

## CHAPTER MMCDLXXXII.

AN ACT FOR THE RECOVERY OF DEBTS AND DEMANDS NOT EXCEEDING ONE HUNDRED DOLLARS, BEFORE A JUSTICE OF THE PEACE, AND FOR THE ELECTION, OF CONSTABLES, AND FOR OTHER PURPOSES.

Section I. (Section I, P. L.) 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 from and after the passing of this act, the powers of the justices of the peace of the several counties of this state shall be extended to all cases of demands for damages on assumptions; also notes, book debts, accounts and promises, of whatever kind, except as is hereinafter excepted; and to demands of debts, bonds, penal and single bills, not exceeding the amount of one hundred dollars.

Section II. (Section II, P. L.) And be it further enacted by the authority aforesaid, That the said justices are hereby respectively empowered and required, upon complaint being made to any of them touching any such demand as aforesaid, to issue a summons, if the party complained of be a freeholder, if not a warrant of arrest, directed to the constable of the township, ward or district where the defendant usually resides, or can be found, or to the next most convenient constable, commanding him to bring or cause the said defendant to appear before the said justice; if on a warrant of arrest, forthwith on the service of the same; but in case of a summons, then at a certain day therein to be expressed, not more than eight, nor less than five days after the date of the summons, of which day of hearing the plaintiff shall have notice at the time of granting the summons by the justice; and the service on the defendant shall be by producing the original summons to and informing him of the contents thereof, or by leaving a copy of it at his dwelling house, in

the presence of one or more of his family, or neighbors, at least four days before the time of hearing.

Section III. (Section III, P. L.) And be it further enacted by the authority aforesaid, That if the parties appear before the justice, either in person or by responsible agents, the justice shall proceed to hear their proofs and allegations; and if the demand shall not exceed five dollars and thirty-three cents, shall give judgment as to right and justice may belong, which judgment shall be final; but if the demand or sum in controversy, shall be more than that sum, and shall not exceed one hundred dollars, and either party shall refuse to submit the determination of the cause to the justice, he shall in that case request them to choose referees, one, two or three each, and mutually to agree on a third, fifth or seventh man, all of whom shall be sworn or affirmed well and truly to try all matters in variance between the parties, and on having heard their proofs and allegations, they shall make out an award, under their hands and seals, or a majority of them, and transmit the same to such justice, who shall thereupon enter judgment for the sum awarded and costs, and shall allow each of the referees fifty cents per day for his services; which judgment, so obtained, and when not exceeding fifty-three dollars, shall be final and conclusive to both complainant and defendant, without further appeal. And it shall be the duty of the justice to notify, through a constable or any other fit person, each of the referees so chosen, of their appointment, and of the time and place fixed for a hearing; and if any person so chosen and notified as aforesaid, shall neglect or refuse to serve, he shall for every such neglect or refusal (unless prevented by sickness or any other unavoidable accident) forfeit and pay the sum of two dollars, for the use of the poor; and where there are no poor, to be paid to the supervisor of the roads, to be applied by him in repairing the streets, roads and public highways of the city, town or township in which such person or persons so refusing or neglecting, shall reside; which fine shall be recovered before such justice of the peace, on complaint of the party injured, as

other fines are by law recoverable: Provided, that an action be brought within thirty days after such neglect or refusal.

