

[Section VIII.] (Section XIII, P. L.) And be it further enacted by the authority aforesaid, That the fines and forfeitures incurred for breaches of duty by this act, shall be sued and recovered by the lieutenant of the proper county, at the suit, and for the use of the commonwealth, in any court of record within this state by bill, plaint or information, wherein no essoin, protection, wager at law, nor more than one imparlance shall be allowed.

Passed December 9, 1783. Recorded L. B. No. 2, p. 213, etc. See the Act of Assembly passed April 11, 1793, Chapter 696.

CHAPTER MLXII.

AN ACT FOR SUPPLYING AN ACT, ENTITLED "AN ACT FOR THE EFFECTUAL RECOVERING AND SECURING THE FINES, FORFEITURES AND OTHER MONEYS DUE OR BELONGING TO THE COMMONWEALTH, FOR THE USE OF THE SAME.¹

(Section I, P. L.) To the end that all fines, forfeited recognizances, issues, amercements, and sums of money forfeited and recovered in any courts in this commonwealth or before any justice or justices of the peace, for the use of the commonwealth, may be the more easily collected, levied and paid into the public treasury:

[Section I.] (Section II, P. L.) 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 all recognizances forfeited in any court of quarter sessions of the peace within this commonwealth, or in the sessions held for the city of Philadelphia, shall and may be sued for and be recoverable in the court of common pleas of that county in which the said recognizances shall be forfeited respectively which courts may and they are hereby empowered to order the said recognizances to be levied, moder-

¹ Passed March 13, 1780, Chapter 899.

ated or remitted on hearing the circumstances of the case, according to equity and their legal discretion:

[Section II.] (Section III, P. L.) Provided always nevertheless and be it further enacted by the authority aforesaid, That the supreme court of this commonwealth, may hear appeals from such orders or judgments of the courts of common pleas, on the said forfeited recognizances at the next ensuing term after such judgment given, but not afterwards, and finally decide on the same.

[Section III] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That all recognizances forfeited in the supreme court, or in any court of oyer and terminer, general gaol delivery, admiralty sessions or admiralty or before any special commissioners of oyer and terminer in this state, shall be sued for and recoverable in the supreme court of this state, which is hereby empowered to order the said recognizances to be levied, moderated or remitted, according to justice and their legal discretion.

[Section IV.] (Section V, P. L.) And [be] it further enacted by the authority aforesaid, That all fines, issues, amercements, forfeited recognizances and other forfeitures, which from and after the publication of this act, shall be set, imposed, lost or forfeited, for the use of the commonwealth, in the supreme court or in any courts of oyer or terminer, gaol delivery, admiralty, admiralty sessions, common pleas, or quarter sessions of the peace, or in the sessions held for the city of Philadelphia or by any justice or justices of the peace in this commonwealth, shall by the clerks, prothonotaries or other registers of the said courts respectively, or by the said justice or justices of the peace be certified and estreated into the comptroller-general's office on the first day of May and the first day of November in every year hereafter and that the prothonotaries of the said supreme court, and the courts of common pleas shall also certify and estreat, at the same time, into the said comptroller general's office; the orders and judgments of the same courts respectively, on all such forfeited recognizance as shall be sued upon in the same courts, which said estreats or certificates shall be delivered into the said comptroller-general's office by the said protho-

taries, clerks, registers, justice and justices of the peace, respectively upon their oath or affirmation, first being made before, and certified by two justices of the peace, or one judge of the supreme court, that the said estreats had been carefully and fully made up and examined by them, without any wilful or fraudulent omission, discharge or defect whatsoever, and that they had therein particularly specified and mentioned such fines, issues amercements, forfeited recognizances and other forfeitures, which had been paid into their hands for the use of the commonwealth, to the best of their knowledge.

[Section V.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That the said clerks, prothonotaries, registers, justice and justices of the peace and all other persons who shall or may receive or be accountable to the commonwealth for any fines, issues, amercements, forfeited recognizances or other forfeitures, shall within three months after they have received any such sum or sums of money pay the same into the hands of the high sheriff of their respective counties, and the said sheriffs shall on the first day of November in every year hereafter (and as often as thereunto required by the comptroller-general) render an account of all such moneys as may have come to their hands as aforesaid to the comptroller-general's office for settlement, and the money which shall be found due on such settlement shall then be immediately paid to the treasurer of the state, the said sheriff's deducting a commission of two and one-half per centum, for their trouble in collecting such moneys, and the treasurer of the state shall be allowed a commission of one-half per centum for all such moneys so as aforesaid paid into the treasury.

[Section VI.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That if any of the said clerks, prothonotaries, justices, sheriffs or other officers before mentioned, shall neglect or refuse to do and perform the several duties required of them by this act, or shall wittingly and willingly spare, take off, discharge or conceal any fine, issue, amercement, forfeited recognizance or other forfeiture whatsoever which shall be due to the commonwealth, and ought to be certified, estreated or paid by him, by virtue of this act, such clerks, pro-

thonotaries, justice or justices, sheriffs or other officers, shall be indicted and fined for every such offense at the discretion of the court.

[Section VII.] (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That the act, entitled "An act for the effectual recovering and securing the fines, forfeitures and other moneys due or belonging to the commonwealth for the use of the same,"¹ shall have no effect or force whatever, after the publication of this act, except so far as the same may relate to fines, issues, amercements, forfeited recognizances, sum and sums of money paid in lieu and satisfaction of them, and other forfeitures, which have been set, imposed, lost or forfeited in the supreme court, or in any of the courts of common pleas, courts of general quarter sessions of the peace and gaol delivery, or before any special commissioners of oyer and terminer, in any county of this state, or before any justice or justices of the peace, before the publication of this act, to which purposes only the said recited act and all the powers and authorities therein given shall be and remain in force anything contained in this act notwithstanding.

Passed December 9, 1783. Recorded L. B. No. 2, p. 220, etc.

CHAPTER MLXIII.

AN ACT TO REVIVE AND CONTINUE IN FORCE THE ACTS OF ASSEMBLY REGULATING SALES BY PUBLIC AUCTION, AND FOR OTHER PURPOSES THEREIN MENTIONED.

(Section I, P. L.) Whereas the assembly of this commonwealth in the year one thousand seven hundred and eighty, frequently made the title a part of the laws by them enacted:

And whereas from that and other good causes the act passed the twenty-third day of September, one thousand seven hun-