

CHAPTER MCLX.

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 AN ACT FOR THE MORE EASY AND SPEEDY RECOVERY OF SMALL DEBTS."¹

(Section I, P. L.) Whereas it is manifest from the gradual rise in the prices of most of the necessaries of life and of the wages of laborers, that the value of money hath greatly lessened since the passing of the act of general assembly, entitled "An act for the more easy and speedy recovery of small debts,"² which was enacted on the first day of March, in the year of our Lord one thousand seven hundred forty and five, and it being reasonable, and will 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 summary powers vested in the justices of the peace of the counties of this state, severally, in and by the act last aforesaid, were under similar exceptions and regulations, as are contained in the same act, extending to actions of debt and other demand, not exceeding ten pounds;

Therefore:

[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 from and after the first day of May next, the jurisdiction, authority and powers of the justices of the peace of the counties within this state, which is vested in them, severally, in and by the act last aforesaid, to hear and determine actions of debt and demand, not exceeding five pounds (either by themselves, or by referees or auditors) shall be and the same [hereby] are extended to actions of debt and

¹ Passed September 23, 1784, Chapter 1116.

² Passed March 1, 1745, Chapter 365.

other demand not exceeding ten pounds, subject to like appeals to the courts of common pleas of the proper county, and to like relief to insolvent debtors, and under every other regulation, restriction and exception, in the same act contained, as to cost of suit, and otherwise, as if the said act for the more easy and speedy recovery of small debts, were herein recapitulated and re-enacted, other than the limitation thereof to debts and demands not exceeding five pounds; and no person, nor persons, who shall after the said first day of May next, bring any suit or action in other manner than is provided in and by this act, in cases cognizable under this act, and who shall not recover ten pounds and more, in such suit or action, shall not have judgment for any costs therein expended, except, as in and by the act last recited, is excepted.

(Section III, P. L.) That in all cases of debt or demand which shall be recovered in pursuance of this act, execution shall be stayed for the space of six months from the date of each judgment, respectively, in case special bail be entered for the same, in the manner directed in and by the act last aforesaid.

(Section IV, P. L.) And whereas the act, entitled "A supplement to an act, entitled 'An act for the more easy and speedy recovery of small debts,' " ² in not allowing trial by jury in suits or actions for debts, and other demands cognizable under the same by one justice of the peace, is contrary to the spirit of the constitution of this state, and the same act is greatly defective in other respects and it is preferable to supply the defects aforesaid by a new law than to amend the said act.

[Section II.] (Section V, P. L.) Be it therefore enacted by the authority aforesaid, That the same act and everything therein contained, shall, from and after the first day of May next, stand repealed, and be null and void; and that in the mean time the benefit of appeal to the courts of common pleas of the county, and relief to insolvent debtors, shall be granted, under the same act to every person, who shall apply for the same, in similar cases, upon like terms, as is granted by and under the act aforesaid, entitled "An act for the more easy and speedy recovery of small debts,"

(Section VI, P. L.) And[d] whereas, notwithstanding the appeal, reserved as aforesaid, by the act, entitled "An act for the more easy and speedy recovery of small debts,"¹ to the court of common pleas of the proper county, whereby the party dissatisfied with the judgment of any justice of the peace may have his cause reheard by a jury, some of the justices of the peace of this state have doubted of his or their authority to assess damages upon demands cognizable before them with equal liberality and justice as the same might be done by a jury in similar cases, whereby complete right hath not been always done:

[Section III.] (Section VII, P. L.) Be it therefore further enacted and declared by the authority aforesaid, That in all causes of demand not exceeding ten pounds which is [sic] [are] properly cognizable by the laws of this state before any justice of the peace, every such justice hath authority and ought to proceed therein and to assess damages as fully as the same might in like case be done in a court of law by a jury, and not otherwise.

[Section IV.] (Section VIII, 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 first day of May next, under the act which is repealed as aforesaid, but the same act shall still 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.

Passed April 5, 1785. Recorded L. B. No. 2, p. 520. See the note to the Act of Assembly passed March 1, 1745-46, Chapter 365. The act in the text was repealed by the Act of Assembly passed April 19, 1794, Chapter 1754.