

CHAPTER CXXVI.

AN ACT

Declaring Sandy Lick creek a public highway.

SECT. 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 Sandy Lick creek, from its mouth up to Henry Nulf, junior's, saw mill, in the county of Jefferson, shall be, and the same is hereby declared a public highway for the passage of rafts, boats and other water craft.*

JOSEPH LAWRENCE, *Speaker*
of the House of Representatives.

WILLIAM MARKS, Junior,
Speaker of the Senate.

APPROVED—the twenty-eighth day of March, one thousand eight hundred and twenty.

WILLIAM FINDLAY.

CHAPTER CXXVII.

AN ACT

For the appraisement of estates taken in execution.

SECT. 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 lands, tenements or hereditaments have been, or hereafter shall be levied on, by virtue of any writ of fieri facias or other writ of execution, and an inquest of twelve men summoned by the sheriff or coroner of any of the cities or counties, agreeably to the existing laws of this commonwealth, shall find that the rents, issues and profits of such property are not sufficient beyond all reprises, within the space of seven years to satisfy the damages and costs, or the debt, interest and costs in such writ mentioned, it shall be the duty of the same inquest to value and appraise the said property; and in all cases where the defendant or defendants shall consent to a condemnation agreeable to an act, entitled "A supplement to the act, entitled, an act for taking lands in execution for the payment of debts," passed*

Lands taken
in execution
to be valued.

on the sixth day of March, one thousand eight hundred and twenty, and in any case where an inquisition and condemnation of such estate as aforesaid shall not be deemed necessary in law, it shall be the duty of the sheriff or coroner of the proper county, to summon an inquest of twelve good and lawful men of his bailiwick, who shall be under oath or affirmation, and shall receive the same pay as jurors are entitled to in similar cases, to value and appraise the same; and the sheriff or coroner shall make return of such valuation or appraisement, with the writ aforesaid, to the court from which the same issued, and which valuation or appraisement shall be conclusive in any future execution which may be levied on the same property; and in case any writ of venditioni exponas or other writ shall issue for the sale of said lands, tenements or hereditaments, and the same cannot be sold at public vendue or outcry for two-thirds or more of such valuation or appraisement; that then and in such case the sheriff or coroner shall not make sale of the premises, but shall make return of the same accordingly to the court from which the execution process issued, and that thereupon all further proceedings for the sale of such lands, tenements or hereditaments shall be stayed for one year from and after the return day of the venditioni exponas, or other writ for the sale of the premises: *Provided*, That the sheriff or coroner, shall not be entitled to poundage, unless in those cases where a sale of the property shall take place.

Inquest their pay.

Valuation to be returned by sheriff and conclusive.

Lands not sold for 2-3d of valuation to be returned unsold.

Proceedings stayed 1 year.

Proviso.

SECT. 2. *And be it further enacted by the authority aforesaid*, That in all cases where lands, tenements or hereditaments have been heretofore levied on and condemned in virtue of any writ of fieri facias, and in all cases where any lands, tenements or hereditaments have been or hereafter shall be seized or levied on by virtue of any writ of levavi facias, it shall be the duty of the sheriff or coroner, before exposing the said property to sale, pursuant to any writ for that purpose issued, or in pursuance of such writ of levavi facias, to summon twelve good and lawful men of his bailiwick, who being first sworn or affirmed, shall make a true valuation or appraisement of the property aforesaid, and the same proceedings shall be had as is directed by the first section of this act.

Proceedings when lands have been condemned or levied on by levavi facias.

SECT. 3. *And be it further enacted by the authority aforesaid*, That in all cases where a life estate or for a term of years, in any lands, tenements or hereditaments, have been or shall be seized and levied on by virtue of any writ of execution, it shall be the duty of the sheriff or coroner, before he shall proceed to advertise and sell the premises aforesaid, to summon an inquest of twelve good and lawful men of his bailiwick, who being first duly sworn or affirmed, shall make a true valuation and appraisement of the same; and if such life estate, or for a term of years as aforesaid, after being advertised and offered for sale by public vendue or out-

Proceedings in cases of a life estate, &c.

cry according to the laws of this commonwealth, cannot be sold for two-thirds or more of the amount of the valuation and appraisement aforesaid, the sheriff or coroner shall make return accordingly; and thereupon all further proceedings for the sale of the said premises shall be stayed for one year from the return day of the said execution process.

