

Section 19. Constitutional Construction and Severability.—It is hereby declared to be the purpose and intent of this act and the policy of the Legislature to authorize qualified persons to provide adequate medical services for residents of this State who are unable to provide such services for themselves or their dependents at their own cost without depriving themselves or their dependents of such necessities of life as food, clothing and shelter, [.] *and provide persons of over-income with the limited medical service benefits hereinbefore set forth.* At the same time it is the purpose and intent of this act and the policy of the Legislature to maintain the standing and promote the progress of the science and art of medicine in this State. The courts of this State are hereby directed to construe this act liberally, in order to accomplish those ends.

The provisions of this act shall be severable, and if any provision of this act is declared unconstitutional or the applicability thereof to any person or circumstance is held invalid, the constitutionality of the remainder of the act and the applicability thereof to other persons and circumstances shall not be affected thereby. It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included therein.

Act effective immediately.

Section 2. The provisions of this act shall become effective immediately upon its final enactment.

APPROVED—The 21st day of May, A. D. 1943.

EDWARD MARTIN

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No. 169

AN ACT

To reenact and further amend section seventeen of the act, approved the twenty-ninth day of May, one thousand nine hundred thirty-one (Pamphlet Laws, two hundred eighty), entitled "An act relating to delinquent taxes on seated lands, and prescribing interest charges on nonpayment thereof; requiring the receivers and collectors of county, city, borough, town, township, school district and poor district taxes to make a return to the county commissioners of such unpaid taxes, and providing for the lien thereof; authorizing the county treasurers to collect such taxes, and to sell seated lands at public sale for taxes heretofore or hereafter returned as unpaid; and authorizing the county commissioners to purchase such lands and resell the same under certain circumstances," making the sale of land purchased at treasurer's sale discretionary; providing for the readvertisement of such sales heretofore advertised, but not held; authorizing the sale of such property on court

order, and the redemption thereof after such sale, free and clear of all mortgages, municipal claims and ground rents; and validating previous sales.

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

Section 1. Section seventeen of the act, approved the twenty-ninth day of May, one thousand nine hundred thirty-one (Pamphlet Laws, two hundred eighty), entitled "An act relating to delinquent taxes on seated lands, and prescribing interest charges on nonpayment thereof; requiring the receivers and collectors of county, city, borough, town, township, school district and poor district taxes to make a return to the county commissioners of such unpaid taxes, and providing for the lien thereof; authorizing the county treasurers to collect such taxes, and to sell seated lands at public sale for taxes heretofore or hereafter returned as unpaid; and authorizing the county commissioners to purchase such lands and resell the same under certain circumstances," as amended by the act, approved the twentieth day of June, one thousand nine hundred thirty-nine (Pamphlet Laws, four hundred ninety-eight), is hereby reenacted and further amended to read as follows:

Section 17. If the owner of any real property, his heirs or legal representatives, or lien creditor, his heirs, assigns or legal representatives, or other person interested in property, so purchased by the county commissioners, shall not redeem the same within such period of redemption\* the county commissioners [shall, within six months] may, after the expiration of such period, sell such lands at public sale or private sale, in the manner provided by law, for the best price or prices obtainable, *but they shall not be obliged to sell same.* Any such lands now owned by the county for which the redemption period has expired, [shall] *including property heretofore exposed to sale by the county commissioners and for which no bids have been received, may* be sold as herein provided [within six months] *at any time* after the effective date of this act, *but shall not be required to be sold.* After any such sale or in the case of any redemption, the property shall be charged by the assessor in the name of the last purchaser or redeemer, and such lands shall again be liable for taxes as other lands.

The county commissioners, before making sale of real property purchased by them at tax sales, shall give at least thirty days' notice, once a week for three consecutive weeks, of such sales, particularly designating the tracts that are to be sold. This notice shall be inserted in *at least* two newspapers published in the county, if so many are published in said county; if there be only one, then in such newspaper published in the county.

Delinquent taxes on seated lands.

Section 17, act of May 29, 1931, P. L. 280, as amended by act of June 20, 1939, P. L. 498, reenacted and further amended

Sale by county commissioners if no redemption.

Public or private sale at best price obtainable.

Notice of sale in newspapers.

