

CHAPTER CLIII.

An ACT directing Sheriffs and Coroners to give sufficient sureties for the faithful execution of their official duties, and for other purposes.

WHEREAS the public security requires that sheriffs and coroners should give sureties, proportioned to the trusts confided, for the faithful execution of their official duties: And whereas the existing laws, relating to this subject, are defective, inadequate and inapplicable to the greater number of the counties within the commonwealth: Therefore,

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 the sheriff of each and every of the following counties; before he shall be commissioned or execute any of the duties of his office, shall enter into a recognizance, and become bound in an obligation with at least two sufficient sureties, in the sums and manner herein after mentioned, to-wit: The sheriff of the city and county of Philadelphia, in the sum of sixty thousand dollars; the sheriff of the county of Bucks, in the sum of fifteen thousand dollars; the sheriff of the county of Chester, in the sum of twenty thousand dollars; the sheriff of the county of Lancaster, in the sum of twenty-five thousand dollars; the sheriff of the county of York, in the sum of fifteen thousand dollars; the sheriff of the county of Berks, in the sum of twenty thousand dollars; the sheriff of the county of Cumberland, in the sum of fifteen thousand dollars; the sheriff of the county of Northampton, in the

Sheriffs to enter into recognizance and give bond with sureties &c.

to what amount the sheriffs of the respective counties shall become bound.

sum

sum of fifteen thousand dollars ; the sheriff of the county of Bedford, in the sum of eight thousand dollars ; the sheriff of the county of the county of Northumberland, in the sum of fifteen thousand dollars ; the sheriff of the county of Westmoreland, in the sum of ten thousand dollars ; the sheriff of the county of Washington, in the sum of fifteen thousand dollars ; the sheriff of the county of Fayette, in the sum of ten thousand dollars ; the sheriff of the county of Franklin, in the sum of ten thousand dollars ; the sheriff of the county of Montgomery, in the sum of fifteen thousand dollars ; the sheriff of the county of Dauphin, in the sum of fifteen thousand dollars ; the sheriff of the county of Luzerne, in the sum of seven thousand dollars ; the sheriff of the county of Huntingdon, in the sum of eight thousand dollars ; the sheriff of the county of Allegheny, in the sum of ten thousand dollars ; the sheriff of the county of Mifflin, in the sum of eight thousand dollars ; the sheriff of the county of Delaware, in the sum of the eight thousand dollars ; the sheriff of the county of Lycoming, in the sum of five thousand dollars ; the sheriff of the county of Somerset, in the sum of five thousand dollars ; the sheriff of the county of Greene, in the sum of five thousand dollars ; the sheriff of the county of Wayne, in the sum of six thousand dollars ; the sheriff of the county of Adams, in the sum of eight thousand dollars ; the sheriff of the county of Centre, in the sum of five thousand dollars ; the sheriff of the county of Crawford, in the sum of five thousand dollars ; and the sheriff of each and every new county, which shall hereafter be erected and organised, in the sum of five thousand dollars ; and for every representative to whom the said new county shall be entitled in the general assembly

sembly, more than one, an additional sum of four thousand dollars, and the coroner of each and every county before he shall execute any of the duties of his office, shall enter into a similar recognizance and become bound in a similar obligation with at least two sufficient sureties in like circumstances, in one fourth of the sum, which shall be by law required from the sheriff of the same county, "That he will well and truly perform all and singular the duties to the said office of coroner appertaining."

Sec. 2. *And be it further enacted by the authority aforesaid,* That the said recognizances and bonds shall be taken and duly recorded by the recorder of deeds of the proper county; and when so taken and recorded shall be by him endorsed, as duly recorded, and forthwith transmitted to the Secretary of the commonwealth, who shall file the same in his office, copies whereof, under the hand and seal of office of the said Secretary or recorder shall be admitted as legal evidence in any suit or suits that shall be brought thereon against the cognisors or obligors, their heirs executors or administrators respectively; but before any such bond shall be so as aforesaid, taken or recorded, the sufficiency of the sureties therein named, shall be submitted to and approved of by the judges of the court of common pleas of the proper county, or any two or more of them for that purpose convened; and no commission shall be afterwards granted before the Governor shall have also approved of the sufficiency of the sureties aforesaid.

Said recognizances and bonds to be taken and recorded by the recorder of deeds of the proper county and transmitted to the Secretary of the commonwealth, & by him filed; authenticated copies to be received in evidence; the sureties to be first approved by the justices of the common pleas; and, before commission issues, by the Governor.

