

or incorporated districts within this Commonwealth to increase its indebtedness under the method or procedure specified by the provisions of an act of Assembly, entitled "An act to regulate the manner of increasing the indebtedness of municipalities, to provide for the redemption of the same, and to impose penalties for the illegal increase thereof," approved the twentieth day of April, one thousand eight hundred and seventy-four (Pamphlet Laws, sixty-five), and the acts amendatory thereof and supplementary thereto, where the majority of the votes cast at such election was in favor of the increase of indebtedness, be and the same are hereby ratified, confirmed and made valid, notwithstanding the fact that the authorities of such county, city, borough, township, school district or other municipality or incorporated district failed to have published and posted an election notice containing a statement of the amount of the existing debt, and notwithstanding any defect or informality in the manner of holding or giving notice of such election, and notwithstanding any mistake in stating the amount of the existing debt or the percentage of the proposed increase of indebtedness, or patent error of orthography or of numerical statement on any or all of the election notices as published.

Proceedings for  
increase of in-  
debtedness.

Validation.

All of the bonds, securities, and obligations, issued or to be issued in pursuance of every such election, are hereby made valid, binding obligations of every such county, city, borough, township, school district or other municipality or incorporated district: Provided, That all the other requirements of law concerning such procedure, election, and issue of bonds have been complied with: And provided further, That the provisions of this act shall not apply in any instance where the validity of such election, or of any issue of bonds or other security based thereon, has been made the subject of litigation in any court of the Commonwealth prior to the approval of this act.

Securities  
validated

Proviso.

Proviso.

APPROVED—The 12th day of May, A. D. 1927.

JOHN S. FISHER

No. 470

AN ACT

To amend sections one and seven of an act, approved the twelfth day of May, one thousand nine hundred and twenty-five (Pamphlet Laws, six hundred and three), entitled "An act concerning conditional sales; and to make uniform the law relating thereto," and repealing inconsistent legislation.

Section 1. Be it enacted, &c., That section one of an act, approved the twelfth day of May, one thousand nine hundred and twenty-five (Pamphlet Laws, six hundred three), entitled "An act concerning conditional sales; and to make

Conditional sales.

Section 1 of act of  
May 12, 1925 (P. L.  
603), amended.

uniform the law relating thereto," is hereby amended to read as follows:

- "Conditional sale." Section 1. Definition of Terms.—Be it enacted, &c., That in this act "conditional sale" means any contract for the sale of goods under which possession is delivered to the buyer and the property in the goods is to vest in the buyer at a subsequent time upon the payment of part or all of the price or upon the performance of any other condition or the happening of any contingency.
- "Buyer." "Buyer" means the person who buys the goods covered by the conditional sale, or any legal successor in interest of such person.
- "Filing district." "Filing district" means the subdivision of the State in which conditional sale contracts or copies thereof are required by this act to be filed.
- "Goods." "Goods" means all chattels personal, other than things in action and money, [and machinery attached or to be attached to real estate] and includes emblements, industrial growing crops, and things attached to or forming a part of land which are agreed to be severed before sale or under the conditional sale.
- "Performance of condition." "Performance of the condition" means the occurrence of the event upon which the property in the goods is to vest in the buyer, whether such event is the performance of an act by the buyer or the happening of a contingency.
- "Person." "Person" includes an individual, partnership, corporation, and any other association.
- "Purchase." "Purchase" includes mortgage and pledge.
- "Purchaser." "Purchaser" includes mortgagee and pledgee.
- "Seller." "Seller" means the person who sells the goods covered by the conditional sale, or any legal successor in interest of such person.

Section 2. That section seven of the said act be and the same is hereby amended to read as follows:

- Fixtures. Section 7. Fixtures.—[If the goods are so affixed to realty at the time of a conditional sale or subsequently as to become a part thereof and not to be severable wholly or in any portion without material injury to the freehold, the reservation of property as to any portion not so severable shall be void after the goods are so affixed, as against any person who has not expressly assented to the reservation. If the goods are so affixed to realty at the time of the conditional sale or subsequently as to become part thereof, but to be severable without material injury to the freehold, the reservation of property shall be void after the goods are so affixed as against subsequent purchasers of the realty for value and without notice of the conditional seller's title, unless the conditional sale contract or a copy thereof, together with a statement signed by the seller, briefly describing the realty and stating that the goods are or are to be affixed thereto, shall be filed before such purchase in the office where a deed of the realty would be recorded or registered to affect such realty. As against the owner of realty the reservation of the property in goods by

a conditional seller shall be void when such goods are to be so affixed to the realty as to become part thereof, but to be severable without material injury to the freehold, unless the conditional sale contract or a copy thereof, together with a statement signed by the seller, briefly describing the realty and stating that the goods are to be affixed thereto, shall be filed, before they are affixed, in the office where a deed would be recorded or registered to affect such realty.]

*First. As against a subsequent purchaser, subsequent mortgagee, or other subsequent encumbrancer of the realty, for value and without notice of the reservation of property in the goods, such reservation shall be void as to any goods so attached to the realty as to form a part thereof, unless the conditional sale contract, or a copy thereof, shall be filed, as required in section six, before such purchase is made or such mortgage is given, or such encumbrance is effected. "Subsequent," as used in this paragraph, refers to the time of attaching the goods to the realty.*

*Second. As against an owner, a prior mortgagee, or other prior encumbrancer of the realty, who has not assented to the reservation of property in the goods, if any of the goods are so attached to the realty as not to be severable without material injury to the freehold, the reservation of property in the goods so attached shall be void, notwithstanding the filing of the contract or a copy thereof, unless such injury, although material, be such as can be completely repaired, and the seller, before retaking such goods, furnishes or tenders to such owner, prior mortgagee, or encumbrancer, a good and sufficient bond conditioned for the immediate making of such repairs. "Prior," as used in this paragraph, refers to the time of attaching the chattels to the realty.*

*Third. In order to entitle the conditional sale contract or copy thereof, referred to in this section, to be filed and indexed, it shall have endorsed thereon or attached thereto a statement, signed by the seller, briefly describing the realty, and stating that the goods are, or are to be, affixed thereto.*

*Section 3. The act, approved the fourteenth day of May, one thousand nine hundred and twenty-five (Pamphlet Laws, seven hundred and twenty-two), entitled "An act concerning conditional sales of chattels attached, or to be attached, to realty, and regulating the filing and effect thereof; and providing remedies and penalties," is hereby repealed.*

*All other acts or parts of acts inconsistent herewith are hereby repealed.*

Act of May 14, 1925  
(P. L. 722),  
repealed.

Repeal.

APPROVED—The 12th day of May, A. D. 1927.

JOHN S. FISHER