

LAND OFFICE INSTITUTE SUITS FOR RECOVERY OF MONEYS FOR LAND
Act of Apr. 8, 1826, P.L. 260, No. 85
AN ACT

Cl. 68

Providing for the gradual collection of moneys due to the
commonwealth for lands.

Section 1. Suits for recovery of money due on land

From and after the first day of May, 1827, the Secretary of the Land Office (office abolished and duties imposed on Surveyor General, whose office was likewise abolished and powers conferred on Secretary of Internal affairs shall cause suits to be instituted on behalf of the Commonwealth for the recovery of moneys due for lands held by virtue of locations or other office titles issued from or under the Proprietary Government, under and agreeably to the provisions of the act entitled "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," passed March 22, 1820, (P.L. 99) and also for lands held by warrant or other title from or under this Commonwealth, ascertaining the sums due according to the provisions of the laws now existing, in all cases where a mortgage shall not have been executed therefor before that time agreeably to the provisions of the act of March 22, 1820, (P.L. 99) aforesaid, or any other act authorizing the same: Provided, That any person or persons holding land as aforesaid, who shall between the passage of this act and the first day of May, 1827, patent the same and give a mortgage for the amount of the principal and interest due, according to the provisions of the act of March 22, 1820, (P.L. 99) entitled "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," or any other act, and who shall pay the interest which may accrue on such mortgage on or before the first day of June, in each and every year thereafter, shall not be liable to have a suit instituted against him, her or them for the recovery of the amount of such mortgage, and such interest as may be due, until one year after such payment of annual interest shall have ceased to have been made, unless it shall be otherwise directed by law: and provided further, that any person or persons holding land as aforesaid, against whom suit or suits shall be instituted agreeably to the directions of this act, who shall at any time within nine months from and after the institution of such suit or suits, pay the interest which shall have accrued on such land from and after the first day of May, 1827, and shall take a patent and execute a mortgage agreeably to the provisions of the act passed March 22, 1820, (P.L. 99) entitled "an act directing the recovery of the principal and interest due to Commonwealth from persons holding lands by virtue of locations or other office titles issued from or under the Proprietary Government, and for other purposes," or

agreeably to the provisions of this act, and shall hereafter yearly pay the interest on such mortgage on the first day of June, in each and every year thereafter, and shall pay all costs that shall have accrued on such suit or suits, such person or persons shall not be liable to be further proceeded against by such suit or suits, but the same shall be discontinued, and no other suit shall be instituted against such person or persons under this act, or the aforesaid act passed March 22, 1820, (P.L. 99) until after the failure to pay such interest on the first day of June, as aforesaid, or until it shall be otherwise directed by law. 1826, April 8, P.L. 260, Sec. 1.

Section 2. When suit shall not be instituted

In all cases where the whole amount of any mortgage or lien which shall have been executed or have taken effect before the passage of this act, and has become due and payable to the Commonwealth before the passing of this Act, or shall become so due and payable, or any part thereof, before the said first day of May, 1827, or at any time thereafter, if the mortgagor or judgment debtor shall on or before such time fully pay the interest which may have accrued on any such mortgage or lien, at the time of such payment, suit for the recovery of the principal shall not be instituted for one year thereafter; but in default of such payment, the Secretary of the Land Office shall proceed from and after said time to cause suits to be instituted for the recovery of the same, under and agreeably to the provisions of the above recited act of March 22, 1820: P.L. 99) Provided, That if any mortgagor or judgment debtor having so paid up the interest due on such mortgage or lien shall well and truly pay the interest which may have accrued on such mortgage or lien on or before the first day of June in each and every year thereafter, suits shall not be brought as aforesaid for the recovery of the amount of such mortgage or lien, and the interest which may be due thereon, for one year after failure to pay the interest on the same, unless it shall be otherwise directed by law. 1826, April 8, P.L. 260, Sec. 2.

Section 3. Power to ascertain situation of land held by warrant

The Secretary of the Land Office, and board of property, shall have and exercise all the powers and authority and perform all the duties for ascertaining the situation of lands held by warrant or other title granted by or under this Commonwealth, and the owners or occupiers thereof, as is given to them and laid upon them by the act, before mentioned, of March 22, 1820, P.L. 99) in relation to locations and other office titles issued from or under the Proprietary Government, and the act supplementary thereto, passed April 11, 1825. (P.L. 175.) 1826, April 8, P.L. 260, Sec. 3.