

LAWS OF PENNSYLVANIA,

hereafter be elected for said borough, shall have power to serve process, execute writs, and to perform all the various duties out of the said borough, which are now allowed by law to the constables of the several townships.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

DANIEL L. SHERWOOD,
Speaker of the Senate.

APPROVED—The twenty-first day of April, one thousand eight hundred and forty-six.

FRS. R. SHUNK.

No. 351.

A N A C T

Relating to equitable actions of ejectment to enforce the payment of purchase money.

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 actions of ejectment, hereafter tried, to enforce the payment of purchase money, wherein time becomes of essence in the finding of the jury, or in a judgment, by confession, by fixing a time for such payment, one verdict and judgment thereon unreversed, or a judgment in such case, by confession, shall be conclusive between the parties; and a failure to pay the money within the time so fixed, shall be deemed a rescision of the contract between the parties, and shall render such judgment absolute; and in all such actions tried since the fifth day of May, one thousand eight hundred and forty-one, wherein by the finding of the jury, or by a confession of judgment by the defendant, time became of essence as aforesaid, it shall be lawful for any such defendant, within two years after the passage of this act, to commence an action and therein to enforce his contract in such case, on paying the amount of purchase money, interest and costs, due thereon, together with such sum as the jury, trying the cause, may deem reasonable, for any improvement made, and increase in the value of the property since the trial of such case, to be paid within such reasonable time as may be fixed by the jury, under the direction of the court; and if not paid within such time, such failure to pay shall operate as an absolute rescision of the contract between the parties, and as a judgment for costs against the party so failing to pay.*

FINDLEY PATTERSON,
Speaker of the House of Representatives.

DANIEL L. SHERWOOD,
Speaker of the Senate.

APPROVED—The twenty-first day of April, one thousand eight hundred and forty-six.

FRS. R. SHUNK.