SECT. 4. *And be it further enacted by the authority aforesaid.* That in all cases where personal property shall be taken in execution by virtue of any writ of fieri facias issued out of any court of common pleas in this commonwealth, or by virtue of any execution issued by a justice of the peace, it shall be the duty of the sheriff, coroner, constable or other person, to whom such writ shall be directed respectively, when it shall be requested by the debtor, to summon three respectable freeholders or citizens of the vicinage, who being first duly sworn or affirmed by the said officer, shall value and appraise the personal property aforesaid, for which service they shall each be entitled to receive fifty cents per day; which valuation or appraisement, signed by the appraisers, together with a schedule of the property taken in execution, shall be annexed to the return on said writ; and in case said personal property or any part thereof cannot be sold for two-thirds of the amount of said valuation or appraisement, at a public vendue of the same, of which notice shall be given to the plaintiff or plaintiffs, his, her or their agent or attorney, agreeably to the direction of the first section of this act, that then the sale of such property shall be stayed for the term of twelve months from that date: *Provided*, That the said defendant or defendants shall execute and deliver to the sheriff, coroner or constable, as the case may be, a bond, with one or more sufficient sureties in a penalty of double the amount of the said valuation or appraisement, conditioned for the faithful forthcoming and delivery of all and every part of the said personal property, upon the expiration of the said stay of execution, to the proper sheriff, coroner or constable, or his successor in office, in like good order and condition as when the same was so as aforesaid offered for sale, or other personal property equal in value and like good order, to be ascertained in the manner aforesaid; or in default thereof for the payment of the amount of the appraisement or valuation with interest and costs, or the amount of the debt, interest and cost, for which the levy was made; and upon the execution and delivery of such bond, the said personal property shall be returned and re delivered into the possession of the said defendant or defendants: *Provided also*, That nothing in this act contained, shall be construed to prevent any judgment creditor or creditors from having the property of any debtor or debtors exposed to sale, in the usual manner, at any time, and as often as he, she, or they may think proper, after it may have once been exposed to sale as aforesaid, by paying all the costs which may accrue in consequence thereof, ex-

Proceedings as to personal property.

To be valued by 3 freeholders or citizens.

If not sold for 2-3d of the valuation proceedings stayed 12 months.

Proviso.

2d proviso.

cept the time at which a sale may be effected, which cost shall be paid out of the proceeds of the sale as in other cases.

SECT. 5. *And be it further enacted by the authority aforesaid,* That this act shall be and continue in force for the term of one year and no longer.

JOSEPH LAWRENCE, *Speaker*
of the House of Representatives.

WILLIAM MARKS, Junior,
Speaker of the Senate.

APPROVED—the twenty-eighth day of March, one thousand eight hundred and twenty.

WILLIAM FINDLAY.

CHAPTER CXXVIII.

A FURTHER SUPPLEMENT

To an act, entitled “An act authorising the Governor to incorporate two companies for making an artificial road from the city of Pittsburg through Butler and Mercer to Meadville.

SECT. 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 the president and managers of the Pittsburg and Butler turnpike road company shall make or cause to be made the road which they have now laid out or may hereafter lay out, agreeably to the act to which this is a supplement, and to the first supplement to the same, of not less than fifty nor more than sixty feet in width, and at least twenty feet there-
of shall be made an artificial road in the following manner, Width of the road.
to wit: All the timber shall be taken out by the roots and removed from the road, it shall be at least two feet higher in the centre than at the sides, it shall be well and sufficiently ditched so as to carry off the water and to keep the road in its foundation firm and dry, it shall be constructed of firm and substantial materials composed of wood, gravel, stone, slate, sand or other hard substances. such as the nature of the ground along which the road may pass will admit of, so as to secure a solid foundation, a smooth and firm surface, and a well made and permanent highway, and so nearly level in its progress that it shall in no place rise or fall more than will Manner of its construction.
form an angle of five degrees with a horizontal line. And Graduation.