

Section 3. After the property shall have been acquired by the Commonwealth, the Pennsylvania Historical Commission shall have full control, management, and supervision thereof, and shall have power to adopt and carry into effect plans for its restoration, improvement, and maintenance, using therefor any funds at the disposal of the said commission not otherwise specifically appropriated or allocated, and to make and enforce rules and regulations for the preservation of the property and visitation thereof by the public.

Pennsylvania
Historical Commission to manage the park.

Section 4. This act shall become effective immediately upon final enactment.

When effective.

APPROVED—The 28th day of May, A. D. 1937.

GEORGE H. EARLE

No. 272

AN ACT

To amend section fifteen of the act, approved the sixteenth day of May, one thousand nine hundred and twenty-three (Pamphlet Laws, two hundred seven), 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 permitting the revival of other than tax claims by a suggestion of nonpayment and averment of default before or after judgment on scire facias.

Section 1. Be it enacted, &c., That section fifteen of the act, approved the sixteenth day of May, one thousand nine hundred and twenty-three (Pamphlet Laws, two hundred seven), 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

Section 15, act
of May 16, 1923
(P. L. 207),
amended.

filed under other and prior acts of Assembly," is hereby amended to read as follows:

Term of lien.

Proviso.

Suggestion and averment.

Writ of scire facias.

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, however, That either a suggestion of nonpayment and an averment of default, in the form hereinafter provided, be filed, [in cases of tax claims] either before or after judgment on the scire facias, [and in cases of other than tax claims 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.

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

Form.

And now....., the claimant, by....., his solicitor, 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.

Signature.

Docketing and indexing.

Fee.

Such suggestion and averment must be signed by the solicitor or chief executive officer of the claimant. The prothonotary shall docket and index the suggestion and averments directed therein; and for such services shall be entitled to a fee of one dollar, to be taxed and collected as other costs in the claim. 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 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 lien 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

Proviso.

suggestion and averment of default, the claimant may, at any time within five years therefrom, issue a writ of seire 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.

If a claim is 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.

Section 2. This act shall become effective immediately upon its final enactment. When effective.

APPROVED—The 28th day of May, A. D. 1937.

GEORGE H. EARLE

No. 273

AN ACT

To repeal section ten of the act, approved the nineteenth day of July, one thousand nine hundred and thirty-five (Pamphlet Laws, one thousand three hundred fifty-six), entitled "An act to regulate the sale and delivery of solid fuel, as herein defined; providing for appointment of licensed weighmasters; prescribing their powers and duties; authorizing substitute licensed weighmasters; imposing certain duties on the Department of Internal Affairs; and providing penalties."

Section 1. Be it enacted, &c., That section ten of the act, approved the nineteenth day of July, one thousand nine hundred and thirty-five (Pamphlet Laws, one thousand three hundred fifty-six), entitled "An act to regulate the sale and delivery of solid fuel, as herein defined; providing for appointment of licensed weighmasters; prescribing their powers and duties; authorizing substitute licensed weighmasters; imposing certain duties on the Department of Internal Affairs; and providing penalties," which reads as follows:

Section 10. This act shall not apply to the sale and distribution of solid fuel to persons residing within a radius of ten miles from the place where such solid fuel is produced, unless the purchaser shall require such solid fuel to be weighed as provided herein, and/or unless the delivery shall be made to persons residing within the limits of a municipality requiring the said solid fuel to be weighed," is hereby repealed.

Purchasers
within 10 miles
of production
point.

APPROVED—The 28th day of May, A. D. 1937.

GEORGE H. EARLE