

Work to be performed under written contract let by Department to lowest responsible bidder.

Act effective immediately.

thority shall be performed under written contract let by the Department of Forests and Waters to the lowest responsible bidder, after due advertising as provided by law and in *accordance with plans and specifications prepared by the department.

Section 2. The provisions of this act shall become effective immediately upon final enactment.

APPROVED—The 29th day of September, A. D. 1951.

JOHN S. FINE

No. 425

AN ACT

To further amend the act, approved the first day of June, one thousand nine hundred forty-five (Pamphlet Laws 1358), entitled "An act relating to chattel mortgages on any chattel or chattels of any kind or description, including, but not limited to, livestock, poultry, farm machinery, farm equipment and crops, grown, growing or to be grown; designating the operation and effect of the lien of such mortgages; providing for the filing, indexing and docketing of such mortgages and related instruments in prothonotaries' offices; and prescribing prothonotaries' fees; providing for the filing in Pennsylvania of similar lien instruments originally filed or recorded in other states; regulating the assignment, release, satisfaction and extension of the lien of such mortgages; prescribing methods of foreclosure; defining defaults and violations; and fixing penalties," by providing that chattel mortgages may be given as security for principal obligations other than bonds or notes; eliminating the requirement of witnesses; providing additional remedies to mortgagees as against third persons; and providing that the provisions of the act be liberally construed.

Chattel mortgages.

Sections 1 and 2, act of June 1, 1945, P. L. 1358, amended.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Sections 1 and 2 of the act, approved the first day of June, one thousand nine hundred forty-five (Pamphlet Laws 1358), entitled "An act relating to chattel mortgages on any chattel or chattels of any kind or description, including, but not limited to, livestock, poultry, farm machinery, farm equipment and crops, grown, growing or to be grown; designating the operation and effect of the lien of such mortgages; providing for the filing, indexing and docketing of such mortgages and related instruments in prothonotaries' offices; and prescribing prothonotaries' fees; providing for the filing in Pennsylvania of similar lien instruments originally filed or recorded in other states; regulating the assignment, release, satisfaction and extension of the lien of such mortgages; prescribing methods of foreclosure; defining defaults and violations; and fixing penalties," are hereby amended to read as follows:

* "accordance" in original.

Section 1. Any person, association, partnership or corporation may give as security for any funds borrowed or to be borrowed or any pre-existing indebtedness, *a chattel mortgage without another principal obligation, or a bond or note, with or without a confession of judgment clause, secured by a chattel mortgage upon any chattel or chattels of any kind or description, including, but not limited to, livestock, poultry, farm machinery, farm equipment and crops, including annual or perennial crops, and other plant products, either grown or growing at the time of the execution of such chattel mortgage, or to be planted or grown within one year thereafter.* For the purposes of this act all such chattels and crops shall be deemed to be personal property and mortgageable as such. The indebtedness secured by any such chattel mortgage shall not bear interest in excess of the rate which the creditor is permitted by law to charge at the time of the execution of such mortgage.

A chattel mortgage without another principal obligation, or a bond or note secured by a chattel mortgage, may be given as security for loans or any preexisting indebtedness.

Mortgageable property.

Section 2. Any mortgage, executed under and pursuant to this act, shall be in writing and signed [, witnessed] and duly acknowledged by the mortgagor or his agent duly authorized and constituted. The property covered or to become covered by any such chattel mortgage may be described as all that property of a specified class so identified by reference to location, brands, marks, numbers or otherwise as to distinguish it from other property of the same class, or such property may be described in any other manner permitted or authorized by law.

Form and method of execution of chattel mortgage.

Section 2. Said act is hereby amended by adding, after section 13, a new section to read as follows:

Said act amended by adding after section 13, a new section 13.1.

*Section 13.1. A mortgagee may, after default, *replevin any goods subject to a chattel mortgage and in excess of one hundred dollars (\$100) in value in the hands of a third person who took title to such goods with actual or constructive notice of the mortgage; or, if such goods have been consumed or are not in the possession of such third person, the mortgagee may recover the value of the goods in an action in trespass for conversion.*

Right of replevin.

Action in trespass for conversion.

Section 3. Said act is hereby amended by adding, after section 17, a new section to read as follows:

Said act amended by adding, after section 17, a new section 17.1.

Section 17.1. The provisions of this act shall be liberally construed to hold valid chattel mortgages made in good faith to secure bona fide loans and which substantially comply with the provisions of this act.

Provisions of act to be liberally construed.

APPROVED—The 29th day of September, A. D. 1951.

JOHN S. FINE

* "replevin" in original.