

support of government, and the other [to him or them] that shall sue for the same, to be recovered as aforesaid.

And that this act continue in force three years and no longer.

Passed May 28, 1715. Expired before being considered by the Crown. See Appendix IV, Section II.

CHAPTER CCXI.

AN ACT FOR BETTER DETERMINING OF DEBTS AND DEMANDS UNDER FORTY SHILLINGS, AND FOR LAYING ASIDE THE TWO-WEEKS' COURT IN THE CITY OF PHILADELPHIA.

Whereas the several laws of this province for determining small debts, without formality of trial, were designed for the ease and conveniency of the subject; but complaint is made [by] many of the inhabitants of the city and county of Philadelphia that the manner of putting the same in execution by some of the said city magistrates and officers, proves very chargeable and inconvenient; for remedy whereof:

[Section I.] Be it enacted by Charles Gookin, Esquire, by the royal approbation Lieutenant-Governor, under William Penn, Esquire, Proprietary and Governor-in-Chief of the Province of Pennsylvania, by and with the advice and consent of the freemen of the said Province, in General Assembly met, and by the authority of the same, That upon complaint made to any justice of the peace in this province against any person or persons, for any debt or demand under forty shillings, it shall and may be lawful for such justice, and he is hereby empowered and required, to issue forth his warrant, in the nature of a summons, *capias* or attachment, as the case may require, directed to the constable of the township or district where the defendant dwells or can be found, commanding him to bring or cause such defendant to come with the plaintiff, before him or the next justice forthwith. And when such justice hath heard the proofs and allegations of both parties (or some of them as will be present) he shall

forthwith give judgment in the matter, which shall be final and conclusive to both complainant and defendant, without further appeal. But the justice that gives such judgment, shall keep fair entries of the [names] of the complainants and defendants, and the debt or sum contained in such judgment, with the day and year when the same was given. And execution (if required) shall be awarded by the justice against the body and goods or effects of the defendant or person refusing to comply with such judgment, directed to the constable; but if the defendant produceth effects sufficient to satisfy the sum contained in such execution, his body shall not be held any longer. But for want of such effects, the constable is hereby required to take such defendant into the gaol of the proper county; and the sheriff or keeper of such gaol is hereby required to receive the person so taken in execution, and him safely keep, till the sum recovered with costs be paid, or satisfaction made by goods or otherwise; which goods shall, within three days after, be sold by public vendue, and the overplus (if any), after reasonable charges deducted, returned to the owner.

[Section II.] And be it further enacted by the authority aforesaid, That no court in this province shall have cognizance of any of the said debts or demands under forty shillings, nor shall the same be determined by any justice or [magis]trate any other way than this act directs; any law, ordinance [or] usage to the contrary in anywise notwithstanding.

[Section III.] And be it further enacted by the authority aforesaid, That all and every the ordinances and by-laws of the said city, made or pretended to be made, for better executing the said laws for determining of small debts, and for erecting a court or courts for that purpose, shall be and are hereby declared to be null and void. And that all and every the said courts so erected, usually held by the mayor or recorder, with one or more of the aldermen of the said city, commonly called the forty-shillings or two-weeks' courts, or by what name soever the same may be called; and all jurisdiction and authority belonging to or exercised in the said courts, or by any of the magistrates or ministers thereof, in hear[ing and] determining debts or demands therein of forty shillings and under, [be] clearly

and absolutely dissolved, taken away and abolished. And that all the laws or acts of assembly of this province heretofore made for determining debts of forty shillings or under (saving a law entitled "An act about attachments under forty shillings,"¹ passed in the twelfth year of the late King William the Third), and every matter, clause and thing therein contained, shall be, and are hereby declared to be repealed, annulled, and forever made void, anything in the said acts to the contrary in anywise notwithstanding.

Provided always, That nothing herein contained shall extend, to enable any of the said justices of the peace within the respective counties of this province, nor any of the magistrates of the city of Philadelphia, within the same city, to hear any debt for rents or contracts for real estates.

Passed May 28, 1715. Allowed to become a law by lapse of time in accordance with the proprietary charter, having been considered by the Lords Justices in Council July 21, 1719. See Appendix IV, Section II, and the Acts of Assembly passed February 14, 1729-30, Chapter 315; August 22, 1752, Chapter 399; March 11, 1789, Chapter 1394; March 27, 1789, Chapter 1411. Repealed by Act of March 20, 1810, P. L. 208.

CHAPTER CCXII.

AN ACT FOR ERECTING A SUPREME OR PROVINCIAL COURT OF LAW AND EQUITY IN THIS PROVINCE.

[Section I.] Be it enacted by Charles Gookin, Esquire, by the royal approbation Lieutenant-Governor, under William Penn, Esquire, Proprietary and Governor-in-Chief of the Province of Pennsylvania, by and with the advice and consent of the freemen of the said Province in General Assembly met, and by the authority of the same, That there shall be holden and kept a court of record twice in every year in the city of Philadelphia within the said province, viz., on the tenth

¹ Passed November 27, 1700, Chapter 108.