Section IV. (Section IV, P. L.) And be it further enacted by the authority aforesaid, That if either party or their agents shall refuse to refer as aforesaid, the justice may proceed to hear and examine their proofs and allegations, and thereupon give judgment publicly, as to him of right may appear to belong, either party having the right to appeal within twenty days after judgment being given, either by the justice alone, or on the award of referees, when such award shall exceed the sum of fifty-three dollars; and if the parties are dismissed before an appeal is made, the justice shall, at the instance of the appellant, notify through a constable the adverse party to appear before him on some day certain; and if the parties shall appear on the day appointed, it shall be in the power of the justice, with consent of the parties or their agents, to open his judgment and give them another hearing; but if they will not agree to such re-hearing, the party appellant shall be bound with surety, in the nature of special bail, whether the appellee shall appear or not; if the plaintiff, in a sum sufficient to cover all the costs which have or may accrue, and fifty cents per day for every day the appellee shall attend on such appeal; which the appellant shall be bound to pay, if the judgment of the justice shall be affirmed by the court, or if he shall recover less than the amount of the judgment of the justice: if the defendant is the appellant, he shall be bound with surety as aforesaid, in a sum sufficient to cover the sum in controversy, all the costs and daily pay aforesaid, which he shall be bound to pay, if the judgment of the justice shall be affirmed by the court, or if the plaintiff shall recover more than the amount of the judgment of the justice; which costs shall be taxed by the court: all which proceedings so had before the justice shall be entered at large by him in a docket or book to be kept by him for that purpose, in which he shall state the kind of evidence upon which the plaintiff's demand may be founded, whether upon bond, note, penal or single bill, book debt, damages on assumptions, or whatever it may be; and the whole

proceedings, in case of appeal, shall be certified to the prothonotary of the proper county, who shall enter the same on his docket, and the suit shall from thenceforth take grade with, and be subject to the same rules as other actions where the parties are considered to be in court, and the costs accrued before the justice shall attend the event of the suit.

Section V. (Section V, P. L.) And be it further enacted by the authority aforesaid, That the prothonotaries of the respective counties shall enter in their dockets transcripts of judgments obtained before justices of the peace of their proper county, without the agency of an attorney, for the fee of fifty cents; which transcripts the justice shall deliver to any person that may apply for the same; and which judgments, from the time of such entries on the prothonotaries docket, shall bind the real estate of defendants; but no execution shall issue on any such judgment, until after the expiration of the period at which execution would have been issued if the cause had been concluded before the justice; and no judgment, whether obtained before a justice, or in any court of record in this commonwealth, shall deprive any person of his or her right as a freeholder, longer or for any greater time than such judgment shall remain unsatisfied, any law, usage or custom to the contrary hereof notwithstanding.

Section VI. (Section VI, P. L.) And be it further enacted by the authority aforesaid, That the special bail directed to be taken by the justice, in case of an appeal, shall be conditioned for the appearance of the party so appealing, at the next court of common pleas, to prosecute his suit with effect, and on failure thereof that the bail will pay the debt and costs, if the appeal is made by the defendant, or the costs, if the appeal is made by the plaintiff, or that the bail will, on or before the first day of the next term after judgment shall be rendered against the prinipal, surrender him to the jail of the proper county; on which surrender being so made, the bail shall be exonerated, but not otherwise; and a certified copy of such recognizance by the justice of the peace, shall be sufficient authority for the special bail, or any person au-

thorized by him, to take the principal within this commonwealth, and to deliver him to the jail of the county wherein the proceedings were had, and the jailer and sheriff are hereby required to receive him, and keep such principal so surrendered, together with the bail-piece upon which the surrender was made, until he shall be discharged by law; and where no appeal shall be made from the justice, and the special bail do not surrender the body of the defendant to the jail of the county (for which he shall have the authority as above directed) on or before the return day of the scire facias issued by the justice against such bail, and cannot show sufficient cause why he should be exonerated, the justice shall, upon his neglect or refusal to pay the debt and costs, enter judgment and issue execution, without stay, against him for the same.

Section VII. (Section VII, P. L.) And be it further enacted by the authority aforesaid, That in case the defendant does not appear upon summons on the day appointed, the justice may, on due proof by oath or affirmation of the service of the summons as aforementioned, proceed to give judgment by default, publicly, against such defendant, allowing twenty days as aforesaid for an appeal, before any further proceedings are had; and in case the plaintiff does not appear, either in person or by agent, to substantiate his charge, the justice may then, or at such further day as he may judge reasonable, proceed to give judgment against him by non-suit, for the costs of suit, and for the reasonable costs of the defendant, to be taxed agreeably to the provisions contained in the fourth section of this act.

