

1 Sec 1 (Be it enacted by the people of the
2 State of Illinois represented in the General
3 Assembly: That when any execution shall
4 be issued out of any of the Courts of this
5 State, whether of record or not, and
6 shall be ^{real or} ~~void~~ on any personal property, ^{or both}
7 it shall be the duty of the officer issuing
8 such execution, to summon three house-
9 holders of the proper county, one of
10 whom shall be chosen by such officer,
11 One by the plaintiff, and one by the
12 defendant in the execution, or in default
13 of the parties making such choice, the
14 officer shall choose for them, which house-
15 holders after being duly sworn by such
16 officer so to do, shall fairly and impar-
17 tially value the property upon which such
18 execution is void, having reference to its
19 Cash value; And they shall endorse the
20 valuation thereof, upon the execution, or
21 upon a piece of paper thereunto attached,
22 signed by them. And when such property
23 shall be offered for sale, it shall not
24 be struck off unless two thirds of the
25 amount of such valuation shall be
26 bid therefor.

27 Sec 2. When any property shall be void
28 on, and appraised in the manner re-
29 quired by this act, and the same shall

30 be susceptible of a division, no greater
31 quantity thereof than will be sufficient
32 to pay the amount of the execution, or
33 executions thereon levied, together with
34 the proper costs at two thirds of the
35 valuation thereof shall be offered
36 for sale by the officer in whose hands
37 such execution, or executions may have
38 been placed for collection

39
40 Sec 3 (This Act shall be in force from
41 and after its passage, and the Secretary
42 of State is hereby required to have a
43 thousand copies hereof printed im-
44 mediately after its approval, and transmit
44 them to the Clerks of the County Com-
45 missioners Courts of the several Counties
46 in this State for distribution among
47 the proper officers thereof

Passed in Senat Feb 4. 1841
M. H. S. S. S.



Senate

A Bill for an
Act Regulating
the Sale of property

~~McClun and~~

~~McLean~~

~~Scott~~ Hawkins

~~Peck~~

~~Dodge~~

~~Thompson~~

~~Miner~~

Ross

Lincoln

Engrossed

ord 3.

70 20

\$ paper

Amend 6th line by inserting after the word
"any" the words "real or" and after the word
"property" the words "or both."

Amend further by adding at the end of the
1st Sec. the following: "Provided always
that the plaintiff in any execution, issued
from any court of record of this state, may
elect on what property he will have the
same levied, except the land on which
the defendant resides, and his personal
property which shall be last taken in
execution; and in all other executions issued
from any of the courts of this state (not being
courts of record) the plaintiff in execution
may elect on what personal property he
will have the same levied, excepting
and reserving however to the defendant
in execution in all cases, such an amount
and quality of property as is now exempt
from execution by the laws of this
state; and Provided further that all sales
of Mortgage property, shall be made
according to the provisions of this
act, whether the foreclosure of said
Mortgage be by Judgment at law
or decree in Chancery."

House and

april 15

That the provisions of this act shall extend
to all judgements rendered prior to the first
day of may eighteen hundred and forty one, and
~~on~~^{to} all judgements that may be rendered on
any contract or cause of action accruing
prior to the first day of may ~~the~~ eighteen
hundred and forty one, and not after
to any other judgements than as ~~the~~ before speci-
fied

And of the
Senate to the
Audit of the
House of Reps