

No. 356.

AN ACT

To exempt property to the value of three hundred dollars from levy and sale on execution and distress for rent.

SECTION 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 lieu of the property now exempt by law from levy and sale on execution, issued upon any judgment obtained upon contract and distress for rent, property to the value of three hundred dollars, exclusive of all wearing apparel of the defendant and his family, and all Bibles and school books in use in the family, (which shall remain exempted as heretofore,) and no more, owned by or in possession of any debtor, shall be exempt from levy and sale on execution or by distress for rent. Property to the value of \$300 exclusive of wearing apparel, &c., exempt from levy and sale.

SECTION 2. That the sheriff, constable, or other officer charged with the execution of any warrant issued by competent authority, for the levying upon and selling the property, either real or personal, of any debtor, shall, if requested by the debtor, summon three disinterested and competent persons, who shall be sworn or affirmed, to appraise the property which the said debtor may elect to retain under the provisions of this act, for which service the said appraisers shall be entitled to receive fifty cents each, to be charged as part of the costs of the proceedings; and property thus chosen and appraised, to the value of three hundred dollars, shall be exempt from levy and sale on the said execution or warrant, excepting warrants for the collection of taxes. Property to be appraised.
Pay of appraisers.

SECTION 3. That in any case where the property levied upon as aforesaid, shall consist of real estate of greater value than three hundred dollars, and the defendant in such shall elect to retain real estate amounting in value to the whole sum of three hundred dollars, or any less sum, the appraisers aforesaid shall determine whether, in their opinion, the said real estate can be divided without injury to, or spoiling the whole; and if the said appraisers shall determine that the said real estate can be divided as aforesaid, then they shall proceed to set apart so much thereof as in their opinion shall be of sufficient to answer the requirement of the defendant in such case, designating the same by proper metes and bounds, all of which proceedings shall be certified in writing by the said appraisers, or a majority of them, under their proper hands and seals, to the sheriff, under sheriff, or coroner, charged with the execution of the writ in such case, who shall make return of the same to the proper court from which the writ issued, in connection with the said writ: *Provided*, That this section shall not be construed to affect or impair the liens of bonds, mortgages, or other contracts for the purchase money of the real estate of insolvent debtors. Proceedings in case the defendant elects to retain real estate.
Proviso.

SECTION 4. That upon return made of the writ aforesaid, with the proceedings thereon, the plaintiff in the case shall be entitled to have his writ of venditioni exponas as in other cases, to sell the residue of the real estate included in the levy aforesaid; if the appraisers aforesaid shall have determined upon a division of the said real estate; but if the said appraisers shall determine against a division of said real estate, the plaintiff may have a writ of venditioni exponas to sell the whole of the real Plaintiff entitled to his writ of venditioni exponas, to sell real estate.

estate included in such levy; and it shall and may be lawful in the latter case for the defendant in the execution, to receive from the sheriff or other officer, of the proceeds of said sale, so much as he would have received at the appraised value had the said real estate been divided.

Repeal.

SECTION 5. That the twenty-sixth section of the act, entitled "An Act relating to executions," passed sixteenth June, one thousand eight hundred and thirty-six, and the seventh and eighth sections of an act, entitled "An Act in regard to certain entries in ledgers in the city of Pittsburg, and relating to the publishing of sheriff's sales, and for other purposes," passed twenty-second April, one thousand eight hundred and forty-six, and all other acts inconsistent with this act, be and the same are hereby repealed.

When this act to take effect.

SECTION 6. That the provisions of this act shall not take effect until the fourth day of July next, and shall apply only to debts contracted on and after that date.

WILLIAM F. PACKER,

Speaker of the House of Representatives.

GEORGE DARSIE,

Speaker of the Senate.

APPROVED—The ninth day of April, one thousand eight hundred and forty-nine.

WM. F. JOHNSTON.

No. 357.

A SUPPLEMENT

To an act incorporating the Doylestown and Willowgrove turnpike road company; in relation to the appropriation of certain road taxes in Schuylkill county; and amending the act incorporating the Loyalsock boom company.

SECTION 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

Persons traveling on the Doylestown and Willowgrove turnpike road, pass through a gate without paying toll, to be subject to the provisions contained in certain act.

any person or persons traveling on the Doylestown and Willowgrove turnpike road, and pass through or by any gate without paying or offering to pay the toll authorized to be charged for traveling on said road, or use any fraudulent means or device whatever, to deceive or avoid the payment of the said toll so authorized to be charged and collected, may and shall be proceeded against agreeably to and in conformity with the provisions contained in the fourteenth section of an act incorporating the Doylestown and Danborough turnpike road company, passed and approved on the twenty-first day of March, one thousand eight hundred and forty-two, and with the like penalty contained in said section for avoiding tolls as aforesaid: *And provided further,* That if any person

Fine for injuries.

or persons removes, injures, defaces or otherwise interferes with improvements made and erected on said road, or the surveyed limits thereof, or place upon any part of said road or the limits thereof any dirt, shavings, ashes, weeds, rubbish or any kind of material or offensive matter,