

ing the said messuage and lot of ground, after the death of the said Thomas M'Kean.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WM. S. ROSS,
Speaker of the Senate.

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

FRS. R. SHUNK.

No. 381.

AN ACT

In regard to certain entries in ledgers in the city of Pittsburg, and relating to the publishing of sheriffs' sales, and for other purposes.

Preamble.

WHEREAS, By the great fire, which destroyed a large portion of the city of Pittsburg, on the tenth of April, Anno Domini, one thousand eight hundred and forty-five, a large number of day books, containing the original entries of merchandize sold and delivered, and work and labor done, and other evidences of debt, were destroyed, in consequence of which great loss and injustice must be sustained, unless a remedy be provided: *And whereas*, It is impossible to prove every particular item of an account for goods sold, where the book of original entries has been lost or destroyed; therefore,

Ledger books in certain cases made evidence.

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 it shall be duly proven, that the books of the original entries of goods sold and delivered, and for work and labor done, were destroyed by the great fire, on the tenth of April, Anno Domini, one thousand eight hundred and forty-five, at the city of Pittsburg aforesaid, the ledger book, duly proved by the oath of the book-keeper or clerk, who posted or transcribed the amount of goods sold, or work and labor done, from the books of original entries, and who shall further testify, that he or she carefully examined the books of original entries, at the time of posting or transcribing the amounts of the different entries of items from said books of original entries, shall be given in evidence to prove the sale and delivery of the amounts of merchandize, or work and labor done therein, posted or transcribed in the regular manner.

Publication of sheriffs' sales.

SECTION 2. That from and after the passage of this act, it shall not be lawful for the sheriffs' and coroners' of the several counties of this commonwealth, to publish the sales of real estate, as required by the sixty-third section of the act of the sixteenth of June, A. D., eighteen hundred and thirty-six, in any two newspapers published in any one office, or in any two newspapers published by any one man, or any one company of men.

SECTION 3. That the provisions of the twenty-first section of an act State appropriating relating to executions, and for other purposes, passed April sixteenth, 1846, be and the same are extended for one thousand eight hundred and forty, be and the same are extended for a period of five years. *refuge continued.*

SECTION 4. That from and after the passage of this act, all recognizances of bail, for the appearance of any one charged with a criminal offence, which are or shall be forfeited, before the court of oyer and terminer and general jail delivery, and quarter sessions of the peace, in the city and county of Philadelphia, which have been or shall be taken before either of the judges of the said court, or before any alderman or justice of the peace for the said county, and returned to the said court, shall be sued and prosecuted in the said court, and in no other court; and that the fees and commissions, for services rendered by the clerk of the said court, shall be the same as those prescribed for the prothonotaries of the courts of common pleas, for like services. *Forfeited recognizances in Philadelphia to be prosecuted in court of oyer and terminer and quarter sessions. Fees of clerk.*

SECTION 5. That it shall be the duty of the attorney general, on the forfeiture of any recognizance in the said court, to issue process forthwith against the recognizers on the said recognizance, and to account to the treasurer of the said county for the proceeds of any judgment, or for any sum or sums received by him, on the suit so commenced. *Duty of attorney general.*

SECTION 6. That where the amount, or any part thereof of any judgment, recovered in pursuance of this act, shall be collected by execution or otherwise, the same shall be taken in open court, by the sheriff or other officer having received the same; and it shall be the duty of the judges of the said court, being notified of the payment of money as aforesaid, to order and decree a distribution of the same, in the following order, to wit: First—That so much thereof as shall be necessary, shall be applied to pay the costs on such prosecution, and on the proceedings before the magistrate who shall have taken such recognizance, together with such reasonable compensation as the court shall adjudge to the officers employed to arrest the person or persons, on whose default the said recognizance was forfeited, as well as to those employed in the conduct and collection of such judgment: Second—That so much of the residue thereof, as will satisfy the amount of damage sustained by any person, by reason of the commission of such crime or misdemeanor, with interest thereon, to be counted from the date of the commission of such crime or misdemeanor, shall be applied thereto: Third—And that the residue of any moneys collected as aforesaid, be paid said county, or into the treasury of the commonwealth, as the case may be: *Amount recovered to be paid into court.* *Distribution of money.* *Provided,* That it shall be in the power of the court, in all cases where the forfeiture is stricken off, before any money is paid into court as aforesaid, to order the county, or the defendant, to pay the costs and expenses hereinbefore provided for, as the case may require.

SECTION 7. From and after the passage of this act, the necessary tools of a tradesman shall be exempt from levy and sale, by virtue of any warrant or execution. *Property exempted from execution.*

SECTION 8. The following property, in addition to that already exempt from levy and sale, by virtue of any execution or distress for rent, shall, when owned by any person actually engaged in the science of agriculture, in like manner, be exempt from levy and sale, viz: one horse, mare or gelding, not exceeding in value fifty dollars; one set of horse gears; and one plough, or in lieu thereof, one yoke of oxen, with yoke and chain; and one plough, at the option of the defendant. *Further exemptions.*

SECTION 9. That from and after the passage of this act, it shall be lawful for the widow of any person dying intestate in this commonwealth, to retain for the use of herself and family, the same amount and description of property, which is now by law allowed and exempted *Widow of intestate to retain certain property.*

LAWS OF PENNSYLVANIA,

from levy and sale, under the existing insolvent laws of this commonwealth, exclusive of what is allowed to the widow of an intestate, under the intestate laws of this commonwealth.

FINDLEY PATTERSON,

Speaker of the House of Representatives.

WM. S. ROSS,

Speaker of the Senate.

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

FRS. R. SHUNK.

No. 382.

AN ACT

Fixing the time for the adoption and publication of tolls on public works.

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 from and after the passage of this act, the canal commissioners shall, and they are hereby required to adopt, fix, declare and publish the rates of toll on the public works of this commonwealth, for the then next ensuing twelve months, or the residue of the year, on or before the first day of January, in each succeeding year hereafter.*

FINDLEY PATTERSON,

Speaker of the House of Representatives.

WM. S. ROSS,

Speaker of the Senate.

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