

No. 465

AN ACT

To validate certain deeds and conveyances made by trustees without setting forth their authority to convey.

Deeds and conveyances of trustees.

When cestuis que trustent not disclosed.

Validation.

Section 1. Be it enacted, &c., That whenever heretofore real property has been conveyed to any person as "Trustee," without naming the cestuis que trustent, and without declaring the purpose of the trust, and such trustee has thereafter, in good faith, made a conveyance of such property to a third person, in his own name as "Trustee," without disclosing the cestuis que trustent, or without showing his right to make such conveyance, when the deed given by such trustee is otherwise in proper form and capable of conveying the estate intended—such deed and conveyance are hereby made good and valid and effectual to transfer, pass, and convey the estate, right, title, and interest of the cestuis que trustent for whom the trustee held, in and to such real property.

APPROVED—The 12th day of May, A. D. 1927.

JOHN S. FISHER

No. 466

AN ACT

To validate certain proceedings for municipal improvements, municipal assessments, municipal claims, and municipal liens, in the several boroughs of this Commonwealth, and validating such improvements, assessments, claims, and liens; providing for the filing of claims and liens therefor and the proceedings for the collection of such assessments and claims.

Boroughs.

Proceedings for improvement of streets.

Defects in proceedings.

Section 1. Be it enacted, &c., That whenever heretofore the council of any incorporated borough of this Commonwealth has required, by ordinance, and caused to be made, graded, paved, curbed, or macadamized, with brick, stone, or other suitable material, or otherwise improved, any public street or thoroughfare, or part thereof, either cartway or footwalk, or has covered or enclosed any watercourse or waterway in any street or thoroughfare, so as to improve or extend and increase the driveway in any street or thoroughfare, or has caused sewers to be constructed therein, or has caused ornamental lights to be erected pursuant to any ordinance, or has, by ordinance, provided for the assessments against abutting property owners of benefits for such improvement,—but, owing to some defect in the petition, action of council, notice of publication, or any other proceeding or action, necessary under existing laws and ordinances, to give jurisdiction to such council; or because of noncompliance with existing laws as to publication of copies of ordinance and posting

of handbills prior to or after the final passage of such ordinance; or because the ordinance itself or the official record book containing the same has been lost, mislaid, or destroyed, or has not been transcribed in the official record book; or because of irregularity or error in the appointment of viewers to assess benefits against property abutting along the line of the improvement; or because of any irregularity or error in the method or procedure for the ascertainment of the amount of benefits to such property or in arriving at or determining the benefits assessed against such property; or because of the failure to give notice as required by law or ordinance, or the time for filing a lien or making claim for such improvements has expired, or the claim has not been filed after notice to do so; or, for any other reason, the costs of such improvement or a portion thereof cannot be legally assessed upon the property bounding or abutting on the street or part thereof improved; or owing to some defect in the statement of claim filed to secure the lien; or the failure of the borough solicitor to file the lien in the court of common pleas or to sign the same for the costs of such improvement; or any error made in the name of the owner or owners of the abutting property,—payment thereof cannot be enforced as was contemplated by the act or acts of the General Assembly under which the improvement was attempted to be made and statement of claim filed now by this act,—such improvements are made valid and binding, and the council of such incorporated borough may cause the property bounding or abutting on the street, or part thereof, upon which the improvement has been made or is now being made, to be assessed, in the manner now provided by law, with such a portion of the costs of such improvement as is contemplated by the law under which the improvement was made or attempted to be made or is now being made; and all such benefits and all assessments heretofore made or determined are hereby ratified, confirmed, and validated. Such assessment, or other assessment heretofore made, shall be a lien upon the property assessed. The lien shall date from the completion of the improvement for which the assessment is made, whether the work was completed through one or several operations or contracts, and shall remain a lien until fully paid for and satisfied: Provided, That a writ of scire facias is issued to revive the same during every period of five years after the lien is filed, as hereinafter provided.

Validation.

Assessment may be made.

Assessments to be liens.

Date of lien.

Proviso.

Time for filing lien.

Section 2. The council of any incorporated borough of this Commonwealth, entitled to a lien under this act, shall file a lien therefor in the office of the prothonotary of the county within which the property lies, within six months after the completion of the work, where the improvement is now in progress, or within six months after confirmation absolute of the report of the viewers assessing benefits for such improvement, or within six months after the approval of this act, where the improvement is

Contents of lien.

now completed, and the same shall be entered upon record as other municipal claims. Such liens shall state the name of the party claimant, which shall be the corporate name of the borough making the improvement, name of the owner or reputed owner of the property assessed, a reasonable description of the property assessed, the amount or sum claimed to be due which shall include interest on the assessment from the completion of the improvement, for what improvement the claim is made, the date of its completion, the date of the assessment for which the lien is filed. Such lien, when so filed, shall be prima facie evidence of all matters therein set forth, and of the right of the borough to recover the amount therein claimed to be due, together with interest from the date of the lien or completion of the improvement, costs, and an attorney's commission of five per centum for collecting.

Lien to be prima facie evidence.

Procedure for collection.

Section 3. The claim, when so filed, shall be proceeded upon for collection by writ of scire facias: Provided, That this act shall not apply to any proceeding, suit, or lien wherein a final order or judgment of any court of record has already been made or entered.

APPROVED—The 12th day of May, A. D. 1927.

JOHN S. FISHER

No. 467

AN ACT

To validate sheriffs' deeds made and recorded prior to the passage of this act, when not acknowledged, or the acknowledgment was defective.

Sheriffs' deeds.

Section 1. Be it enacted, &c., That sheriffs' deeds of real estate situate in any of the several counties of this Commonwealth, made and recorded prior to the passage of this act, shall hereafter be good and valid, notwithstanding the fact that the acknowledgment is defective, or the prothonotary failed to attach any acknowledgment.

Validation when acknowledgment defective.

Repeal.

Section 2. All acts and parts of acts inconsistent herewith are hereby repealed.

APPROVED—The 12th day of May, A. D. 1927.

JOHN S. FISHER