

1789.

Surety to be given by the officers of the new county.

SECT. XIII. *And be it further enacted by the authority aforesaid,* That the Sheriffs, Coroners, Treasurers and Collectors of excise, hereafter to be appointed or elected in the said county of Delaware, before they, or any of them, shall enter upon the execution of their respective offices, shall give security for the faithful execution of their respective offices, that is to say; the Sheriff in the sum of one thousand five hundred pounds; the Coroner seven hundred and fifty pounds; the Treasurer in the sum of one thousand five hundred pounds; and the Collector of excise in the sum of two hundred pounds.

Passed 26th September, 1789.—Recorded in Law Book No. III. page 551. (y)

(y) The 10th, 11th, and 14th sections of this act, are obsolete, they related to the manner of defraying the expenses of the county buildings; continuing the process previously instituted in Chester county, and appointing commissioners to run the boundary lines.

The second, third and fourth election districts in this county, were established by act of 22d of April, 1794, (chap. 1756.)

By the last enumeration, the county of Delaware contains two thousand five hundred and fifty-four taxables; and with the county of Chester, ten thousand and fifty taxables; and, by the act of 21st of March, 1808, apportioning the representation in pursuance thereof, sends two members to the House of

Representatives, and in conjunction with the county of Chester, two members to the senate.

By the Judiciary act of 24th of February, 1806, Delaware, Chester, Bucks and Montgomery, compose the seventh judiciary district, and the term was to be two weeks, but by an act passed 10th of March, 1810, the term in Delaware is to continue but one week. April term to commence on the second Monday in April, and July term on the 4th Monday in July; and by the original act, the January and October terms commence on the 3d Mondays of those months.

Delaware county is attached to the Eastern District of the Supreme Court.

CHAPTER MCCCCXXXIII.

An ACT to enable the owners and possessors of a certain tract of meadow land, situate in the precinct of Richmond, in the township of the Northern-Liberties, to keep the bank, dams, sluices and flood-gates, in repair.

Passed 24th September, 1789.—Private Act.—Recorded in Law Book No. III. page 546.

CHAPTER MCCCCXXXIV.

A SUPPLEMENT to the several laws of this commonwealth respecting attachments.

SECT. I. WHEREAS the laws of this commonwealth respecting attachments, have been found defective, inasmuch as no adequate provision is therein made for obtaining and compelling a disclosure of the goods, chattels, monies, effects and credits of the defendant and defendants, in the custody, possession and charge, or due and owing from any garnishee or garnishees, upon whom such writs of attachment are respectively served, so that many hon-

[See vol. 1, page 45, chap. 142, and the notes thereto sub-joined.]

est creditors have been unable to recover their just debts, and the wholesome regulations of the said laws have often been defeated: 1789.
 For remedy whereof,

SECT. II. *Be it enacted, and it is hereby enacted by the Representatives of the Freemen of the commonwealth of Pennsylvania, in General Assembly met, and by the authority of the same,* That Plaintiff in foreign attachment may file interrogatories to examine the garnishee.
 That it shall and may be lawful to and for any and every plaintiff and plaintiffs, in any and every writ and writs of attachment already issued, or to be issued, by and out of any court or courts, within this commonwealth, after judgment hath been duly obtained against the defendant and defendants, therein respectively named, to prepare and exhibit, in writing, all and singular such interrogatories, upon which the said plaintiff and plaintiffs is, are or shall be desirous to obtain and compel the answer and answers of any and every garnishee and garnishees, in whose hands the said writ or writs of attachment hath or have been, or shall, or may be respectively laid and served, touching the goods, chattels, monies, effects and credits of the said defendant and defendants, in his or their possession, custody and charge, or from him or them respectively due and owing, at the time of the service of such writ or writs of attachment, or at any other time. And the said interrogatories, so prepared and exhibited, the said plaintiff or plaintiffs shall file, or caused to be filed, in the proper court, by or out of which the said writ or writs of attachment, respectively, hath or have issued, or shall or may issue.