Section VIII. (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That upon affidavit of either party or their agents, that the testimony of any material witness is wanted, who resides out of the county, or from his infirmity of body or other causes, cannot be obtained personally, the cause shall be postponed to a day certain, within such reasonable time as the distance of the witness, the season of the year, and the circumstances of the roads may render it convenient to obtain the deposition of the witness wanted;

and whenever a cause is postponed at the instance of the defendant, he shall enter into recognizance for a sum sufficient to cover the demand in question, together with the costs, with one sufficient surety for his appearance on the day fixed as aforesaid; and whenever a rule for taking the deposition of a witness or witnesses, shall be applied for as aforesaid, the party so applying shall file a copy of the interrogatories or questions intended to be asked the witnesses, and a copy of such interrogatories shall be delivered to the opposite party who may also file such additional questions as he may think proper: Provided, the same be done within four days after the receipt of such copy; which rule and interrogatories, being certified by the justice before whom the cause is depending, shall be a sufficient authority for the justice who may be named in said rule, to take the answers of such witnesses as may be also therein named; but where the witnesses reside in the county, or in cases where the parties or their agents agree to enter a rule to take depositions, it may be done without filing interrogatories, upon notice given (agreeably to the rule) of the time and place appointed for the examination of the witnesses; and testimony so taken shall be read in evidence on the trial, before the justice or referees.

Section IX. (Section IX, P. L.) And be it further enacted by the authority aforesaid, That in all cases where the defendant is a freeholder, or shall enter special bail to the action, and the judgment rendered shall be above five dollars and thirty-three cents, and not exceeding twenty dollars, there shall be a stay of execution for three months, and where the judgment shall be above twenty dollars, and not exceeding sixty dollars, there shall be a stay of execution for six months, and where the judgment shall be above sixty, and not exceeding one hundred dollars, there shall be a stay of execution for nine months.

Section X. (Section X, P. L.) And be it further enacted by the authority aforesaid, That every justice of the peace rendering judgment as aforesaid, shall receive the amount of the judgment, if offered by the defendant or his agent, before execution, and pay the same over to the plaintiff or his agent,

when required; for which service he shall, if exceeding five dollars and thirty-three cents, be allowed twenty-five cents by the defendant, in addition to his usual fees; and if the said justice shall neglect or refuse to pay over on demand the money so received, to the plaintiff or his agent, such neglect or refusal shall be construed and deemed a misdemeanor in office; and if the amount of the judgment is not paid to the justice as aforesaid, he shall grant execution thereupon, if for a sum not exceeding five dollars and thirty-three cents, forthwith, and for any further sum, after the time limited for the stay of the same; which execution shall be directed to the constable of the proper ward, district or township where the defendant resides, or to the next most convenient constable, commanding him to levy the debts or damages, and costs, of the defendant's goods, and chattels, and by virtue thereof shall, within the space of twenty days next following, expose the same to sale by public vendue, having given due notice of the same at least five days previously to the day of sale, by at least three advertisements put up at the most public places in his township, ward or district, and returning the overplus, if any, to the defendant; and for want of sufficient distress, to take the body of such defendant into custody, and him or her convey to the common jail of the county; and the sheriff or keeper of such jail is required to receive the person or persons so taken in execution, and him, her or them safely to keep until the sum recovered and interest thereon accrued, from the date of the judgment, together with costs, be fully paid; and in default of such keeping, to be liable to answer in damages to the party injured, as is by law provided in case of escapes, or in case no goods and chattels can be found, and the defendant be possessed of lands or tenements, the plaintiff may apply to the justice who pronounced the judgment, for a transcript of the same, and a certificate from the justice, that the same judgment is unsatisfied; and upon entering the same in the prothonotary's office, the plaintiff shall be entitled to his execution, directed to the sheriff of the county, and the like proceedings shall be had as in other cases, upon judgments obtained in court.

