

the sheriff of said county, in that case the court shall direct an advertisement to be inserted in one newspaper of general circulation nearest the locality in which the said personal property is situated, and also in a legal journal, if published in the county, for at least three weeks before said sale.

Section 4. The trustee, after said sale, shall make a return to the said court of common pleas, said return to be confirmed nisi. If no exceptions be filed thereto with ten days, the same to become absolute. When the sale is made absolute, the trustee shall file an account of the debts and credits, said trustee's compensation to be fixed by the court, as well as all legal services in connection therewith and also the premiums paid for the necessary bonds in connection with the appraisal and sale of the said personal property.

Section 5. When the entire personal property is sold by the said trustee and an account having been filed, the parties may agree as to the distribution of the proceeds of said sale and have the court confirm said distribution. And in case no distribution can be agreed upon, then the court may direct an audit of the said account, after giving notice to all the parties interested, said notice to be advertised once a week for three weeks in a newspaper of general circulation, and also in the legal journal for a period of three weeks, and at said hearing the interest of the respective parties may be established, whereupon the court may make decree of distribution, and, if no exceptions are filed to said decree of distribution within fifteen (15) days after filing of the same, then the said decree of distribution shall be confirmed absolutely, and the trustees shall distribute the proceeds of said sale according to the decree of distribution. After all the parties to distribution have been paid and a release filed the trustee may be discharged and the bond released.

APPROVED—The 27th day of April, A. D. 1927.

JOHN S. FISHER

No. 295

### AN ACT

To amend section one of the act, approved the tenth day of June, one thousand eight hundred and eighty-one (Pamphlet Laws, ninety-seven), entitled "An act regulating the satisfaction of mortgages where the legal presumption of the payment of the same exists from the lapse of time, and no satisfaction of record appears," providing that the date of maturity of a mortgage shall, for the purposes of this act, be one year from the acknowledgment thereof, when such mortgage fixes no date of maturity.

Section 1. Be it enacted, &c., That section one of the act, approved the tenth day of June, one thousand eight hundred and eighty-one (Pamphlet Laws, ninety-seven), entitled "An act regulating the satis-

Return of sale.

Account.

Distribution of proceeds.

Audit.

Notice.

Hearing.

Decree.

Distribution.

Mortgages.

Section 1 of act of June 10, 1881 (P. L. 97), amended.

faction of mortgages where the legal presumption of the payment of the same exists from the lapse of time, and no satisfaction of record appears," is hereby amended to read as follows:

Satisfaction of mortgages presumed to be paid.

Petition.

Notice.

Rule on persons claiming to be holders.

Decree.

Mortgage having no fixed date of maturity.

Section 1. Be it enacted, &c., (That in all cases where the legal presumption of the payment of mortgages shall exist from lapse of time, and no satisfaction appears on the record thereof, it shall be lawful for the owner or owners of the mortgaged premises to apply by petition to the court of common pleas of the county where the mortgaged premises are situate, setting forth the premises, and also the name of the holder or holders of the mortgage, if known, and if not known then stating that fact, whereupon the said court shall direct the sheriff of the said county to serve a notice, stating the facts set forth in the petition, on the holder or holders of the said mortgage, if to be found in the said county, and, in case the parties aforesaid cannot be found in the said county, then the said sheriff shall give public notice as aforesaid, in one or more newspapers published within or nearest the said county, once a week for four weeks successively prior to the then next term after the petition as aforesaid shall have been presented, requiring said parties to appear at said term and answer the petition as aforesaid; at which term, should any person or persons appear, claiming to be the holder or holders of the said mortgage, the said court shall enter a rule on the person or persons claiming to sue out a writ of scire facias to the next quarterly or monthly return day, to which it shall be lawful for any party to appear and defend as is now authorized by law, as to writs of scire facias, and in default of a compliance with the said rule, and in the event of a nonappearance of any person to answer the said petition as aforesaid, the said court, being satisfied of the truth of the said petition, are hereby authorized and required, at the same or any subsequent term of the said court, to decree and direct that satisfaction shall be entered on the record of the said mortgage by the recorder of the proper county, on payment of the costs due relative to the entry of said mortgage or any proceedings thereon; which said satisfaction so entered shall forever thereafter discharge, defeat and release the same, and shall likewise bar all actions brought or to be brought thereon, as fully and effectually to all intents and purposes as if the satisfaction had been entered by the legal holder or holders of the said mortgage. When a mortgage contains no fixed date of maturity or date of payment, it shall be deemed, for the purpose of having satisfaction entered on the record under the provisions of this act because of a legal presumption of payment from lapse of time, to have matured and the

payment thereof to have become due one year from the date of acknowledgment of such mortgage.

APPROVED—The 27th day of April, A. D. 1927.

JOHN S. FISHER

No. 296

AN ACT

To amend section one of the act, approved the first day of June, one thousand nine hundred and fifteen (Pamphlet Laws, seven hundred six), entitled "An act requiring the county commissioners to provide, at the expense of the county, a telephone, typewriter, and stenographer for the use of the county superintendent of schools."

Section 1. Be it enacted, &c., That section one of the act, approved the first day of June, one thousand nine hundred and fifteen (Pamphlet Laws, seven hundred and six), entitled "An act requiring the county commissioners to provide, at the expense of the county, a telephone, typewriter, and stenographer for the use of the county superintendent of schools," is hereby amended to read as follows:

County superintendent of schools.

Section 1 of act of June 1, 1915 (P. L. 706), amended.

Section 1. Be it enacted, &c., That in each county in the Commonwealth the county superintendent of schools may be provided, at the expense of the county, with a telephone, a typewriter, and a stenographer. In counties having more than three hundred teachers in the public schools, the stenographer may be employed by the year. In counties having less than three hundred teachers in the public schools, the stenographer [may] shall be employed for [three] at least two days of each week, or the equivalent of such time, during the year.

To be furnished with telephone, etc.

In counties having less than 300 teachers.

APPROVED—The 27th day of April, A. D. 1927.

JOHN S. FISHER

No. 297

AN ACT

To regulate the pay of witnesses in this Commonwealth.

Section 1. Be it enacted, &c., That the pay of witnesses in this Commonwealth shall be three dollars per diem with mileage.

Witnesses. Pay.

APPROVED—The 27th day of April, A. D. 1927.

JOHN S. FISHER