SECT. III. *And be it enacted by the authority aforesaid,* That Garnishee shall make answer.
 That each and every such garnishee and garnishees, respectively, to whom a copy of such interrogatories shall be delivered, is and are hereby required and enjoined to be and appear before the Justices of the same court, on a day and time by them for that purpose to be named, and then and there, in writing, exhibit and file, under his or their oath or oaths, affirmation or affirmations (which the Prothonotary of the proper court is hereby authorized and required to administer) full, direct and true answers to all and singular the interrogatories by the said plaintiff and plaintiffs respectively prepared, exhibited and filed, in the manner herein before directed and described. And if any garnishee or garnishees shall neglect or refuse so to Proceeding, on neglect or refusal.
 do, then, and in every such case, it shall and may be lawful to and for the Justices of the proper court, and they are hereby required to adjudge, that such garnishee or garnishees, so neglecting or refusing as aforesaid, hath or have in his or their possession, custody and charge, goods, chattels, monies and effects, of the said defendant or defendants, in such writ or writs of attachment, respectively named, or is and are indebted unto such defendant or defendants, to an amount and value sufficient to pay and satisfy the debt, claim or demand of the said plaintiff or plaintiffs, together with all legal costs and charges of suit. And the said Justices of the proper court shall thereupon award and issue a writ or writs of execution against the person or persons, or against the goods and chattels, lands and tenements, of such garnishee or garnishees, so refusing or neglecting as aforesaid; and therein shall proceed in like manner, as if such writ or writs of execution had been awarded and issued by reason of any judgment, in such court regularly

1789. pronounced and entered, in pursuance of the verdict of a jury, or by virtue of the confession of the party.

SECT. IV. And whereas it frequently happens that garnishees in writs of attachment have in their hands and possession goods and chattels belonging to the defendant, which cannot be found by the officer serving such writs, to be taken and secured by him, and others are indebted in large sums of money, which they refuse to pay, or in anywise to secure: For remedy whereof, *Be it further enacted by the authority aforesaid*, That if any plaintiff in any writ of attachment to be issued within this commonwealth, or any person for him, shall, upon oath or solemn affirmation, declare that he or she verily believes that any person or persons, upon whom any writ of attachment shall be directed to be served as garnishee, hath or have any goods, chattels or effects, belonging to the defendant or defendants, in his, her or their hands or possession, or under his, her or their care, or is or are indebted to the defendant or defendants in any sum of money, although the same shall not then be due; and shall also, in manner aforesaid, declare that the person or persons, upon whom such writ of attachment shall be directed to be served as garnishee, is or are not an inhabitant or inhabitants of the county within which the same shall issue, or that he or she verily believes that there is just cause to fear that such person or persons is or are about to depart and remove from the same, it shall and may be lawful for the plaintiff to cause to be inserted in the body of the writ of attachment, a clause of *capias* against all such person and persons as aforesaid, upon whom the same shall be directed to be served as garnishee, and he, she or they, shall thereupon be held to sufficient sureties to appear at court, and to make answers as by this act is required; and further, render his, her or their bodies to the prison of the proper county, or to pay the condemnation money, if judgment shall pass against him, her or them.

In what case
a *capias* may
issue against
a garnishee.

Passed 28th September, 1789.—Recorded in Law Book No. III. page 557.

CHAPTER MCCCXL.

An ACT for the inspection of Shingles.

SECT. I. WHEREAS the inspection laws of this state have been found beneficial to commerce, and productive of fair dealing between individuals, but the same are not sufficiently extensive: Therefore,

SECT. II. *Be it enacted, and it is hereby enacted by the Representatives of the Freemen of the commonwealth of Pennsylvania, in General Assembly met, and by the authority of the same*, That no shingles shall be exported from this state, unless the same shall be of one of the kinds hereinafter mentioned and described, viz.

Dimensions
of shingles
for exportation.

Shingles of the first kind, shall be two feet nine inches at least in length, five and an half inches at least in width, and of such thickness, that, when dressed, they may remain at least half an inch thick at every place between the butt end and a distance of ten inches from the same.