

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That the governor of this commonwealth be, and he is hereby, enabled and empowered to grant on loan, to the trustees of the public buildings of the said county, the sum of eight hundred pounds, that is to say, four hundred pounds, one moiety thereof, on the first day of May next, and the remaining four hundred pounds, on the first day of May, one thousand seven hundred and ninety-five, for which several sums of four hundred pounds each, the governor for the time being is hereby empowered to draw warrants on the state treasurer, payable to the said trustees out of the fund appropriated for the support of government.

Passed April 19, 1794. Recorded L. B. No. 5, p. 246, &c.
 1Chapter 1311.

CHAPTER MDCCLIV.

AN ACT TO EXTEND THE POWERS OF THE JUSTICES OF THE PEACE IN THIS STATE.

Whereas it would greatly relieve the poor debtors within this state, and their creditors, from the costs accruing upon suits in the courts of law, and from the great delays which attend the same, if the powers vested in the justices of the peace of the counties of this state were severally extended, under similar exceptions and regulations as are contained in the act for the more easy and speedy recovery of small debts, which was enacted the first day of March, in the year of our Lord one thousand seven hundred and forty-five. Therefore:

[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 fifteenth day of June next, the jurisdiction, authority and powers of the justices of the peace of the several counties within this state, which are vested in them severally by the act entitled "An act for the

more easy and speedy recovery of small debts"¹ passed on the first day of March, one thousand seven hundred and forty-five, shall be, and same are hereby, extended to actions of debt and other demands not exceeding twenty pounds, subject to the like relief to insolvent debtors, and under every other regulation, restriction and exception, in the same contained, as to costs of suit, and otherwise, as if the said act for the more easy and speedy recovery of small debts was herein recapitulated and re-enacted, other than the limitation thereof to debts and demands not exceeding five pounds. And if any person or persons shall after the fifteenth day of June next, bring any suit or action in other manner than is provided by the act to which this [is] a supplement, except as to its limitation, and shall not recover more than twenty pounds in such suit or action, he, she or they shall not have judgment for any costs therein expended, except as in and by the said act is provided.

Provided always, That in all cases where the debt or demand shall be above five pounds, and not exceeding ten pounds, execution shall be stayed for the space of six months from the date of each judgment respectively, in case the defendant is a freeholder or enters special bail, and where the debt or other demand shall be above ten pounds, and not exceeding twenty pounds, execution shall be stayed for the space of nine months from the date of each judgment respectively, in case the defendant is a freeholder or enter special bail, in the manner provided by the act to which this is a supplement.

And provided always, That from and after the fifteenth day of June next, in any plea of debt or demand exceeding ten pounds heretofore or hereby made cognizable before any justice of the peace, which may be brought and depending before such justice, if, before judgment rendered, the defendant or defendants shall elect to have the cause tried in the court of common pleas, and offer sufficient security in the nature of special bail, if the cause originated by warrant of arrest, or to file a common appearance, if it originated by summons, the justice before whom such suit is depending may and shall take such recognizance of bail, or warrant for common appearance, to the said suit, to be entered as of the term then next ensuing, for the county in which said suit

is depending, and transmit the same, with a copy of his proceedings, to the prothonotary of the said county; and such recognizance or warrant shall be as effectual, as if taken and acknowledged before a judge of the said court, and thereupon all further proceedings before the said justice shall cease, and the cause or suit shall be prosecuted in the said court. And if any plaintiff, in any such cause, so as aforesaid depending, shall before judgment, elect to have the same tried as aforesaid, the justice before whom the same is depending, shall, on demand made, transmit all proceedings in such cause before him to the then next court of common pleas as aforesaid, to be proceeded on as aforesaid, and for which transcript, or any other obtained by virtue of this act, the justice shall be allowed, in the cost to be taxed, twenty cents, and no more.

And provided also, That in all cases where the debt or demand shall be above five pounds, it shall be lawful for any person or persons, who shall conceive him, her or themselves aggrieved, by the judgment of any justice of the peace, at any time within the space of three weeks next following the giving of such judgment, but not after, to appeal therefrom, to the court of common pleas, to be holden for the county in which such suit shall be commenced, in the same manner, and subject to all other restrictions and provisions, as were provided by the above mentioned act.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That from and after the fifteenth day of June next, the jurisdiction, authority and powers of the aldermen and aldermen's court of the city of Philadelphia, which are vested in them severally by the act entitled "An act to incorporate the city of Philadelphia,"² passed the eleventh day of March, one thousand seven hundred and eighty-nine, shall be, and the same is hereby, extended to actions of debt and other demands not exceeding twenty pounds, subject to the like regulations, restrictions and exceptions, in the same contained, as to costs of suit and otherwise, as if the said act to incorporate the city of Philadelphia was herein recited and re-enacted, other than the limitation thereof to debts and demands not exceeding ten pounds.

Provided always, That there shall be stay of execution, and the privilege of appealing to the court of common pleas, under the same regulations as is provided by this act, where judgment is obtained before a justice of the peace.

[Section III.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That the justice before whom such judgment is obtained, shall, upon the request of the person in whose favor judgment was given, and upon such person paying the said justice twelve cents, make out a transcript of such judgment, under his hand and seal, and deliver it to the person making such request; and upon such transcript being filed in the prothonotary's office, it shall have the same effect as judgments obtained in the courts of common pleas.

