

sent of the owner thereof, upon the lands immediately adjacent and connected with his own lands, other than lands owned by or under the control of the Commonwealth.

The terms "antlerless deer" and "deer without visible antlers," as used in this subsection or any other provision of the Game Law which this act amends, are hereby defined to mean a deer without an antler sometimes called horn, the term "antler," as herein used or in any other provision of the Game Law which this act amends, meaning the bony growth on the head of a deer regardless of its size or development.

When the commission adopts and promulgates such rules and regulations relative to resident and nonresident hunters' licenses and tags for antlerless deer, it is unlawful for any person other than a landowner or lessee of the county or a member of his household, as hereinbefore enumerated, to hunt for antlerless deer without a resident or nonresident hunters' license and tag for antlerless deer, or to take such deer contrary to the rules and regulations adopted by the commission.

APPROVED—The 14th day of January, A. D. 1952.

JOHN S. FINE

No. 567

AN ACT

To further amend sections 10 and 15 of the act, approved the sixteenth day of May, one thousand nine hundred twenty-three (Pamphlet Laws 207), entitled "An act providing when, how, upon what property, and to what extent, liens shall be allowed for taxes and for municipal improvements, for the removal of nuisances, and for water rents or rates, sewer rates, and lighting rates; for the procedure upon claims filed therefor; the methods for preserving such liens and enforcing payment of such claims; the effect of judicial sales of the properties liened; the distribution of the proceeds of such sales, and the redemption of the property therefrom; for the lien and collection of certain taxes heretofore assessed, and of claims for municipal improvements made and nuisances removed, within six months before the passage of this act; and for the procedure on tax and municipal claims filed under other and prior acts of Assembly," by providing that tax and municipal claims and the revivals thereof, in counties of the second class, must be signed by or have stamped thereon a facsimile signature of the county controller.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows: Municipal liens,

Section 10, act of May 16, 1923, P. L. 207, as last amended by act of April 14, 1949, P. L. 470, further amended.

Section 1. Section 10 of the act, approved the sixteenth day of May, one thousand nine hundred twenty-three (Pamphlet Laws 207), entitled "An act providing when, how, upon what property, and to what extent, liens shall be allowed for taxes and for municipal improvements, for the removal of nuisances, and for water rents or rates, sewer rates, and lighting rates; for the procedure upon claims filed therefor; the methods for preserving such liens and enforcing payment of such claims; the effect of judicial sales of the properties liened; the distribution of the proceeds of such sales, and the redemption of the property therefrom; for the lien and collection of certain taxes heretofore assessed, and of claims for municipal improvements made and nuisances removed, within six months before the passage of this act; and for the procedure on tax and municipal claims filed under other and prior acts of Assembly," as last amended by the act, approved the fourteenth day of April, one thousand nine hundred forty-nine (Pamphlet Laws 470), is hereby further amended to read as follows:

Contents of claim.

Section 10. Said claim shall set forth:

1. The name of the municipality by which filed;
2. The name of the owner of the property against which it is filed;
3. A description of the property against which it is filed;
4. The authority under or by virtue of which the tax was levied or the work was done;
5. The time for which the tax was levied, or the date on which the work was completed in front of the particular property against which the claim is filed; or the date of completion of the improvement, where the assessment is made after completion; or the date of confirmation by the court, where confirmation is required done;
6. If filed to the use of a contractor, the date of, and parties to, the contract for doing said work; and
7. In other than tax claims, the kind and character of the work done for which the claim is filed, and, if the work be such as to require previous notice to the owner to do it, when and how such notice was given.

Signature.

Said claim shall be signed by, or have stamped thereon a facsimile signature of, the solicitor or chief executive officer of the claimant, or the chief of its delinquent tax bureau, *except that, in counties of the second class, said claim or claims for county taxes, levies or assessments shall be signed by, or have stamped thereon a facsimile signature of, the county controller;* and, in the case of a

Affidavit of use
—plaintiff.

use-plaintiff, must be accompanied by an affidavit that the facts therein set forth are true to the best of his knowledge, information, and belief.

Section 2. Section 15 of said act, as last amended by the act, approved the tenth day of May, one thousand nine hundred fifty-one (Pamphlet Laws 288), is hereby further amended to read as follows:

Section 15, said act, as last amended by act of May 10, 1951, P. L. 288, further amended.

