

[No. 119.]

AN ACT

Concerning Executions.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That in all cases where lands, tenements, or hereditaments, have been, or hereafter shall be levied on by virtue of any writ of fieri facias, or other writ of execution, and an inquest of twelve men, summoned by the sheriff or coroner of any of the cities or counties agreeably to the existing laws of this Commonwealth, shall find that the rents, issues and profits of such property are not sufficient, beyond all reprises, within the space of seven years, to satisfy the damages and costs, or the debt, interest and costs in such writ mentioned, it shall be the duty of the same inquest to value and appraise the said property, and in all cases where the defendant or defendants shall consent to a condemnation agreeably to an act, entitled "an act relating to executions," passed the sixteenth June, eighteen hundred and thirty-six; and in any case where an inquisition and condemnation of such estate as aforesaid, shall not be deemed necessary in law, it shall be the duty of the sheriff or coroner of the proper county, to summon an inquest of twelve good and lawful men of his bailiwick, who shall be under oath or affirmation, and shall receive the same pay as jurors are entitled to in similar cases, to value and appraise the same, and the sheriff or coroner shall make return of such valuation or appraisement with the writ aforesaid, to the court from which the same issued, and which valuation or appraisement shall be conclusive in any future execution which may be levied on the same property, and in case any writ of venditioni exponas, or other writ shall issue for the sale of said lands, tenements or hereditaments, and the same cannot be sold at public vendue or outcry for two-thirds or more of such valuation or appraisement, that then, and in such case the sheriff or coroner shall not make sale of the premises, but shall make return of the same accordingly to the court from which the execution issued, and that thereupon all further proceedings for the sale of such lands, tenements, or

Property to be appraised.

Proceedings stayed. hereditaments shall be stayed for one year from and after the return day of the venditioni exponas or other writ, for the sale of the premises: *Provided*, That the sheriff or coroner shall not be entitled to poundage, unless in those cases where a sale of the property shall take place,

Poundage.

SECTION 2. That in all cases where lands, tenements, or hereditaments, have been heretofore levied on and condemned or extended, or that hereafter may be extended, in virtue of any writ of fieri facias, and in all cases where any lands, tenements, or hereditaments, have been, or hereafter shall be seized or levied on by virtue of any writ of levavi facias, it shall be the duty of the sheriff or coroner, before exposing the said property to sale, pursuant to any writ for that purpose issued, or in pursuance of such writ of levavi facias, to summon twelve good and lawful men of his bailiwick, who being first sworn or affirmed, shall make a true valuation or appraisement of such property as directed by the first section of this act.

Valuation provided.

Life estate.

SECTION 3. That in all cases where estates for life, or for a term of years, in any lands, tenements, or hereditaments, have been, or shall be, seized and levied on by virtue of any writ or execution, it shall be the duty of the sheriff or coroner before he shall proceed to advertise and sell the premises aforesaid, to summon an inquest of twelve good and lawful men of his bailiwick, who being first duly sworn or affirmed, shall make a true valuation and appraisement of the same, and if such estates for life, or for a term of years as aforesaid, after being advertised and offered for sale by public vendue or outcry according to the laws of this Commonwealth, cannot be sold for two-thirds or more of the amount of the valuation and appraisement to be made as aforesaid, the sheriff or coroner shall make return accordingly, and thereupon all further proceedings for the sale of the said premises shall be stayed for one year from the return day of the said writ of execution.

SECTION 4. That in all cases where personal property shall be taken in execution, by virtue of any writ of fieri facias issued out of any court of common pleas in this commonwealth or by virtue of any execution issued by a justice of the peace, it shall be the duty of the officer to whom such writ shall be directed respectively, when it shall be requested by the debtor to summon three respectable freeholders or citizens of the vicinage who being first duly sworn or affirmed by the said officer, shall value and appraise the personal property aforesaid which valuation or appraisement signed by the appraisers together with a schedule of the property taken in execution, shall be annexed to the return on said writ, and in case said personal property, or any part thereof, cannot be sold for two-thirds of the amount of said valuation or appraisement, at a public vendue of the same, of which notice shall be given to the plain-

Valuation.

tiff or plaintiffs, his, her, or their agent or attorney, agreeably to the direction of the first section of this act, that then, the sale of such property shall be stayed for the term of twelve months from that date: *Provided*, That the said defendant or defendants, shall execute and deliver to the sheriff, coroner, or constable, as the case may be, a bond with one or more sufficient sureties, in a penalty of double the amount of the said valuation or appraisement, conditioned for the faithful forthcoming, and delivery of all and every part of the said personal property upon the expiration of the said stay of execution, to the proper sheriff, coroner or constable, or his successor in office, in like good order and condition (reasonable wear and tear being allowed,) as when the same was so as aforesaid offered for sale, or other personal property, equal in value, and in like good order, to be ascertained in the manner aforesaid, or in default thereof, for the payment of the amount of the appraisement or valuation with interest and costs, or the amount of the debt, interest and cost, for which the levy was made, and upon the execution and delivery of such bond, the said personal property, shall be returned and re-delivered into the possession of the said defendant or defendants: *Provided also*, That nothing in this act contained shall be construed to prevent any judgment creditor or creditors, from having the property of any debtor or debtors exposed to sale at any time, and as often as he, she, or they may think proper, after it may have once been exposed to sale as aforesaid, by paying all the costs which may accrue in consequence thereof, except the time at which a sale may be effected, according to the provisions of this act, which cost shall be paid out of the proceeds of the sale as in other cases.

SECTION 5. That before any person shall be entitled to a stay of execution on real estate levied upon, he shall pay the interest due on the debt, and the interest due upon prior liens thereon, and discharge all ground rent and municipal charges due on the property, subject to the judgment, and shall pay semi-annually during the continuance of the stay of execution all the accruing interest on the judgments and the accruing ground rents.

JAMES ROSS SNOWDEN,
Speaker of the House of Representatives.

JOHN STROHM,
Speaker of the Senate.

APPROVED—The sixteenth day of July, one thousand eight hundred and forty-two.

DAVID R. PORTER.