[Section IV.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That the act entitled "A supplement to an act entitled 'An act for the more easy and speedy recovery of small debts,'"³ enacted the twenty-third day of September, in the year of our Lord one thousand seven hundred and eighty-four, is hereby repealed and made null and void; and one other act entitled "An act to enlarge the summary jurisdiction of the justices of the peace, in actions of debt or demand, to sums not exceeding ten pounds," and to repeal an act entitled "A supplement to the act for the more easy and speedy recovery of small debts,"⁴ enacted the fifth day of April, in the year of our Lord one thousand seven hundred and eighty-five, are hereby repealed and made null and void.

[Section V.] (Section V, P. L.) Provided nevertheless, and be it further enacted by the authority aforesaid, That the repeal aforesaid shall not discontinue, stay or affect any suit or action now depending, or which shall be commenced before the said fifteenth day of June next, under the act which is repealed as aforesaid, but the same act shall continue and be in force for the purpose of attaining the full effect and purpose of every such suit and action, as efficaciously as if this act had not been made.

[Section VI.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That the electors of each county,

³Chapter 1116.

⁴Chapter 1160.

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 supervisors of the highways, elect two freeholders in said town, township or district, and return the names of the persons, so elected as aforesaid, to the next court of quarter sessions; and said court shall appoint one of them to be constable for the town, township or district, in which he was chosen, for one year from and after the time of his appointment. And if the said constable shall refuse or neglect to take upon him the office, as above directed, the court may and shall appoint another proper person in the district to serve the office of constable; and every person elected and appointed, or to be appointed by the court, and who shall refuse or neglect to take upon himself the office, as before mentioned, shall be fined by the court in any sum not exceeding sixteen dollars.

Provided nevertheless, That no person shall be compelled to serve said office more than [once] in every fifteen years.

[Section VII.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That the electors of each ward in the city of Philadelphia shall, annually, on the third Saturday of March, at such place within such ward as the constable for the time being shall, by public advertisement, at least five days previously to such elections, be made known, choose two persons, and return the names of the persons so elected to the next mayor's court, which shall appoint one of them to be constable for the ensuing year, who shall be subject to the like fine in case of refusal, and to the like mode of proceeding against, as is provided by this act for constables appointed by the courts of quarter sessions of the respective counties, except [that the proceeding against] the city constables shall be by the aldermen and aldermen's court, under the same regulations as is prescribed by the before recited act to incorporate the city of Philadelphia.

[Section VIII.] (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That the said constable shall have and receive, for every pound which he shall raise by distress and sale, in addition to the usual fees of office, three cents.

[Section IX.] (Section IX, P. L.) And be it further enacted by the authority aforesaid, That upon delivery of an exe-

cution to any constable, the return day of which shall not exceed twenty days, an account shall be stated in the docket of the justice granting the execution, consisting of the principal, interest and fees due, from which the said constable shall not be discharged, but by producing, on or before the return day of the execution, the plaintiff's receipt for the same, or making such other return as may be sufficient in law; and in case of a false return by the said constable, or in case he does not, on the return day aforesaid, produce the plaintiff's receipt for the same, or make such other return as may be sufficient in law, the justice aforesaid shall, on application of the plaintiff aforesaid, issue a summons, directed to any person he may think proper, commanding the said constable to appear before him on the day in such summons mentioned, which shall not exceed five days from the date of such summons, 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 proper 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, for which judgment there shall be no stay of execution; and upon application of the plaintiff aforesaid, the said justice shall issue an execution against the constable for the amount of such judgment, which execution may be directed to such person as the justice issuing the same shall think fit.

[Section X.] (Section X, P. L.) And be it further enacted by the authority aforesaid, That the power and jurisdiction of the justices of the peace in the several counties within this state shall be, and the same are hereby, extended to execute the law passed March the second, one thousand seven hundred and twenty-two-three, against the taking any interest exceeding six per cent. upon any sum not exceeding twenty pounds, under similar exceptions and regulations as are contained in the act for the more easy and speedy recovery of small debts.

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

force until the first day of January, one thousand seven hundred and ninety-eight, and from thence until the end of the existing session of the legislature.

Passed April 19, 1794. Recorded L. B. No. 5, p. 237, &c.

¹Chapter 365.

See the Act for the more easy and speedy recovery of small debts passed March 1, 1745-46, Chapter 365 and note, See also the supplement to the Act in the text passed February 13, 1796, Chapter 1872; March 1, 1799; Chapter 2023; and February 26, 1801, Chapter 2202. The act in the text was continued until 1803 by the Act of April 4, 1798, Chapter 1995.

CHAPTER MDCCLV.

AN ACT TO PROVIDE FOR SETTling THE ACCOUNTS OF JOHN BLAKE, LATE COLLECTOR OF TAXES IN THE TOWNSHIP OF MORELAND, NOW PARTLY IN THE COUNTY OF PHILADELPHIA AND PARTLY IN THE COUNTY OF MONTGOMERY.

Whereas it is represented to the legislature that John Blake, appointed collector of taxes in the county of Philadelphia, hath, in that capacity, caused certain taxes to be collected, for which he is unable to account, by reason of the refusal of a certain person who had received considerable sums of the said taxes, to account for the same; that his ostensible real and personal property have been seized by due course of law, and that he has been committed to the gaol of the city and county of Philadelphia, where he now lies. And whereas this commonwealth, disposed to temper mercy with justice, by relieving the said John Blake from imprisonment, to enable him to maintain his family, and at the same time to compensate for his breach of trust. Therefore:

[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 upon the said John Blake's entering into bond, with two sufficient sureties, to be approved by the commissioners of the county of Philadelphia, for the time