Section 15. Such tax, municipal or other claim if filed within the period aforesaid, shall remain a lien upon said properties until fully paid and satisfied: Provided, That either a suggestion of nonpayment and an averment of default, in the form hereinafter provided, be filed, either before or after judgment on the scire facias, or else a writ of scire facias, in the form herein provided, be issued to revive the same, within each period of five years following—(a) the date on which said claim was filed, (b) the date on which a writ of scire facias was issued thereon, (c) the date on which any judgment was entered thereon, (d) the date on which a previous suggestion of nonpayment and default was filed thereon, or (e) the date on which a judgment of revival was obtained thereon.

Term of lien.

Proviso.

The suggestion and averment shall be in the following form, under the caption of the claim:

Form of suggestion of nonpayment and averment of default.

And now, the claimant, by, [his] its solicitor, or by the chief of its delinquent tax bureau, or, in counties of the second class, by the county controller, suggests of record that the above claim is still due and owing to the claimant, and avers that the owner is still in default for nonpayment thereof. The prothonotary is hereby directed to enter this suggestion and averment on the municipal lien or the proper docket of the claim, and also to index it upon the judgment index and on the locality index of the court, for the purpose of continuing the lien of the claim.

Such suggestion and averment shall be signed by, or have stamped thereon a facsimile signature of, the solicitor or chief executive *officer of the claimant, or the chief of its delinquent tax bureau, except in counties of the second class, in which case it shall be signed by, or have stamped thereon a facsimile signature of, the county controller. The prothonotary shall docket and index the suggestion and averments directed therein; and for such services, in all counties of the fifth class and the political subdivisions in such counties, shall be entitled to a fee of one dollar, and in all other classes of counties and the political subdivisions thereof, he shall receive the following fee, to be taxed and collected as other costs in the claim.

Signature.

Docketing and indexing.

Prothonotary's fee.

* "office" in original.

Where suggestion and averment is
for taxes or municipal claims
for one year and is directed to
be indexed in one name onlyone dollar (\$1);
Each additional year includedone dollar (\$1);
Each additional name includedtwenty-five
cents (\$.25).

Force and effect
of filing and
indexing of sug-
gestion of non-
payment and
averment of
default.

The filing and indexing of such suggestion and averment within five years of filing the claim or the issuing of any writ of scire facias thereon, or of any judgment thereon, or of the filing of any prior suggestion and averment of default, shall have the same force and effect, for the purposes of continuing and preserving the lien of the claim, as though a writ of scire facias had been issued or a judgment or judgment of revival had been obtained within such period: Provided, That no writ of levavi facias shall be issued upon a claim for the purpose of exposing the property liened to sheriff's sale, except after a judgment shall have been duly obtained upon the claim, as provided in this section, and such judgment must have been obtained within five years of the issuance of the levavi facias. Whenever the lien of a claim has been revived and continued by the filing and indexing of a suggestion and averment of default, the claimant may, at any time within five years therefrom, issue a writ of scire facias thereon, reciting all suggestion and averment of default filed since the filing of the claim, and shall proceed thereon, in the manner herein provided, subject to the right of the owner to raise any defense arising since the last judgment.

Proviso.

Claimant may
issue writ of
scire facias
within five years
from date when
lien has been
revived and
continued.

If a claim be not filed within the time aforesaid, or if it be not prosecuted in the manner and at the time aforesaid, its lien on real estate shall be wholly lost.

Loss of lien.

Act effective
immediately.

Section 3. The provisions of this act shall become effective immediately upon final enactment.

APPROVED—The 14th day of January, A. D. 1952.

JOHN S. FINE

No. 568

AN ACT

To further amend section 17 of the act, approved the twenty-first day of May, one thousand nine hundred thirty-one (Pamphlet Laws 149), entitled, as amended, "An act imposing a State tax, payable by those herein defined as distributors, on liquid fuels used or sold and delivered within the Commonwealth, which are practically, and commercially suitable for use in internal combustion engines for the generation of power; providing for the collection and lien of the tax, and the distribution and use of the proceeds thereof; requiring such dis-