

**TURNPIKE ROAD COMPANY - INCORPORATED**  
**Act of Apr. 14, 1840, P.L. 349, No. 145**  
A SUPPLEMENT

Cl. 53

To an act, entitled an act to incorporate a Turnpike Road company, passed fourteenth February, eighteen hundred and thirty-eight, and for other purposes.

Section 4. Executors may collect bonds given for surplus of lands sold in lifetime of decedent

The executors or administrators of any decedent, whose real estate may have been or hereafter may be sold for taxes, during the lifetime of such decedent, in pursuance of the several laws of this Commonwealth, and a bond or bonds given by the purchaser for the surplus moneys arising from such sale, may proceed to recover and collect the same, as fully and in the same manner as the decedent if living could collect the same, and the moneys when collected, after deducting therefrom the expenses of collecting, shall be assets in the hands of said executors or administrators, in the same manner to all intents and purposes as though the same had been collected on a bond due the decedent; but it shall be in the power of the court, in which the same is about to be collected, on application by any heir or heirs, creditors or devisees of such decedent, to make an order to suspend or prevent the collection of said moneys, when in the opinion of said court such collection may operate injuriously on the interests of said heirs, creditors or devisees. 1840, April 14, P.L. 349, Sec. 4.

Section 5. Sale of unseated lands after owner's death

When any person has or shall die seized of unseated land, leaving debts due at the time of his death, which are or shall become liens on his real estate, and said land is now or shall be sold for taxes, and bonds given for the surplus money pursuant to law, it shall be lawful for the executors or administrators of such decedent to collect said bonds, as fully and effectually as though the land had been sold during the lifetime of such decedent, and the moneys when so collected, after deducting out the expenses of such collection, shall be paid into the court of common pleas when such bond is filed, and distributed by order thereof, in the same manner as moneys arising from a sale by the sheriff of said property on such lien would have been distributed, and the like remedy, by appeal shall be given as in case of sheriff's sales. 1840, April 14, P.L. 349, Sec. 5.

Section 6. Persons having liens or equitable interests may collect surplus bond; distribution of surplus

When any lands have been or shall be sold for taxes, on which any person has alien or other equitable interest, it shall be lawful for such person or persons, his heirs, assigns, or other legal representatives, to redeem the same from the effects of such sale, as fully as the owner at the time of the sale might or could do, and when the time of redemption has or shall expire before the same, if effected, it shall be lawful for such person or persons, his or their heirs, assigns or other legal representatives, to proceed in the manner prescribed by law to collect the amount of the surplus land, as fully as the owner of the land at the time of the sale might or could do; but the moneys when collected shall be paid into the court, when such bond is filed and distributed by decree of said court, in the same manner that the moneys arising from a sale of said land by the sheriff would be by law distributed, and such decree of distribution shall be subject to like appeal as decrees for

distribution of moneys arising from sheriffs' sales, are or may be by law subject. 1840, April 14, P.L., Sec. 6.

Section 7. Receipts for redemption money to be recorded

It shall be lawful for any person who has or hereafter shall redeem any land sold for taxes, to give the receipt of the treasurer for such redemption money to the prothonotary of the proper county, when such sale is entered, who is hereby required to enter such receipt at length in a book to be kept by him for that purpose, and mark on the margin of the entry of the deed of such tract of land the word redeemed, and note the page of the book where such receipt is entered, for which service he shall be entitled to a fee of twenty-five cents for each tract and no more, and on such entry being completed, such receipt shall be returned to the owner; but when the handwriting of the treasurer is not known to the prothonotary, he shall not enter the same till the person producing such receipt shall cause probate to be made thereof by some person acquainted therewith, before some judge, alderman, or justice of the peace of this Commonwealth, and said probate shall be recorded with said receipt, and the recording of any receipt entered, as required by this act, shall be as good evidence in any court, of record or elsewhere, as the original might or could be: Provided, That nothing in this act shall be construed to require the person redeeming or who has redeemed lands to procure such receipts to be entered, nor shall the title be in any way affected by default thereof: Provided, That this act shall not be construed so as to affect the rights of any person or persons acquired under the existing laws. 1840, April 14, P.L. 349, Sec. 7.

**Compiler's Note:** Section 28 of Act 207 of 2004 provided that any and all references in any other law to a "district justice" or "justice of the peace" shall be deemed to be references to a magisterial district judge.