

## No. 115.

## A SUPPLEMENT

To the act to incorporate the town of Newville.

SECT. 1. *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 the election for officers for the borough of Newville, in the county of Cumberland, shall hereafter be held on the Friday immediately preceding the third Saturday of March in every year, by the same persons who hold the election for township officers, any thing in the act to which this is a supplement to the contrary notwithstanding.

Time of election.

FRED'K SMITH, *Speaker*  
of the House of Representatives.

WM. G. HAWKINS,  
*Speaker of the Senate.*

APPROVED—the third day of April, A. D. one thousand eight hundred and thirty.

GEO. WOLF.

## No. 116.

## AN ACT

Relative to landlord and tenant.

SECT. 1. *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 in case any lessee for a term of years, or at will, or otherwise, of a messuage, lands or tenements, upon the demise whereof any rents are or shall be reserved, where the lessee shall neglect or refuse to pay rent reserved as often as the same may grow due according to the terms of the contract, and where there are no goods on the premises adequate to pay the said rent so in arrear, except such articles as are exempt from levy and sale by the laws of the commonwealth,

Mode of obtaining possession when lessees neglect or refuse to pay rent, and where no goods can be taken.

it shall and may be lawful for the lessor to give the lessee notice to quit the premises within fifteen days from the date of the notice, if such notice is given on or after the first of April, and before the first of September, and within thirty days from the date thereof, if given on or after the first of September, and before the first of April; and if the lessee shall not within the period aforesaid, remove from and deliver up the said premises to the said lessor, or pay and satisfy the rent so due and in arrear, it shall be lawful for the lessor to make complaint on oath or affirmation, to any two aldermen or justices of the peace, as the case may require, who on its appearing to them that the lessor has demised the premises for a term of years, or otherwise, whereof any rent or rents have been reserved, that the said rent is in arrear and unpaid, that there is not sufficient goods and chattels on the premises to pay and satisfy the said rent except such as are by law exempted from levy and sale, and that the lessee has, after being notified in manner aforesaid, refused to remove and re-deliver up possession of the premises, shall then and in that case issue their precept reciting substantially the complaint and allegation of the lessor, directed to any constable of the proper city or county, commanding him to summon the said lessee to appear before the said aldermen or justices at a day and time to be therein fixed, not less than three, nor more than eight days thereafter, to answer the said complaint, and the said aldermen or justices shall on the day appointed, or on some other day then to be appointed by said justices or aldermen, proceed to hear the case, and if it shall appear that the said complaint so made as aforesaid, by the lessor, is in all particulars just and true, then the said aldermen or justices shall enter judgment against such lessee, that the premises shall be delivered up to the lessor, and at the request of the lessor issue a writ of possession, directed to the said constable, commanding him forthwith to deliver actual possession of the premises to the lessor, and also to levy the costs on the defendant in the same manner that costs are now by law levied and collected on other writs of execution, but if on the hearing aforesaid it shall appear that the said complaint is vexatious and unfounded, the said aldermen or justices shall dismiss the same, with costs to be paid by the lessor: *Provided always*, That at any time before the said writ of possession is actually executed, the lessee may supersede and render the said writ of non-effect, by paying to the said constable for the use of the lessor the rent actually due and in arrear, and the costs, which rent so in arrear shall be ascertained and determined by the said aldermen or justices on due and legal proof, and en-

Complaint to be made to any two aldermen or justices.

Precept issued to constable.

Length of notice to be given lessee.

Writ to issue.

Dismissal of unfounded complaints.

Proviso.

Writ may be superseded at any time by payment of arrears, &c.

dorsed by them on the said writ of possession, together with the costs of the proceeding, of all of which doings the said constable shall make return to the said aldermen or justices within ten days after receiving of the said writ, and the said constables shall be answerable in default of executing the said writ according to its lawful requisitions, or in returning the same in the same manner as to the amount of rent ascertained and determined and costs as constables are now by law answerable on other writs of execution: *And provided further*, That no writ of possession shall be issued by the said aldermen or justices for five days after the rendition of judgment, and if within the said five days, the tenant shall give good, sufficient, and absolute security, by recognizance for all costs that may have and may accrue, in case the judgment shall be affirmed, and also for all rent that has accrued, or may accrue, up to the time of final judgment, then the tenant shall be entitled to an appeal to the next court of common pleas, which appeal shall be then tried in the same manner that other suits are tried: *And provided further*, That nothing herein contained shall prevent the issuing of a certiorari with the usual form and effect.

Returnable within ten days.

2d proviso.

Tenant may give security within 5 days from judgment and appeal.

3d proviso.

Certiorari may issue.

SECT. 2. *And be it further enacted by the authority aforesaid*, That the following fees, in addition to the usual mileage, and none other, shall be demanded and received by the aldermen, justices, and constables, for doing and performing what is herein enjoined on them, viz: To the aldermen and justices for issuing precept to the lessee, each justice twelve and one half cents.

Officers fees established.

Precept each 12 1-2 cents.

For hearing and determining the complaint, and all other services rendered therein, fifty cents.

Hearing, &c. 50.

For recording proceedings, each twenty-five cents. For issuing and receiving returns of writ of restitution, each twenty-five cents.

Recording 25, issuing writ, &c. 25.

For the constables for serving precept and returning the same, twenty-five cents.

Serving precept, &c. 25.

For executing the writ of possession and returning the same, fifty cents.

Executing writ, &c. 50.

When the rent shall be received from the lessee by the constable, such commission as is now by law allowed on writs of execution.

Commission on writs.

FRED'K SMITH, *Speaker*

*of the House of Representatives.*

WM. G. HAWKINS,

*Speaker of the Senate.*

APPROVED—the third day of April, A. D. one thousand eight hundred and thirty.

GEO. WOLF.