

leges, jurisdictions and authorities hereby granted to the said corporation, or any of them, create or cause a forfeiture thereof.

Section XXXII. (Section XXXII, P. L.) And be it further enacted by the authority aforesaid, That as often as any doubts shall arise touching this act, the same shall in all courts of law and equity and elsewhere, be construed and taken most favorably for the said corporation.

Approved March 28, 1803. Recorded in L. B. No. 9, p. 94.
Note (*). Chapter 1841, 15 Statutes at Large p. 296.

CHAPTER MMCCCLXVI.

AN ACT DIRECTING SHERIFFS AND CORONERS TO GIVE SUFFICIENT SURETIES FOR THE FAITHFUL EXECUTION OF THEIR OFFICIAL DUTIES, AND FOR OTHER PURPOSES.

Whereas the public security requires that sheriffs and coroners should give sureties, proportioned to the trusts confided, for the faithful execution of their official duties: And whereas the existing laws, relating to this subject, are defective, inadequate and inapplicable to the greater number of the counties within the commonwealth: 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 the sheriff of each and every of the following counties, before he shall be commissioned or execute any of the duties of his office, shall enter into a recognizance and become bound in an obligation with at least two sufficient sureties, in the sums and manner herein after mentioned, to wit: The sheriff of the city and county of Philadelphia, in the sum sixty thousand dollars; the sheriff of the county of Bucks, in the sum of fifteen thousand dollars; the sheriff of the county of Chester, in the sum of twenty thousand dollars; the sheriff of the county of Lancaster, in the sum of twenty-five thousand dollars; the sheriff of the county of York, in the sum of fifteen thousand dollars; the sheriff of the

county of Berks, in the sum of twenty thousand dollars; the sheriff of the county of Cumberland, in the sum of fifteen thousand dollars; the sheriff of the county of Northampton, in the sum of fifteen thousand dollars; the sheriff of the county of Bedford, in the sum of eight thousand dollars; the sheriff of the county of Northumberland, in the sum of fifteen thousand dollars; the sheriff of the county of Westmoreland, in the sum of ten thousand dollars; the sheriff of the county of Washington, in the sum of fifteen thousand dollars; the sheriff of the county of Fayette, in the sum of ten thousand dollars; the sheriff of the county of Franklin, in the sum of ten thousand dollars; the sheriff of the county of Montgomery, in the sum of fifteen thousand dollars; the sheriff of the county of Dauphin, in the sum of fifteen thousand dollars; the sheriff of the county of Luzerne, in the sum of seven thousand dollars; the sheriff of the county of Huntingdon, in the sum of eight thousand dollars; the sheriff of the county of Allegheny, in the sum of ten thousand dollars; the sheriff of the county of Mifflin, in the sum of eight thousand dollars; the sheriff of the county of Delaware, in the sum of eight thousand dollars; the sheriff of the county of Lycoming, in the sum of five thousand dollars; the sheriff of the county of Somerset, in the sum of five thousand dollars; the sheriff of the county of Greene, in the sum of five thousand dollars; the sheriff of the county of Wayne, in the sum of six thousand dollars; the sheriff of the county of Adams, in the sum of eight thousand dollars; the sheriff of the county of Centre, in the sum of five thousand dollars; the sheriff of the county of Crawford, in the sum of five thousand dollars; the sheriff of each and every new county which shall hereafter be erected and organized, in the sum of five thousand dollars, and for every representative to whom the said new county shall be entitled in the general assembly, more than one, an additional sum of four thousand dollars; and the coroner of each and every county before he shall execute any of the duties of his office, shall enter into a similar recognizance and become bound in a similar obligation with at least two sufficient sureties in like circumstances, in one fourth of the sum, which shall be by law required from the sheriff of the

same county, "That he will well and truly perform all and singular the duties to the said office of coroner appertaining."

Section II. (Section II, P. L.) And be it further enacted by the authority aforesaid, That the said recognizances and bonds shall be taken and duly recorded by the recorder of deeds of the proper county; and when so taken and recorded shall be by him endorsed, as duly recorded and forthwith transmitted to the secretary of the commonwealth, who shall file the same in his office; copies whereof, under the hand and seal of office of the said secretary or recorder shall be admitted as legal evidence in any suit or suits that shall be brought thereon against the cognizers or obligors, their heirs, executors or administrators respectively; but before any such bond shall be so as aforesaid, taken or recorded, the sufficiency of the sureties therein named, shall be submitted to and approved of by the judges of the court of common pleas of the proper county, or by any two or more of them for that purpose convened; and no commission shall be afterwards granted before the governer shall have also approved of the sufficiency of the sureties aforesaid.

