

*prove that he has inquired of the opposite party as to, or investigated, alleged facts, the proof of which is under the exclusive control of the opposite party.*

APPROVED—The 12th day of June, A. D. 1931.

GIFFORD PINCHOT

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No. 190

AN ACT

To amend section thirty of the act, approved the sixteenth day of June, one thousand eight hundred and thirty-six (Pamphlet Laws, seven hundred sixty-one), entitled "An act relating to executions," providing that no writ of *capias ad satisfaciendum* shall issue on any judgment of less than one hundred dollars.

Executions.

Section 30, act of June 16, 1836 (P. L. 761), amended.

Section 1. Be it enacted, &c., That section thirty of the act, approved the sixteenth day of June, one thousand eight hundred and thirty-six (Pamphlet Laws, seven hundred sixty-one), entitled "An act relating to executions," is hereby amended to read as follows:

*Capias ad satisfaciendum.*

Amount due or recovered.

Section 30. And no citizen of this Commonwealth shall be arrested or imprisoned, by virtue of any such writ, for any sum of money less than [five dollars and thirty-four cents,] *one hundred dollars*, due or recovered, *in any action*. [for the breach of any contract made since the fourth day of July, one thousand eight hundred and thirty-three.]

APPROVED—The 12th day of June, A. D. 1931.

GIFFORD PINCHOT

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No. 191

AN ACT

To amend section one of the act, approved the twelfth day of May, one thousand nine hundred and twenty-five (Pamphlet Laws, six hundred thirteen), entitled "An act regulating the recording of certain deeds, conveyances, and other instruments of writing, and fixing the effect thereof as to subsequent purchasers, mortgagees, and judgment creditors," by fixing the effect of recording as to judgment creditors.

Recording deeds.

Judgment creditors.

Section 1, act of May 12, 1925 (P. L. 613), amended.

Section 1. Be it enacted, &c., That section one of the act, approved the twelfth day of May, one thousand nine hundred and twenty-five (Pamphlet Laws, six hundred thirteen), entitled "An act regulating the recording of certain deeds, conveyances, and other instruments of

writing, and fixing the effect thereof as to subsequent purchasers, mortgagees, and judgment creditors," is hereby amended to read as follows:

Section 1. Be it enacted, &c., That all deeds, conveyances, contracts, and other instruments of writing wherein it shall be the intention of the parties executing the same to grant, bargain, sell, and convey any lands, tenements, or hereditaments situate in this Commonwealth, upon being acknowledged by the parties executing the same or proved in the manner provided by the laws of this Commonwealth, shall be recorded in the office for the recording of deeds in the county where such lands, tenements, and hereditaments are situate. Every such deed, conveyance, contract, or other instrument of writing which shall not be acknowledged or proved and recorded, as aforesaid, shall be adjudged fraudulent and void as to any subsequent bona fide purchaser or mortgagee or holder of any judgment, duly entered in the prothonotary's office of the county in which the lands, tenements, or hereditaments are situate, without actual or constructive notice unless such deed, conveyance, contract, or instrument of writing shall be recorded, as aforesaid, before the recording of the deed or conveyance or the entry of the judgment under which such subsequent purchaser, [or] mortgagee, or judgment creditor shall claim. *Nothing contained in this act shall be construed to repeal or modify any law providing for the lien of purchase money mortgages.*

Recording deeds, conveyances, etc., for sale of land.

Effect of unrecorded instrument as to subsequent purchaser, mortgagee or judgment creditor.

Liens of purchase money mortgages.

APPROVED—The 12th day of June, A. D. 1931.

GIFFORD PINCHOT

No. 192

AN ACT

To authorize boroughs to sue out writs of scire facias on certain municipal claims, where more than five years have elapsed since said claims were filed, and to reduce such claims to judgment; and providing for the revival and collection of such judgments.

Section 1. Be it enacted, &c., That whenever any borough has heretofore filed in the office of the prothonotary of the proper county any municipal claim or claims, and the borough has not, within the period of five years after the date on which any such claim was filed, sued out a writ of scire facias to reduce the same to judgment, then, in any such case, any such borough may, within three months after the passage and approval of this act, issue its praeceipe for a writ of scire facias on

Municipal claims.

Boroughs.

Scire facias may be sued out to reduce claim to judgment after five years.