

## No. 4

## AN ACT

To amend section one thousand two hundred and two of the act, approved the fourth day of May, one thousand nine hundred and twenty-seven (Pamphlet Laws, five hundred nineteen), entitled "An act concerning boroughs; and revising, amending, and consolidating the law relating to boroughs," authorizing boroughs to acquire, maintain, and operate inclined plane passenger and vehicular traffic transportation facilities.

Section 1. Be it enacted, &c., That section one thousand two hundred and two of the act, approved the fourth day of May, one thousand nine hundred and twenty-seven (Pamphlet Laws, five hundred nineteen), entitled "An act concerning boroughs; and revising, amending, and consolidating the law relating to boroughs," is hereby amended by adding thereto clause fifty-eight to read as follows—

*LVIII. INCLINED PLANES. To acquire by purchase, lease, or otherwise, from a public service company, any existing inclined plane passenger and vehicular traffic transportation facilities, and to maintain and operate the same in the transportation of passengers and vehicles for hire, and for the accommodation of the public.*

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

APPROVED—The 20th day of March, A. D. 1935.

GEORGE H. EARLE

## No. 5

## AN ACT

To amend and reenact the act, approved the eighteenth day of May, one thousand nine hundred and thirty-three (Pamphlet Laws, eight hundred twenty-six), entitled "An act authorizing courts of common pleas to stay writs of execution against, and tax sales of, certain real property in certain cases; providing for the continuance of return days of writs of execution; and authorizing sales thereon without issuance of further writs," extending the provisions thereof for two years; and exempting mortgages issued under the National Housing Act.

Section 1. Be it enacted, &c., That the act approved the eighteenth day of May, one thousand nine hundred and thirty-three (Pamphlet Laws, eight hundred twenty-six), entitled "An act authorizing courts of common pleas to stay writs of execution against, and tax sales of, certain real property in certain cases; providing for the continuance of return days of writs of execution; and authorizing sales thereon without issuance of further

Clause LVIII added to section 1202, act of May 4, 1927 (P. L. 519).

Operation of inclined planes authorized.

Act of May 18, 1933 (P. L. 826), reenacted and amended.

writs," is hereby reenacted and amended to read as follows:

**Preamble.**

Whereas, The present economic emergency has brought increasing distress to home owners and farmers; and

Whereas, Foreclosures in this emergency, work tremendous inequities to such persons, yield a minimum of satisfaction to execution creditors, and deprive families of shelter and means of subsistence, thus endangering the health, safety, welfare and morals of the public.

**Executions and tax sales.**

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 as follows:

**Definitions.**

Section 1. Definitions.—That when used in this act, the following words and phrases shall have the meanings respectively ascribed to them by this section, unless the context clearly requires a different meaning:

“Writ of execution” shall mean any writ of fieri facias, venditioni exponas, levari facias, or any other writ or form of execution for the sale of any dwelling, and the land appurtenant thereto, or any farm, where such dwelling or farm shall be occupied by an owner thereof as his or her residence, or any proceeding for the sale of real property, as herein defined, for failure to pay taxes.

“Real property” shall mean any dwelling, together with the land appurtenant thereto, and any farm occupied by an owner of such dwelling or farm as a residence.

**Courts authorized to stay writs of execution.**

Section 2. Every court of common pleas of this Commonwealth shall have authority, under the conditions hereinafter set forth, to stay any writ of execution from time to time and for such periods as the court, in its discretion, may deem proper. Such stays shall be allowed only upon application of an owner, lienholder, or any other person in interest, and, unless the plaintiff consent thereto, only upon the applicant's showing to the court such facts as the court may deem sufficient to warrant such relief. In granting any such stay or continuance, the court may impose such condition as it deems proper as to payment of costs, taxes, accruing interest, repairs, advertising and notice of sale, insurance, and any other pertinent matters.

**Application for stay.**

**Court may impose conditions.**

**Equity power.**

**Reason for stay.**

Section 3. In exercising the powers conferred by this act, a court shall have the discretion of a chancellor sitting in equity. It shall be a sufficient reason for the grant of a stay hereunder that immediate execution sale against the real property would work serious inequity by reason of the economic emergency hereinabove referred to.

**Stay to continue return day.**

Section 4. The stay of any execution under this act shall continue the return day of the writ of execution to the first regular return day for such writs which shall

occur after a sale held under such writ. In the meantime the writ shall remain in full force and effect and sale may be made thereunder without the issuance of an alias or any other writ.

Writ to remain in effect.

Section 5. The powers herein conferred on courts of common pleas shall be in addition to all powers now possessed by such courts to stay and otherwise control writs of execution against real property, as herein defined.

Additional power.

Section 6. This act shall become effective immediately upon final passage by the Legislature and approval by the Governor, and shall continue in force only until the thirty-first day of March, one thousand nine hundred and [thirty-five] *thirty-seven*: *Provided, That, the provisions of this act shall not apply to the foreclosure of mortgages insured under Title II of an Act of Congress of the United States entitled, the "National Housing Act," approved the twenty-seventh day of June, one thousand nine hundred and thirty-four.*

Effective period.

National Housing mortgages excepted.

Section 7. All acts and parts of acts inconsistent herewith are suspended while this act is in effect.

Suspension of laws.

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

Effective date.

APPROVED—The 27th day of March, A. D. 1935.

GEORGE H. EARLE

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No. 6

AN ACT

To validate acts done and contracts, conveyances, transfers and mortgages of property made to, or by any corporation of the first class created, or intended to be created, by decree of the courts of common pleas granting a charter where the applicants for incorporation had failed to register its proposed name as required by law; and to validate charters of corporations of the first class, granted since the sixteenth day of May, one thousand nine hundred and twenty-three, where there was a failure to register the name or title of the proposed corporation at the time of filing its application for a charter, as required by law providing for the subsequent filing of such registration, and providing for the amendment of names or titles of such corporations in certain cases.

Section 1. Be it enacted, &c., That where heretofore any act has been done, or contract, transfer, conveyance, or mortgage of any property been made to, or by any corporation of the first class, after the granting of a charter by decree of any court of common pleas of this Commonwealth prior to the third day of July, one thousand nine hundred and thirty-three, where the applicants for incorporation had failed to register with the Secretary of the Commonwealth its proposed name and

Validating contracts, conveyances, etc., of unregistered first class corporations.