Section XI. (Section XI, P. L.) And be it further enacted by the authority aforesaid, That on the delivery of an execution to any constable, an account shall be stated in the docket of the justice, and also on the back of the execution, of the debt, interests and cost, from which the said constable shall not be discharged, but by producing to the justice, on or before the return day of the execution, the receipt of the plaintiff, or such other return as may be sufficient in law; and in case of a false return, or in case he does not produce the plaintiff's receipt on the return day, or make such other return as may be deemed sufficient by the justice, he shall on application of the plaintiff or his agent, issue a summons, directed for service to any constable of the county, commanding the said constable to appear before him on such day as shall be mentioned in the said summons, not exceeding five days from the date thereof, and then and there show cause why an execution should not issue against him for the amount of the first above mentioned execution; and if the said constable either neglects to appear on the day mentioned in such summons, or does not show sufficient cause why the execution should not issue against him, then the justice shall enter judgment against such constable for the amount of the first above mentioned execution, together with costs; on which judgment there shall be no stay of execution; and upon application of the plaintiff or his agent, the said justice shall issue an execution against the constable for the amount of the first above mentioned execution, together with costs; on which judgment there shall be no stay of execution; and upon application of the plaintiff or his agent, the said justice shall issue an execution against the constable for the amount of such judgment; which execution may be directed to any constable of the county, whose duty it shall be to execute the same: Provided always, That nothing in this act contained shall in any manner impair or alter the proceedings as heretofore established with regard to insolvent debtors and their discharge, on a full surrender of their property.

Section XII. (Section XII, P. L.) And be it further enacted by the authority aforesaid, That the powers of the said



justices of the peace shall extend to all cases of rent not exceeding one hundred dollars, so far as to compel the landlord to defalcate or set off the just account of the tenant out of the same; but the landlord may waive further proceedings before the justice, and pursue the methods of distress in the usual manner, for the balance so settled; but if any landholder shall be convicted after such waiver, in any court of record, of distraining for and selling more than to the amount of such balance, and of detaining the surplus in his hands, he shall forfeit to the tenant four times the amount of the sum detained: Provided, that no appeal shall lie in the case of rent; but the remedy by replevin shall remain as heretofore.

Section XIII. (Section XIII, P. L.) And be it further enacted by the authority aforesaid, That in all cases the party shall have the privilege of removing the cause by writ of certiorari, from before any justice, whose duty it shall be to certify the whole proceedings had before him, by sending the original precepts, a copy of the judgment, and execution or executions, if any, be issued: Provided always, that the proceedings of a justice of the peace shall not be set aside or reversed on certiorari for want of formality in the same, if it shall appear, on the face thereof, that a precept, issued in the name of the commonwealth of Pennsylvania, requiring the defendant to appear before the justice on some day certain, or directing the constable or other fit person to bring the defendant forthwith before him, agreeably to the provisions and directions contained in this act that judgment was rendered on the day fixed in the precept, or on some other day to which the cause was postponed by the justice, with the knowledge of the parties; and that the proceedings are otherwise intelligible; and that no execution issued by any justice, shall be set aside for informality, if it shall appear on the face of the same, that it was issued in the name of the commonwealth of Pennsylvania, after the expiration of the proper period of time, and for the sum for which judgment had been rendered, together with interest thereon and costs, and a day mentioned on which return is to be made by the constable, and that the

cause of action shall have been cognizable before a justice of the peace.

