

We do certify, that the bill, entitled "An Act to repeal the Nicholson court of pleas, and to release the lien of the commonwealth on the estate of John Nicholson, deceased," was presented to the governor on the twenty-seventh day of February, one thousand eight hundred and forty-three, and was not returned within ten days, (Sundays excepted,) after it had been presented to him. Wherefore, it has, agreeably to the constitution of this commonwealth, become a law in like manner as if he had signed it.

WM. J. B. ANDREWS,
Clerk of the House of Representatives.

CHARLES W. HEGINS,
Clerk of the Senate.

HARRISBURG, March 11, 1843.

[No. 40.]

AN ACT

Authorizing F. B. Hubbard, a justice of the peace, to take testimony and perpetuate evidence of certain records of his office.

WHEREAS, The dockets of Franklin B. Hubbard, a justice of the peace, in and for the borough of Mercer, Mercer county, have been stolen, and all the records and proceedings therein lost. For remedy whereof,

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 said Franklin B. Hubbard shall procure a docket or dockets, in which he shall enter all judgments and proceedings which were contained in the dockets stolen as aforesaid, in all cases where he can do the same from the papers on file, and that where there should be an allegation of the payment in all or part of any judgment so entered by any defendant, his agent or attorney, or other persons interested, verified by the oath or affirmation of such person, or that no such judgment ever existed, the said justice shall issue a scire facias to revive the same, in which the question of payment or of the existence of the judgment shall be tried.

New docket
authorized

SECTION 2. That where there is not sufficient evidence contained in the papers on file to enable the said justice to rein-

Evidence of former judg't state any judgment as aforesaid, the said justice shall, upon petition of the plaintiff, setting forth the facts, enter upon his docket the names of the parties, nature of the suit or action, and issue a summons as in cases of original suits, and the proceedings thereon shall be as in all other cases when they were originally brought. And the said justice, and in case of appeal, the court shall have full power to examine, on oath or affirmation, any party, touching any fact necessary to aid in making up the records of said justice, and in ascertaining such facts as the justice of the case may require, and after final judgment is rendered, the said justice shall proceed in all respects as in case of other judgments; and the records so made up, according to the provisions of this act, shall, in all respects, have the same force and virtue as if they were the original records in the respective cases.

Fees SECTION 3. The fees of the said justice shall be eighteen and three-quarter cents in all cases for reinstating judgments from the papers on file; and the fees for issuing process, entering judgments, swearing witnesses and other services, shall be regulated by the fee bill now in force.

Appeal SECTION 4. That either party shall have the right of appeal or certiorari, in every case where judgment shall have been rendered, either on scire facias, summons issued, or made up from papers on file in the office of said justice; and the court to which such appeal or certiorari shall be so taken, shall have full authority to enquire into all the facts connected with the entry of such judgment.

HENDRICK^c B. WRIGHT,
Speaker of the House of Representatives.

B. CRISPIN,
Speaker of the Senate.

APPROVED—The thirteenth day of March, one thousand eight hundred and forty-three.

DAVID R. PORTER.