

UNPATENTED LANDS, PROVIDING COLLECTION AMOUNTS DUE COMMONWEALTH
Act of May 26, 1897, P.L. 101, No. 85
AN ACT

Cl. 68

Providing for the collection of the amounts due the Commonwealth for purchase money, interest and fees due on unpatented lands.

Whereas, The General Assembly under and by virtue of the act approved the twentieth day of May, Anno Domini one thousand eight hundred and sixty-four, and its supplements, provide for an unpatented land lien docket for the entry of liens therein to secure the purchase money, interest and fees due the Commonwealth on unpatented lands;

And Whereas, The lien dockets now on file in the Department of Internal Affairs show that there are many of these liens unsatisfied and, in the aggregate, a large amount of money still due the Commonwealth;

And Whereas, It is impossible from the records on file to ascertain who are the present owners of the lands against which these liens are entered, therefore,

Section 1. Ascertainment of owners of land against which lien has been entered

It shall be the duty of the secretary of internal affairs to ascertain so far as possible the owner or owners of the lands against which liens have been entered under the act of May twentieth, one thousand eight hundred and sixty-four, and its supplements, and to enforce collection of the amounts of money due the Commonwealth, by reason of the unpaid purchase money, interest and fees due on the lands heretofore sold by the Commonwealth, which now remain unpatented by reason of the unsettled accounts against such lands. 1897, May 26, P.L. 101, Sec. 1.

Section 2. Proceedings to collect liens

If any person or persons owning such unpatented lands against which there have been entered liens, shall refuse or longer neglect to pay the said lien or that portion thereof which applies to the part of the original tract which such person or persons own, it shall be the duty of the secretary of internal affairs, after having satisfied himself as to the validity of the lien aforesaid, to take such action as he may deem proper to enforce the collection of the same, and for this purpose he is authorized to employ such assistance as he may deem necessary in the premises; or in case of refusal of any person or persons owning the lands against which such liens exist to pay the said amount due, the secretary of internal affairs may certify the amount of such claim of the Commonwealth to the Attorney General, whose duty it shall be to proceed to collect the amount due the Commonwealth by a scire facias sur liens, which shall be directed to the sheriff of the county wherein the land against which the lien is entered may be situated. 1897, Mar 26, P.L. 101, Sec. 2.

Section 3. List of liens; contents

It shall be the duty of the clerk to the board of property to make a list of liens as they may be required under this act for use in the collection of the moneys due the Commonwealth, to which list shall be added the name of the original warrantee, the number of acres of land covered by the lien, the location of the land as nearly as may be possible, the date of the entry of the lien, the amount thereof, including the fees and interest accrued thereon. 1897, May 26, P.L. 101, Sec. 3.

Section 4. Entry of satisfaction; certificate

When the amount due the Commonwealth shall have been paid, satisfaction shall be entered on the lien docket in the Department of Internal Affairs, and a certificate, showing such payment and satisfaction shall be made under the hand of the Secretary of Internal Affairs, attested by the seal of his department and forwarded to the party entitled thereto, who, upon presentation of the same to the prothonotary of the proper county and the payment of the usual fee, shall have satisfaction entered upon the unpatented land lien docket of such county in attestation of the extinguishment of the lien of the Commonwealth for such purchase money, interest and fees. 1897, May 26, P.L. 101, Sec. 4.

Section 5. Payment of moneys into State Treasury; issue of patents

All moneys received under the provisions of this act, except as provided in section six of this act, shall be paid into the State Treasury, and when so paid and receipted by the state treasurer it shall be the duty of the Secretary of Internal Affairs to issue patents for the land so discharged from the lien of the commonwealth in the manner as patents are now granted in other cases. 1897, May 26, P.L. 101, Sec. 5.

Section 6. Deduction of expenses

From the moneys so collected there shall be deducted such amount for actual expenses incurred and service rendered in the enforcement of this act as may be approved by the Auditor General and State Treasurer and the Secretary of Internal Affairs. 1897, May 26, P.L. 101, Sec. 6.

Section 7. Granting of patents for unpatented lands

Whenever it shall appear from the land office records in the Department of Internal Affairs that warrants for land belonging to the Commonwealth have been legally granted, or that town lots have been sold by a commission representing the Commonwealth in conformity with the law authorizing the sale of such lots, and when there is no lien entered on record against such land or lots in the unpatented land lien docket authorized by the act of may twentieth, one thousand eight hundred and sixty-four, (sections in the respective county in which said lands may lie, it shall be the duty of the Secretary of Internal Affairs to grant patents for such lands or lots in the usual form and manner, upon proof of ownership of such land or lots, and the payment of the patent fees now authorized by law. 1897, May 26, P.L. 101, Sec. 7.