Section XIV. (Section XIV, P. L.) And be it further enacted by the authority aforesaid, That if any person or persons whosoever shall commence, sue or prosecute any suit or suits, for any debt or debts, demand or demands, made cognizable as aforesaid, in any other manner than is directed by this act, and shall obtain a verdict or judgment therein, which, without costs of suit, shall not amount to more than one hundred dollars, not having caused an oath or affirmation to be made before the obtaining of the writ of summons, or *capias*, and filed the same in the prothonotary's office, respectively, that he, she or they so making oath or affirmation, did truly believe the debt due or damage sustained exceeded the sum of one hundred dollars, he she or they so prosecuting, shall not recover costs in such suit, any law, usage or custom to the contrary notwithstanding.

Section XV. (Section XV, P. L.) And be it further enacted by the authority aforesaid, That nothing in this act contained shall be construed or understood to extend to actions of ejection brought to obtain possession of lands and tenements, actions of replevin, actions on real contract for the sale or conveyance of lands and tenements, or actions upon promise of marriage.

Section XVI. (Section XVI, P. L.) And whereas doubts have been entertained with respect to the mode of recovering the forfeitures and penalties prescribed by the following acts, passed in the year one thousand seven hundred, to wit: "An act against forcible entry;"<sup>(1)</sup> "An act against removing land marks;"<sup>(2)</sup> and "An act against defacers of charters:"<sup>(3)</sup> Therefore be it enacted by the authority aforesaid, that in all cases arising under the said acts, where the penalty is fixed, and the court not mentioned in which such penalties shall be recoverable, the same shall be prosecuted in the court of quarter sessions of the county where the offense is committed, and warrants shall and may be issued by the justices of the peace, respectively, to oblige the offender or offenders to find surety for his, her, or their appearance at the said court,

and to be of good behavior in the meantime, if necessary; and in default of such surety, to commit him, her or them to the jail of such county, to be dealt with according to law.

Section XVII. (Section XVII, P. L.) And be it further enacted by the authority aforesaid, That the electors of each county town, township or district which now is, or hereafter shall be in any of the counties within this commonwealth, shall annually on the same day, and at the same place where they meet to choose the supervisors of the highways, elect two reputable citizens in said town, township or district, and return the names of the persons so elected, to the next court of quarter sessions of the proper county, and the said court shall appoint one of them to be constable for the town, township or district for which he was chosen for one year, from and after the time of his appointment, if it should appear to the satisfaction of the court, that he possesses a freehold estate in his own right, clear of all incumbrances, of the value of one thousand dollars; or if he does not possess a freehold estate, as aforesaid, he may be appointed, if he is ready to become bound, in an obligation to that amount, with at least one sufficient security, to be approved of by the court of quarter sessions, to be taken in the name of the commonwealth by the clerk of the said court; for which service he shall receive the fee of twenty-five cents, for the just and faithful discharge of his said office; which said obligation shall be held in trust for the use and benefit of all persons who may sustain injury from him in his official capacity, by reason of neglect of duty, and for the like purposes and uses as sheriffs bonds are usually given; but if he does not possess a freehold estate as aforesaid, or enter the security as above required, or possessing a freehold as aforesaid, refuses to take upon himself the office of constable; or if the electors in any town, township or district, shall neglect or refuse to return two citizens for the said office as aforesaid, then and in either such case the court may and shall appoint another proper person, possessing a freehold estate of the value aforesaid, to serve as constable. And every person elected or appointed, or who shall be appointed by the court, and who may possess a freehold estate of the value

above mentioned, and shall refuse or neglect to take upon himself the office of constable, or shall not procure a deputy to undertake the duties of the said office, for whose conduct in the same he shall be responsible, shall be fined by the court in the sum of forty dollars: Provided nevertheless, that no person shall be permitted to serve as constable more than three years, in any term of six years, except in the township of Moyamensing and Passyunk, and also that no person shall be compelled to serve as constable more than once in every fifteen years, in the same town, township or district, excepting in the township of Tinicum, in the county of Delaware, and that procuring a deputy to discharge the duties of the said office, or paying the penalty as aforesaid, shall be considered equal to personal service: Provided, that nothing contained in this act shall be so construed as to interfere with any laws now in force, respecting the city of Philadelphia, the township of the Northern Liberties, and district of Southwark, or the township of Germantown, relating to the election of constables: And provided also, that the security to be given under the acts now in force for the appointment and regulations of constables in the township of the Northern Liberties, and the district of Southwark, and the township of Germantown, be and the same is hereby increased to one thousand dollars, any law to the contrary notwithstanding.

