

ESCHEAT OF LANDS HELD BY CORPORATION WITHOUT LICENSE

Act of Apr. 6, 1833, P.L. 167, No. 83

CL. 28

AN ACT

Relating to the escheat of lands held by corporations, without the license of the commonwealth.

WHEREAS it is contrary to the laws and policy of the state, for any corporation to prevent or impede the circulation of landed property from man to man, without a license from the commonwealth, and no corporation either of this state or of any other state, though lawfully incorporated or constituted, can, in any case, purchase lands within this state, either in its corporate name, or names of any person or persons whomsoever for its use, directly or indirectly, without incurring the forfeiture of said lands to this commonwealth, unless said purchase be sanctioned and authorized by an act of the legislature thereof, but every such corporation, its feoffee or feoffees, hold and retain the same, subject to be divested or dispossessed at any time by the commonwealth, according to due course of law: And whereas, it is understood that lands are now held in this commonwealth, by trustees or feoffees to the use of corporations granted by the laws of other states of the Union: And whereas, it is due to the character of this commonwealth, as an independent state, to prevent unlawful encroachments of its power and authority, and to maintain and preserve inviolate for the advantage and good of the people all her just prerogative, and to assert her right to all lands which have been, or may be forfeited, in manner aforesaid, as well in case of land held directly or indirectly, by any company incorporated by this state, or of any company incorporated by another state, if any such there are, or which may hereafter exist, as also to institute and prosecute to effect such proceedings, for establishing her title and authenticating her right, by solemn matter of record, to said forfeiture or escheated lands, and for recovering possession thereof, and seizing the same into the hands of the commonwealth as may be lawful, and at such time or times as the said commonwealth may be deem expedient and proper.

Section 1. Lands purchased by corporations without license to be forfeited

As often as information shall be given to the Auditor General that any lands within this Commonwealth have been alienated to, or purchased by any incorporated company, in its corporate capacity, or in the name of trustees or feoffees, for its use, without the license of the Commonwealth, or have come into their possession by any manner or device whatever, the said Auditor General shall proceed to appoint a deputy escheator, in the county where the lands are situated, who shall forthwith hold an inquest, in the same manner and form as prescribed by existing laws relative to escheats, and shall make report thereof, as directed by said laws, and the said deputy escheator and all other officers and persons concerned shall have like powers, be entitled to like fees, and be subject to the same restrictions and liabilities, as is provided in the case of the escheat of the lands of an individual, for the want of heirs or known kindred. 1833, April 6, P.L. 167, Sec. 1.

Section 2. And be it further enacted by the authority aforesaid, That if the said associations, now engaged in mining, shall discontinue all their operations, under their several acts of incorporation, within one year, then, and in that case, the commonwealth does hereby release to the individuals

composing said associations, according to their respective interests, all the right, title and interest which the commonwealth has acquired to the real estate of said associations, respectively, in pursuance of the laws and statutes relating to mortmain.

AND WHEREAS, the Delaware coal company, and the North American coal company, have petitioned the Legislature, setting forth that they have embarked large capitals in the purchase of coal lands, and have expended their money liberally in the construction of rail roads, and are now extensively engaged in the business of mining and transporting coal, and that they could not, without great loss to those concerned in the business, cease their operations, and praying the Legislature, in consideration of these circumstances, to grant them a period of years sufficient to remunerate the stockholders for the heavy expenses incurred by them: And whereas, it has been represented to the Legislature that the stock in the two companies aforesaid, is now principally owned by citizens of Pennsylvania:

Section 3. And be it further enacted by the authority aforesaid, That the said Delaware coal company, and North American coal company, be, and they are hereby authorized to continue their operations, with all the powers and privileges, and subject to all the liabilities of corporations created in this commonwealth, on the lands now held by them, under their respective charters, for a period of three years, and no longer, from and after the passage of this act; before, or at the end of which period, the said companies shall dispose of the lands, and cease all operations under said charters; upon which sale, the right of this Commonwealth, by virtue of the laws and statutes relating to mortmain, shall be thenceforth released to the purchaser or purchasers, saving to all persons having prior equitable rights to the lands to be released in this, and the next preceding sections of this act, their just rights as fully as if the release of the legal title of this Commonwealth had been made to the persons justly entitled, as aforesaid: Provided however, if at any time it shall appear to the Legislature that the operations of the said companies, or either of them, have proved injurious to the interests of the community, the Legislature reserve the right to repeal this section, and annul the privileges hereby granted: Provided, That if at any time the officers of the two companies last aforesaid, should be absent from this state, so that no process can be served on said companies, the said companies may be proceeded against by foreign attachment.

Section 4. Informers not entitled to reward

So much of any provision of the act entitled "An act to declare and regular escheats," and its supplements, as provide for a reward to informers of an escheat, shall not apply to any proceeding under the provisions of this act, so as to entitle any informer to such reward, but it shall be the duty of the escheator to procure the necessary evidence to substantiate the title of the Commonwealth, and to prosecute the right of the Commonwealth, who shall receive for his services the fees and compensation provided for by the several sections of said act, and its supplements. 1833, April 6, P.L. 167, Sec. 4.

Section 5. Report by Auditor General

The Auditor General shall make return of the proceedings in every case where an inquisition shall be found and returned, as aforesaid, to the Governor, to be filed in the office of the Secretary of the Commonwealth, all which matters and things shall be laid by the Governor before the Legislature. 1833, april 6, p.l. 167, sec. 5.