

## CHAPTER DCCCXXXVII.

## AN ACT DECLARING REPLEVINS, ATTACHMENTS, JUDGMENTS, AND EXECUTIONS IN CERTAIN CASES TO BE ERRONEOUS AND VOID.

(Section I, P. L.) Whereas divers writs of replevin have of late been granted and issued for goods and chattels taken in execution, and for fines and penalties legally incurred and due to this commonwealth to the delay of public justice and to the great vexation of the officers concerned in taking and levying the same:

[Section I.] (Section II, P. L.) Be it enacted and declared, and it is hereby enacted and declared by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That all writs of replevin granted or issued for any owner or owners of any goods or chattels levied, seized or taken in execution or by distress; or otherwise by any sheriff, naval officer, lieutenant or sub-lieutenant of the city of Philadelphia, or of any county, constable, collector of the public taxes or other officer acting in their several offices under the authority of the state, are irregular, erroneous and void: And that all such writs may and shall at any time after the service be quashed upon motion by the court to which they are returnable, the said court being ascertained of the truth of the fact by affidavit or otherwise.

[Section II.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That the court, besides quashing the said writs may and shall award treble costs to the defendant or defendants in such writs, and also, according to their discretion, order an attachment against any prothonotary or clerk who shall make out or grant any such writ knowing the same to be for goods or chattels taken in execution, or seized as aforesaid.

(Section IV, P. L.) And whereas sundry judgments have been entered by virtue of warrants of attorney, and attachments and executions issued against persons attainted of treason, by virtue

or in pursuance of the act of general assembly, entitled "An act for the attainder of divers traitors, if they render not themselves by a certain day; and for vesting their estates in this commonwealth, and for more effectually discovering the same; and for ascertaining and satisfying the lawful debts and claims thereupon,"<sup>1</sup> notwithstanding a summary, speedy and ample remedy is by the said act provided for the bona fide creditors of such traitors, to the great waste of the estates, accumulation of suits and unnecessary costs, and to the preventing a proper inquiry into the justice of the claims and demands of such suitors.

[Section III.] (Section V, P. L.) Be it enacted by the authority aforesaid, That every judgment entered by virtue of any warrant of attorney, and attachment or execution issued against any person attainted of treason by the act of assembly aforesaid, or after the date of the proclamation of the supreme executive council of this state against such traitor, or which shall hereafter be so entered or issued, are hereby declared to be void and of no effect; and that no claims or demands of any creditor or other person whomsoever against any such traitors may or shall be heard, allowed or determined in any other manner than according to the directions of the act of assembly aforesaid, and the supplement thereto passed this present session of assembly.

Passed April 3, 1779.

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## CHAPTER DCCCXXXVIII.

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AN ACT TO COMPEL CERTAIN PERSONS ENTRUSTED WITH PUBLIC MONEY BY OR FOR THE USE OF THIS COMMONWEALTH TO ACCOUNT FOR THE EXPENDITURE OF THE SAME, AND TO PAY SUCH PARTS THEREOF AS THEY SHALL BE CHARGEABLE WITH INTO THE STATE TREASURY.

(Section I, P. L.) Whereas in and by an ordinance of the council of safety of this commonwealth dated at Lancaster the twenty-first day of October one thousand seven hundred and seventy-

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<sup>1</sup> Passed March 6, 1778, Chapter 784.