

INSOLVENCY - RELEASE ON BOND FROM CONFINEMENT FOR DEBTS
Act of Jan. 24, 1849, P.L. 676, No. 419
AN ACT

Cl. 39

Relating to judgments, and the acknowledgment of deeds, and sequestration of life estates, and relative to the high constable of the borough of Wilkesbarre.

Section 6. Release on bond, in certain cases

Any applicant for the benefit of the insolvent law, who is or may hereafter be in confinement under sentence of any criminal court, and who shall be entitled to be released from such confinement, on a compliance with the provisions of existing Acts of Assembly, shall be released upon giving bond, as in civil cases. 1849, Jan. 24, P.L. 676, Sec. 6.

Section 7. Election to retain premises at valuation; venditioni exponas on failure to pay

It shall be the duty of every sheriff or coroner holding inquisitions on lands yielding rents, issues, or profits taken in execution, wherein the defendant has only a life estate, where the same shall be condemned upon request made, and notice given to the plaintiff in the writ, his agent or attorney, at least three days before the holding of such inquisition by the defendant, his agent or attorney, or the occupant of the land, to cause the inquest to make an appraisement of the yearly value of such lands, and to return the same with or as part of the inquisition and condemnation, and thereupon, before any writ of venditioni exponas shall issue, the plaintiff shall wait thirty days from the date of such inquisition for the defendant, his agent, attorney, or occupant of the land, to elect by notice in writing to the sheriff or coroner, to pay the plaintiff the annual valuation in half yearly payments; and on failure of the defendant so to elect to pay, or on neglect or failure to pay for thirty days after any half yearly payment shall be due and payable, the like proceedings may be had as are now directed by law in cases wherein estates of inheritance taken in execution are extended on a sheriff's inquest: provided, that nothing herein contained shall prevent the appointment of a sequestrator on application of any lien creditor under the provisions of the third section of this act, and of the act therein referred to: Provided further, that the writ of venditioni exponas, as authorized by the third section, shall not be issued in any case wherein the annual rent, found by the jury aforesaid, shall be sufficient to pay the interest on the debts entered of record: And provided also, that no such writ shall be issued unless by direction of the proper court; and on the application of any lien creditor for a writ of venditioni exponas, the tenant shall have at least ten days' notice of the application for such writ; but if the tenant for life be a non-resident of the Commonwealth of Pennsylvania, and his whereabouts cannot be ascertained after diligent inquiry, upon the presentation to the court by petition of any lien creditor, setting forth such facts, the court is hereby directed to grant an order of publication, in at least

two weekly newspapers in the county where the life estate is located, for a period of four weeks, and the mailing of a copy of each of such publications to the life tenant's last known place of residence, which publications, together with the mailing of copies of the same to the life tenant's last known place of residence, shall have the full force and effect as if the life tenant had received personal notice, and shall entitle any lien creditor to a writ of venditioni exponas. 1849, Jan. 24, P.L. 676, Sec. 7; 1901, June 4, P.L. 426, Sec. 1.