed in pursuance of a written contract, previously made with the officers of the board of property in which the particular services to be performed shall be specified.

Compensation how paid
 Dep. Surveyors not to receive any compensation except in certain cases!

SECT. 11. *And be it further enacted by the authority aforesaid,* That the fee to be charged for a warrant of acceptance in all cases shall be four dollars and fifty cents.

\$ 4 50 for a warrant of acceptance!

SECT. 12. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the Attorney-General immediately to remove from office any one of his deputies who shall refuse or neglect to perform the duties enjoined on him by this act.

Atty. Gen. to remove any of his deputies who refuse to act.

SECT. 13. *And be it further enacted by the authority aforesaid,* That the Governor shall cause this act to be published in such newspapers within this Commonwealth, as he shall deem sufficient to give the most general information thereof.

Act to be published in newspapers.

JOSEPH LAWRENCE, *Speaker of the House of Representatives.*

ISAAC WEAVER, *Speaker of the Senate.*

APPROVED—the twenty-second day of March, one thousand eight hundred and twenty.

WILLIAM FINDLAY.

CHAPTER LXXII.

A SUPPLEMENT

To the act, entitled "An act, to appoint commissioners to regulate the streets, lanes and alleys in the district of Southwark, and to lay out new streets, lanes and alleys therein, for the accommodation of the inhabitants, and to lay out roads therein mentioned, through the said district, and parts of the townships of Moyamensing and Passyunk.

SECT. 1. *BE it enacted by the Senate and House of Repre-*