Section XVIII. (Section XVIII, P. L.) And be it further enacted by the authority aforesaid, That each and every of the constables who may be hereafter chosen, in the several wards of the city of Philadelphia, who are not freeholders in their own right to the value of one thousand dollars, shall, before they enter on the duties of the said office, be bound in an obligation to the mayor of the said city, with at least two sureties, who are freeholders, and who shall be approved by the mayor's court, jointly and severally in the sum of one thousand dollars, for the just and faithful discharge of the said office; the fee for which shall not exceed twenty-five cents, in trust for the use and benefit of all and every person and persons who may be injured or aggrieved by the neglect

or improper conduct of such constable, in the execution of the duties of the said office; and if any of the said constables so chosen, shall refuse to serve in the said office, those so refusing shall be subject to a like penalty as is specified in the seventeenth section of this act; and the said constables upon taking any goods, wares or merchandise, in execution, shall in due time deliver all such goods, wares or merchandise, to such one of the auctioneers appointed in the said city, as the alderman issuing the execution may direct, who shall advertise and sell the said goods for the best price he can obtain, and pay the amount of the sales unto the said constable, first deducting the usual duty for such sales; but shall make no deduction of any duty on behalf of this commonwealth; and the constable shall pay the money forthwith to the alderman issuing the execution; and the said alderman on receiving the said monies, shall pay the same upon demand unto the plaintiff, or his agent, retaining the fee allowed by this act, and under the penalty that justices of the peace are subjected to in like circumstances by this act.

Section XIX. (Section XIX, P. L.) And be it further enacted by the authority aforesaid, That the like jurisdictions, powers and authorities vested by this act, in the justices of the peace within this commonwealth, shall be and are hereby vested in each and every of the aldermen appointed within the city of Philadelphia, who shall in all cases exercise all such powers within the said city, which any justice of the peace may exercise within any county in this state, and shall be entitled to like fees, and in all cases shall be under and subject to such limitations, restrictions and provisions as justices of the peace are in like circumstances subjected to by this act; and whenever the functions of the said alderman's court ceases, the books of record of the said court shall be deposited in the office of the prothonotary of the city and county of Philadelphia; to which records any person having occasion shall have access at all seasonable hours, paying the usual fee.

Section XX. (Section XX, P. L.) And be it further enacted by the authority aforesaid, That an act, entitled "An act for better determining debts and demands under forty

shillings and for laying aside the two weeks court in the city of Philadelphia, passed May twenty-eight, one thousand seven hundred and fifteen,"<sup>(4)</sup> and an act, entitled "An act for the more easy and speedy recovery of small debts, passed March first one thousand seven hundred and forty-five,"<sup>(5)</sup> and an act, entitled "An act to enlarge the summary jurisdiction of the justices of the peace, in actions of debt on demand, to sums not exceeding ten pounds, "and to repeal an act, entitled "A supplement to an act for the more easy and speedy recovery of small debts, passed April fifth one thousand seven hundred and eighty-five, and an act, entitled "An act to extend the powers of the justices of the peace in this state, passed April nineteenth one thousand seven hundred and ninety-four,"<sup>(7)</sup> and an act entitled "An act to continue in force for a limited time an act, entitled "An act to extend the powers of the justices of the peace in this state, and for other purposes therein mentioned," passed April fourth, one thousand seven hundred and ninety-eight,"<sup>(8)</sup> and so much of the act, entitled "An act to incorporate the city of Philadelphia," passed the eleventh day of March, one thousand seven hundred and eighty-nine,"<sup>(9)</sup> as establishes the alderman's court in the said city, or of any other act or acts as recognizes, regulates or extends the powers or jurisdictions of said court, be and the same are hereby repealed: Provided nevertheless, that the repeal aforesaid shall not discontinue, stay or affect any suit or actions now depending, or which shall be commenced before the first day of June next, under the acts which are hereby repealed; but the same acts shall continue and be in force for the purpose of attaining the full effect and purpose of every such suit or action.