Sec. 3. *And be it further enacted by the authority aforesaid,* That the recognizance of the sheriff shall be taken by the recorder of the proper

Form of recognizance;

proper county, in the following form, to wit:
 " You A. B. C. D. and E. F. do acknow-
 " ledge that you owe unto the commonwealth
 " of Pennsylvania, dollars, to be
 " levied and made of your several goods and
 " chattels, lands and tenements, upon condi-
 " tion that if you A. B. shall and do without
 " delay, and according to law, well and truly
 " serve and execute, all writs and process of
 " the commonwealth of Pennsylvania, to you
 " directed, and shall and do from time to time,
 " upon request to you for that purpose made,
 " well and truly pay, or cause to be paid, to
 " the several suitors and parties interested in
 " the execution of such writs or process, their
 " lawful attorneys, factors, agents or assigns,
 " all and every sum and sums of money to
 " them respectively belonging, which shall
 " come to your hands, and shall and do from
 " time to time, and at all times during your
 " continuance in the office of sheriff of the
 " county of , well and faithfully
 " execute and perform all and singular, the
 " trusts and duties to the said office lawfully
 " appertaining, then this recognizance to be
 " void, or else to be and remain in full force
 " and virtue, taken and acknowledged the
 " day of , in the year of our
 " Lord, one thousand eight hundred and
 " , before me G. H. recorder in and
 " for the county of ;" and the obli-
 " gation of the sheriff and his sureties shall be
 " in the form following, to wit: " Know all
 " men by these presents, that we A. B. C. D.
 " and E. F. are held and firmly bound unto
 " the commonwealth of Pennsylvania, in the
 " sum of dollars, to be paid to the
 " said commonwealth, for the uses, intents and
 " purposes declared and appointed, in and by
 " an

form of the
 obligation.

“ an act, entitled “ An act directing sheriffs
 “ and coroners to give sufficient sureties for
 “ the faithful execution of their official duties,
 “ and for other purposes,” to which payment
 “ well and truly to be made and done, we
 “ bind ourselves, our heirs, executors and ad-
 “ ministrators, jointly and severally, firmly by
 “ these presents, sealed with our seals, and
 “ dated the day of , in the
 “ year of our Lord, one thousand eight hun-
 “ dred and : The condition of the above
 “ obligation is such, that if the said A. B.
 “ after he shall be duly commissioned sheriff
 “ of the county , for the term of
 “ , from and after the second Tuesday
 “ of October in the year last aforesaid, shall
 “ and do without delay according to law, well
 “ and truly serve and execute all writs and pro-
 “ cess of the said commonwealth to him direct-
 “ ed, and shall and do from time to time upon
 “ request to him for that purpose made, well
 “ and truly pay or cause to be paid to the sever-
 “ al suitors and parties interested in the exe-
 “ cution of such writs or process, their lawful
 “ attornies, factors, agents or assigns, all and
 “ every sum and sums of money to them re-
 “ spectively belonging, which shall come to his
 “ hands, and shall and do from time to time, and
 “ at all times during his continuance in the
 “ said office of sheriff, well and faithfully exe-
 “ cute and perform all and every of the trusts and
 “ duties to the said office appertaining, then this
 “ obligation to be void or else to be and remain
 “ in full force and virtue:” *Provided always*
nevertheless, That no such recognizance or obli-
 gation shall be of any force or effect, if a com-
 mission shall not be afterwards granted to the
 person, who with proper sureties shall have ex-
 ecuted or acknowledged the same, in the man-
 ner prescribed by this act.

The recognizance to operate as a lien on the real estate of sheriffs, coroners and their sureties;

How sheriffs and coroners are to be proceeded against.

Within what time suits against the sureties of sheriffs &c. are to be commenced.

Sec. 4. *And be it further enacted by the authority aforesaid,* That all the lands, tenements and hereditaments, which such sheriffs, coroners and their sureties shall possess, or be entitled to in every county within this commonwealth, shall be bound by a recognizance taken in manner aforesaid, as effectually as a judgment to the same amount in the court of common pleas of all the counties aforesaid, might or could now bind the same, and whenever the commonwealth, or any individual or individuals shall be aggrieved by the misconduct of any sheriff or coroner, it shall be lawful, as often as the case may require, to institute actions of debt of scire facias upon such recognizance against such sheriff or coroner, and their sureties, their heirs, executors or administrators, or actions of debt upon such obligations against such sheriff or coroner, and their sureties, their heirs, executors or administrators, and if upon such suits it shall be proved what damage hath been sustained, and a verdict and judgment shall be thereupon given, execution shall issue for so much only as shall be found by the said verdict and judgment with costs, which suits may be instituted and the like proceedings be thereupon had, as often as damage shall be so as aforesaid sustained: *Provided always,* That such suit or suits against such sureties, their heirs, executors or administrators, shall not be sustained by any court of this commonwealth, unless the same shall be instituted within five years after the date of such obligation or recognizance.

Until surety is entered, no act of sheriff or coroner to be valid.

Sec. 5. *And be it further enacted by the authority aforesaid,* That until sureties shall be given in manner aforesaid, all commissions granted to, and all acts and things whatsoever done

done by any such sheriff or coroner, under color of office, shall be void and of none effect.

Sec. 6. *And be it further enacted by the authority aforesaid,* That whenever a vacancy shall happen in the office of sheriff or coroner, which is to be filled by a new appointment in the manner prescribed, by the first section of the sixth article of the constitution of this commonwealth, the person about to apply so to be commissioned, shall enter into a recognizance, and give an obligation with sureties to be approved by the Governor, in manner aforesaid, for a sum proportioned to the time for which the commission is to be granted.