\* "of redemption" not underscored in original.

Such advertisement shall set forth :

- (a) The purpose of such sale.
- (b) The time of such sale.
- (c) The place of such sale.
- (d) The terms of such sale.
- (e) A list of seated lands affected and their location, and the owner or reputed owner of each.

*Where any such public sale has been advertised under the provisions of this section, prior to this amendment, and such sale not having been held, the readvertisement of such sale need not be advertised three consecutive weeks, nor include a list and description of the lands to be sold, but need only be advertised by one insertion in one or two newspapers, as aforesaid, at least thirty days prior to the sale, and include the purpose, the time, the place, and the terms of such sale, with a reference to the prior advertisement.*

Commissioners may fix upset price.

*The county commissioners may fix an upset price to be realized for any property exposed to sale by them, as aforesaid, sufficient to pay all costs and all tax claims against the property, including tax liens of the Commonwealth, tax liens filed in the prothonotary's office of the proper county, taxes returned to the county commissioners and entered upon the Tax Return Docket in their office and indexed in the tax lien index in their office, all accrued but unfiled taxes assessed and levied against the property, and the amount of the municipal claims against the property. In case the upset price shall not be bid for the property the county commissioners may postpone the sale and file their petition in the court of common pleas of the proper county setting forth that the property was purchased by them at a county treasurer's sale for unpaid taxes, that more than two years has elapsed since the property was sold to them by the county treasurer, that neither the owner, his heirs or legal representatives or any lien creditor, his heirs, assigns or legal representatives or other person interested has redeemed the property, that they exposed the property to public sale, that before exposing the property to public sale they fixed an upset price as above provided, and that they were unable to obtain a bid sufficient to pay said upset price. Upon the presentation of such petition, accompanied with searches, showing the state of the record and the ownership of the property, and of all municipal claims, mortgages and ground rents against the same which were not divested by the county treasurer's sale, the court shall grant a rule upon all parties thus shown to be interested to appear and show cause why a decree should not be made that said property be sold freed and cleared of their respective mortgages, municipal claims and ground rents.*

Commissioners may postpone sale under certain circumstances.

*If, upon a hearing thereafter, the court is satisfied that service has been made of said rule upon the parties respondent in the manner provided for the service of writs of scire facias to obtain judgments upon tax and municipal claims, and that the facts stated in the petition are true, it shall order and decree that said property be sold at a subsequent day to be fixed by the court without further advertisement clear of all mortgages, municipal claims and ground rents to the highest bidder at such sale, and the proceeds realized therefrom shall be distributed, to payment, first, of the costs of sale; second, the tax liens of the Commonwealth, if any; third, taxes due the various taxing districts, in proportion to their respective interests; fourth, municipal claims due on such property; and fifth, mortgage and other liens, in order of their priority. The purchaser at such sale or any owner who redeems as hereinafter provided, shall take, and forever thereafter have, an absolute title to the property sold, free and discharged of all tax and municipal claims, liens, mortgages, charges and estates\* of whatsoever kind: Provided, however, That any owner of the property so sold may, within ten days after the date of the said sale, redeem the property so sold upon payment of the bid price and the costs of sale, and a penalty of ten per centum (10%) of the bid price, which penalty shall be distributed as a part of the proceeds of the sale.*

*After such sale, the county commissioners shall make and deliver a deed, being acknowledged before an officer authorized to acknowledge deeds. [Such] Where the sale is made without securing an order of court, as aforesaid, such deed shall pass such title as the county commissioners have a right to convey, but where the sale is made after securing an order, as aforesaid, such deed shall pass title free, clear and discharged of all tax and municipal claims, liens, mortgages, charges and estates of whatsoever kind.*

*All public or private sales of any such lands heretofore made by any county commissioners shall be valid and binding on the county, and all deeds and conveyances given by the county for any such lands are hereby ratified, confirmed and validated, and the purchasers thereof and their respective heirs, successors and assigns shall hold and may convey such titles and estates indefeasibly as to any rights of the county therein, notwithstanding the fact that the time within which such sales were by law required to be made had expired when such sales were made.*

\* "estate" in original.

APPROVED—The 21st day of May, A. D. 1943.

EDWARD MARTIN