Section XXI. (Section XXI, P. L.) And be it further enacted by the authority aforesaid, That this act shall continue

in force for the term of three years, and from thence to the end of the next sitting of the general assembly and no longer.

Recorded in L. B. No. 9, p. 528.

Note (\*) Chapter 11; 2 Statutes at Large p. 12.

Note (\*) Chapter 15; 2 Statutes at Large p. 15.

Note (\*) Chapter 16; 2 Statutes at Large p. 16.

Note (\*) Chapter 211; 3 Statutes at Large p. 63.

Note (\*) Chapter 365; 5 Statutes at Large p. 22.

Note (\*) Chapter 1160; 11 Statutes at Large p. 573.

Note (\*) Chapter 1754; 15 Statutes at Large p. 98.

Note (\*) Chapter 1995; 16 Statutes at Large p. 93.

Note (\*) Chapter 1394; 13 Statutes at Large p. 193.

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In the House of Representatives.

March 28th, 1804.

Mr. Thompson, the secretary of the commonwealth, being introduced, presented to the chair a message from the Governor, which was read as follows, to wit:

To the Senate and House of Representatives of the Commonwealth of Pennsylvania.

Gentlemen: The bill, entitled "An act for the recovery of debts and demands not exceeding one hundred dollars, before a justice of the peace, and for the election of constables, and for other purposes," was presented to me on Thursday the fifteenth instant, and as it has not been returned by me within ten days, (Sundays excepted) since I received it, this bill is now become a law, in like manner as if I had signed it. I have directed the secretary to return it to the House of Representatives, in which it originated.

THOMAS M'KEAN.

Lancaster, March 28th, 1804.

Extract from the journal.

MATTHEW HUSTON,

Clerk of the House of Representatives.

In Senate.

March 28th, 1804.

Mr. Thompson, the secretary of the commonwealth, being introduced, presented to the chair a message from the Governor, which was read as follows, to wit:

To the Senate and House of Representatives of the Commonwealth of Pennsylvania.

Gentlemen: The bill, entitled "An act for the recovery of debts and demands not exceeding one hundred dollars, before a justice of the peace, and for the election of constables, and for other purposes, was presented to me on Thursday the 15th instant, and as it has not been returned by me within ten days, (Sundays excepted) since I received it, this bill is now become a law, in like manner as if I had signed it; I have directed the secretary to return it to the House of Representatives, in which it originated.

(Signed)

THOMAS M'KEAN.

Lancaster, March 28th, 1804.

Extract from the journal.

GEO. BRYAN, C. S.

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## CHAPTER MMCDLXXXIII.

AN ACT AUTHORIZING THE GOVERNOR TO INCORPORATE A COMPANY FOR MAKING AN ARTIFICIAL ROAD IN WAYNE AND LUZERNE COUNTIES.

Section I. (Section I, P. L.) 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 Henry Drinker, Edward Tilghman, Thomas Harrison, and William Poyntell, of the city of Philadelphia; John Conklin, Jason Torry and Samuel Stanton, of Wayne county, and Asuhel Gregory, John Tyler and Menna Dubois, of the county of Luzerne, be, and they are hereby appointed commissioners, to do and perform the several things hereinafter mentioned; that is to say, They shall on or before the first day of July next, procure three books, and in each of them enter as follows: We, whose names are hereto subscribed, do promise to pay the president, managers and company of the Coshecton and Grand Bend turnpike road, the sum of fifty dollars for every share of stock in the said company set opposite to our respective names, in such man-