Sheriffs &c. appointed to supply vacancies to give security in a sum proportioned to the time for which they are appointed.

Sec. 7. *And be it further enacted by the authority aforesaid,* That if any sheriff of the city and county of Philadelphia, or of any other county within this commonwealth, shall be legally removed from his office, or die before the expiration of the term for which he shall have been commissioned, the coroner of the proper county shall execute the office of sheriff, and all things thereunto appertaining, until another sheriff shall be duly commissioned, and notice thereof shall be given to the coroner then exercising the office of sheriff, and the security and pledges given by every coroner in pursuance of this act, shall be a security to the commonwealth, and to all persons whomsoever for the faithful discharge and due performance of all the duties required by law from such coroner.

In case of the removal or death of a sheriff, coroner to execute the office of sheriff until another be appointed &c.

Sec. 8. And whereas the process by distress is dilatory and expensive, and it is necessary

necessary to provide some adequate remedy therein, to prevent the delays of sheriffs and others in the duties of their respective offices: *Be it therefore enacted by the authority aforesaid*, That the court, out of which any writ of distringas, vice-comitem or distringas, nuper vice-comitem or other writ of distringas proceeds, may by a rule for that purpose made, order and direct that the issues levied from time to time shall be sold, and the money arising thereby be applied in the first instance to pay such costs to the plaintiff, as the said court shall think just, under all the circumstances to order, and have the remainder thereof in court to be retained until the defendant shall have appeared, or other purpose of the writ be answered, or to be rendered to the plaintiff for his debt, damages and costs where the same shall be ascertained: *Provided*, That where the purpose of a writ is answered, the said issues shall be returned, or if sold, what shall remain of the money arising by such sale shall be repaid to the party distrained upon.

Sec. 9. *And be it further enacted by the authority aforesaid*, That whether a demand for that purpose shall be made or not, it shall be the duty of every sheriff, his deputy or agent, immediately after the receiving of any of his fees or of a bond, or other written security therefor, to deliver a bill of particulars, specifying the several items contained therein, and the amount thereof, to give the party so paying or securing the payment of any fees, a receipt in full therefor, to endorse on such written security when taken, that the same was given for fees, and to sign the endorsement so to be made, and if any sheriff,

Application of
the issues on
a distringas
&c.

Sheriffs to
give a bill of
particulars of
their fees, and
on payment,
a receipt,
whether the
same be de-
manded or
not;

penalty on
failing to do
so.

sheriff, his deputy or agent shall neglect to give such receipt, or make such endorsement in the manner directed by this act, on conviction thereof before the court of quarter sessions of the proper county, he shall forfeit and pay any sum not exceeding fifty dollars to the party injured, who is hereby declared to be a competent witness to prove such neglect.

Sec. 10. *And be it further enacted by the authority aforesaid,* That within six months after the passing of this act, the sheriff of every county within this commonwealth, shall publish and set, and keep up in some conspicuous part of his office, the ninth section of this act, for the inspection of all persons having business in such office, on pain of forfeiting for each day the same shall be missing, through the said sheriff's neglect, the sum of ten dollars, which penalty may be recovered in any court of record, one half to the use of the informer, and the other half to the use of the county, wherein the offence shall be committed.

Sheriffs to fix up in a conspicuous part of their offices, the 9th sec. of this act &c.

Sec. 11. *And be it further enacted by the authority aforesaid,* That so much of every former act of assembly as is hereby altered or supplied, be, and the same is hereby repealed and annulled : *Provided always,* That nothing in this act contained, shall ever be so construed, as to impair, or in any manner affect any obligations, bonds, recognizances or other securities, heretofore made, given or acknowledged, or in any degree to prevent or obstruct the recovery of any monies, fines, forfeitures, penalties, debts or demands due or accruing, by virtue of any former

Repeal of such laws as are hereby altered or supplied &c.

act or acts or parts thereof; which are hereby repealed and annulled.

SIMON SNYDER, *Speaker*
of the House of Representatives.

ROBERT WHITEHILL, *Speaker*
of the Senate.

APPROVED—March the twenty-eighth 1803:

THOMAS M'KEAN, *Governor*
of the Commonwealth of Pennsylvania.

CHAPTER CLIV.

An ACT to enable Martin Hocker, to obtain a title to a lot of land in the township of Paxton, and county of Dauphin.

WHEREAS it has been represented to the legislature, that Martin Hocker, did purchase of his brother John Hocker, a lot of land, containing about ten acres, situate in the township of Paxton, in the county of Dauphin, and hath actually paid the full consideration for the same, according to the terms of an agreement made in the life time of the said John Hocker, who is since dead, by reason whereof he is deprived of the means of obtaining a title thereto, and as no written contract was made respecting the premises, he therefore prays the legislature to authorise the administrators of the said John Hocker, to execute a deed to him the said Martin Hocker, his heirs and assigns: And whereas, the said representation appears to be true, it is just and reasonable