

No. 349.

AN ACT

Concerning certain sheriffs and coroners sales, and for other purposes.

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* all sales of real property within this commonwealth, made since the passage of the act to which this is a supplement, by sheriffs or coroners, after the return day of their several writs of *levari facias*, *feri facias*, *venditioni exponas*, or other writ of execution, shall not on account of such irregularity in such proceeding be set aside, invalidated, or in any manner affected, and such sales so made shall be held as good and valid, to all intents and purposes, as if such sales had been made on or before the return day of such writs respectively; but this section shall not affect any sale heretofore adjudged to be illegal by any court.

Sales, after re-
turn day of writs
of execution,
confirmed.

Exception.

SECTION 2. That after the first day of July next, all sales of real estate by sheriffs and coroners, shall be made on or before the return day of the writs respectively, or within six days thereafter.

Of real estate ex-
tended.

SECTION 3. That in all cases where real estate has heretofore been extended, and the plaintiff has failed to signify, within ten days after the inquisition, his election, to permit the defendant to retain the possession at the appraisalment, it shall be lawful for any such plaintiff to signify such election within sixty days from the passage of this act, and to proceed therein in all other respects as to the acceptance or refusal of the defendant, or other person claiming under him, and as to sale of the premises, as is directed in other cases.

Revivals of judg-
ments within five
years, may be
issued on.

SECTION 4. That hereafter it shall not be deemed error to issue any writ of execution on a judgment, in any court, which has not been revived within a year and a day, if the same have been revived within five years.

Mechanics' lien
law construed.

SECTION 5. It is hereby declared that the provisions of the act, approved June sixteenth, eighteen hundred and thirty six, entitled "An Act relating to the lien of mechanics and others upon buildings," according to the true intent and meaning thereof, extend to and embrace claims for labor done, and materials furnished and used in erecting any house or other building which may have been or shall be erected under, or in pursuance of any contract or agreement for the erection of the same, and the provisions of the said act shall be so construed; and no claim, which has been or may be filed against any house or other building, or the lien thereof, or any proceedings thereon, shall be in any manner affected by reason of any contract having been entered into for the erection of such building, but the same shall be held as good and valid as if the building had not been erected by contract: *Provided*, That no case shall be affected by this section, which may have been decided by the supreme court, or in which the proceeds of the sale of any real estate may have been distributed by the decree of any court, from which no appeal has been taken.

Proviso.

SECTION 6. That all the official acts of George Elliott, esquire, as Official acts of an acting justice of the peace in Armstrong, now Clarion county, shall George Elliott, be deemed as good and valid in law, to all intents and purposes, as if confirmed. the said George Elliott, esquire, was, at the time of the performance of said official acts, a citizen of this commonwealth, and could furnish the requisite evidence thereof.

SECTION 7. That the official acts of Richard Lancaster, esquire, of Official acts of the county of Wayne, as a justice of the peace, auditor, commissioner, Richard Lancas- and treasurer and sheriff of said county, are hereby made as legal and ter, confirmed. valid, the same as if the said Richard Lancaster had been a naturalized or native born citizen of the United States.

SECTION 8. That the recorder of deeds of Montgomery county shall Recorder of procure a suitable book, and cause to be made therein, in a plain and Montgomery co. legible hand, under the direction of the judges of the court, a general to index commis- index to the commissions, bonds, oaths of office, and other instru- sions, &c. ments relating thereto, of persons who have held offices within said county, in such manner as to afford a convenient reference to the same, for the costs of which book, and the services of the recorder, he shall Costs. be allowed such sum as the said judges and county commissioners shall think reasonable to be paid, by orders drawn by said county commis- sioners on the county treasurer, and said book shall remain in said office, and the said index be continued by the recorder of deeds for the time being, without any fees or compensation therefor.

SECTION 9. That it shall not be the duty of any coroner of the county Duty of coroner of Philadelphia to hold an inquest on the body of any deceased person, of Philadelphia of Philadelphia unless the said deceased person shall have died of violent death, and if county. the said coroner shall hold an inquest in any other case, he shall not be entitled to compensation therefor; that instead of the fees now allowed Fees. him by law, the said coroner shall receive, for each inquest held by him, the sum of four dollars, and that when he shall make any pay- ments for jury fees, witnesses or burials, he shall take receipts for all sums so paid, and upon presentation of an account of such payments, certified to be correct and true, by the oath or affirmation of the said Payment. coroner, before a proper officer, accompanied by said receipts, he shall be entitled to a reimbursement of said sums from the county treasury : *Provided*, That the fees to be received by the coroner, for his own Amount limited. services, shall not exceed the sum of fifteen hundred dollars per annum; it shall not be lawful for the said coroner to summon more than six jurors on any one inquest.

SECTION 10. That the judges of the court of common pleas for the Appointment of county of Philadelphia, shall not appoint more than two criers, and tipstaves and four tipstaves or constables, to attend upon the court of common pleas, criers by court of orphans' court, and registers' court for said county—and one crier, two common pleas tipstaves and seven constables, to attend upon the courts of oyer and Philadelphia. terminer and general quarter sessions of the peace of the said county; and the judges of the district court for the city and county of Phila- Criers and con- delphia, shall not appoint more than two criers, and four tipstaves or stables, district constables, to attend upon the said court; and the said criers and tip- court city and co. staves shall receive, respectively, the sum of one dollar and fifty cents Philadelphia. per day, for every day's actual attendance upon the said courts, to be Pay. paid out of the county treasury, upon the certificate of the president and one of the associate judges of the said courts respectively; and all laws or parts of laws hereby altered or supplied, be and the same are hereby repealed.

First sec. of act
of April 16, '40,
construed.

Of substitution of
parties to the re-
cord.

Proviso.

SECTION 11. It is hereby declared to be the true intent, meaning and construction of the first section of the act, entitled "An Act relating to executions, and for other purposes," approved April sixteenth, eighteen hundred and forty, that any record therein mentioned, where any party to the judgment may at any time have died, might be transmitted and filed in any court in any county, either before or after the substitution of the legal representatives of any deceased party, and the substitution be made after filing such record; and that in all cases in which any such record should be transferred and filed before any such substitution, the court into which the record might be removed, should, after substitution of parties, proceed thereon as if the judgment had been originally entered in said court; and no judgment or record so transmitted and filed before such substitution, shall be set aside, stricken off, or in any way affected or invalidated, by reason of there being no substitution of parties before such transmission and filing thereof, and all records and judgments which may have been set aside or stricken off, shall be and the same are hereby restored to all intents and purposes: *Provided*, This section shall not interfere with, or affect any case which may have been adjudicated by the supreme court, or settled by the parties in interest: *Provided also*, That this section shall not affect any interest of any person who may have entered any judgment, subsequent to such setting aside or striking off, and before such restoration.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

JNO. B. STERIGERE,
Speaker of the Senate.

APPROVED—The sixteenth day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

Of See "Resolution correcting errors in certain acts," approved sixteenth April, one thousand eight hundred and forty-five.