

No. 358.

A FURTHER SUPPLEMENT

To an act, entitled, "An Act relating to executions," passed the sixteenth day of June, one thousand eight hundred and thirty-six.

Courts authorized to amend sheriff's return to an execution.

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 hereafter be sold, under any execution issued out of any of the courts of record in this commonwealth, and the sheriff, or other officer making such sale, shall have made, or hereafter may make a defective or informal return of his proceedings upon such execution, it shall be lawful for the purchaser at such sale, or other person or persons interested therein, to apply by bill or petition, to the court out of which such execution issued, setting forth the facts of the case; and after due notice, to be given in such manner as the court may direct, to such purchaser or defendant in the execution, as whose property the same may have been sold, or to the executors, or administrators and heirs of such purchaser or defendant, or devisee of such estate, and to all other persons interested therein, to appear in such court, on a day certain to be fixed by said court, and answer such bill or petition; and thereupon, the said court shall have power to examine into the facts of the case, and make such order and decree therein as justice and equity may require, either by dismissing such bill or petition, or by correcting and amending such return to the execution, according to the truth of the case and; directing the sheriff, for the time being, to execute a deed of such real estate to the purchaser thereof, or to such other person or persons, for the use of such as may be entitled thereto, under such sale, upon such terms and conditions as the said court may determine, and justice and equity require; which deed so executed and acknowledged, as sheriffs' deeds are usually acknowledged, shall be as effectual in law as if the proper return had been made, and the title had been completed, according to law.

Orphans' court to issue writs of venditioni exponas and testatum fieri facias, and testatum venditioni exponas for sale of real estate.

SECTION 2. That writs of *venditioni exponas*, and writs of *testatum fieri facias*, and *venditioni exponas*, may be issued out of any orphans' court, in the same manner that writs of execution in the nature of writs of *fieri facias* are allowed by the fifty-seventh section of an act relating to orphans' courts, passed March twenty-ninth, one thousand eight hundred and thirty-two; and the sheriff, or other officer to whom any such writ is directed, shall proceed to levy and sell the real and personal property of the person or persons against whom the same shall be issued, and convey the real estate sold to the purchaser or purchasers thereof, in the same manner, in all respects, as if such writ had issued out of a court of common pleas; and all levies on any real estate, and the return of the same heretofore made by any sheriff under any execution, in the nature of a writ of *fieri facias*, or *testatum writ of fieri facias*, issued out of any orphans' court which may not have been set aside by any court, shall be held as good and valid as if made under a writ of *fieri facias*, issued out of any court of common pleas, and writs of *venditioni exponas*, and writs of *testatum venditioni exponas*, as the case may require, may be issued out of the same court, in manner aforesaid, to sell

the real estate so levied on, in the same manner as if such levy had been made after the passage of this act.

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. 359.

A N A C T

To authorize the voters of Mifflin county to decide the question of tavern license therein, and to prohibit the sale of intoxicating drinks within specified limits in certain counties.

SECTION 1. That the provisions of an act, entitled “An Act authorizing the citizens of certain counties to decide by ballot, whether the sale of vinous and spirituous liquors shall be continued in said counties,” approved the seventh day of April, eighteen hundred and forty-six, be and the same are hereby extended to the county of Mifflin, as fully and effectually as if the said county of Mifflin had been therein named. To decide by ballot on the sale of liquors.

SECTION 2. That from and after the passage of this act, no intoxicating drinks, in less quantities than thirty gallons, except for medicinal, mechanical or sacramental purposes, shall be sold, vended or disposed of, in any manner, by any person, at any place in the counties of Armstrong or Clarion, within three miles of either of the following named iron works, to wit: the Bradeye’s Bend iron company works, either in the county of Armstrong or Clarion; the Cochecho furnace, Clarion county, Helen furnace, Clinton furnace, Hemlock furnace, or President’s Mills in said county; or of the coal mines of the Lehigh coal and navigation company, in Carbon county: *Provided*, The court of quarter sessions, of either of said counties, may license such taverns, under the laws now existing, as may be deemed necessary for the accommodation of the public. Intoxicating drinks not to be sold in less quantities than thirty gallons in Armstrong, Clarion and Carbon counties.

SECTION 3. Any person who shall sell, vend or dispose of any intoxicating drinks, within the limits aforementioned, in either the counties of Clarion or Armstrong, shall for every such offence be liable to prosecution for keeping a tippling house, and shall, upon conviction, be sentenced to pay such fine as by law is now inflicted upon persons convicted of keeping tippling houses; and in addition to such prosecution, any person offending against the provisions of this act, shall forfeit and pay any sum not less than ten dollars, or more than fifty dollars, with costs of suit, to be recovered before any justice of the peace, residing in the county where the offence may be committed: one half shall go to the Penalty for violations of this act.