Section III. (Section III, P. L.) And be it further enacted by the authority aforesaid, That the recognizance of the sheriff shall be taken by the recorder of the proper county, in the following form, to wit:

You A. B. C. D. and E. F. do acknowledge that you owe unto the commonwealth of Pennsylvania, dollars, to be levied and made of your several goods and chattels, lands and tenements, upon condition that if you A. B. shall and do without delay, and according to law, well and truly serve and execute, all writs and process of the commonwealth of Pennsylvania, to you directed, and shall and do from time to time, upon request to you for that purpose made, well and truly pay, or cause to be paid, to the several suitors and parties interested in the execution of such writs or process, their lawful attorneys, factors, agents or assigns, all and every sum and sums of money to them respectively belonging, which shall come to your hands, and shall

and do from time to time, and at all times during your continuance in the office of sheriff of the county of _____, well and faithfully execute and perform all and singular, the trusts and duties to the said office lawfully appertaining, then this recognizance to be void, or else to be and remain in full force and virtue, taken and acknowledged the _____ day of _____, in the year of our Lord, one thousand eight hundred and _____, before me G. H. recorder in and for the county of _____;” and the obligation of the sheriff and his sureties shall be in the form following to wit: “Know all men by these presents, that we A. B. C. D. and E. F. are held and firmly bound unto the commonwealth of Pennsylvania, in the sum of

_____ dollars, to be paid to the said commonwealth, for the uses, intents and purposes declared and appointed, in and by an act entitled “An act directing sheriffs and coroners to give sufficient sureties for the faithful execution of their official duties, and for other purposes,” to which payment well and truly to be made and done, we bind ourselves, our heirs, executors and administrators, jointly and severally, firmly by these presents, sealed with our seals, and dated the _____ day of _____, in the year of our Lord, one thousand eight hundred and _____: The condition of the above obligation is such, that if the said A. B. after he shall be duly commissioned sheriff of the county of _____, for the term of _____, from and after the second Tuesday of October in the year last aforesaid, shall and do without delay according to law, well and truly serve and execute all writs and process of the said commonwealth to him directed, and shall and do from time to time upon the request to him for that purpose made, well and truly pay or cause to be paid to the several suitors and parties interested in the execution of such writs or process, their lawful attorneys, factors, agents or assigns, all and every sum and sums of money to them respectively belonging, which shall come to his

hands, and shall and do from time to time, and at all times during his continuance in the said office of sheriff of the county of _____, well and faithfully execute and perform all and singular the trusts and duties to the said office appertaining, then this recognizance to be void or else to be and remain in full force and virtue:

Provided always nevertheless, that no such recognizance or obligation shall be of any force or effect, if a commission shall not be afterwards granted to the person, who with proper sureties shall have executed or acknowledged the same, in the manner prescribed by this act.

Section IV. (Section IV, P. L.) And be it further enacted by the authority aforesaid, That all the lands, tenements and hereditaments, which such sheriffs, coroners and their sureties shall possess, or be entitled to in every county within this commonwealth, shall be bound by a recognizance taken in manner aforesaid, as effectually as a judgment to the same amount in the court of common pleas of all the counties aforesaid, might or could now bind the same; and whenever the commonwealth, or any individual or individuals shall be aggrieved by the misconduct of any sheriff or coroner, it shall and may be lawful, as often as the case may require, to institute actions of debt of scire facias upon such recognizance against such sheriff or coroner, and their sureties, their heirs, executors or administrators; or actions of debt upon such obligations against such sheriff or coroner, and their sureties, their heirs, executors or administrators; and if upon such suit it shall be proved what damage hath been sustained, and a verdict and judgment shall be thereupon given, execution shall issue for so much only as shall be found by the said verdict and judgment with costs; which suits may be instituted and the like proceedings be thereupon had, as often as damage shall be so aforesaid sustained: Provided always, that such suit or suits against such sureties, their heirs, executors or administrators, shall not be sustained by any court of this commonwealth, unless the same shall be instituted within five years after the date of such obligation or recognizance.

Section V. (Section V, P. L.) And be it further enacted by the authority aforesaid, That until sureties shall be given in manner aforesaid, all commissions granted to, and all acts and things whatsoever done by any such sheriff or coroner, under color of office, shall be void and of none effect.

Section VI. (Section VI, P. L.) And be it further enacted by the authority aforesaid, That whenever a vacancy shall happen in the office of sheriff or coroner, which is to be filled by a new appointment in the manner prescribed, by the first section of the sixth article of the constitution of this commonwealth, the person about to apply so to be commissioned, shall enter into a recognizance, and give an obligation with sureties to be approved by the governor, in manner aforesaid, for a sum proportioned to the time for which the commission is to be granted.

Section VII. (Section VII, P. L.) And be it further enacted by the authority aforesaid, That if any sheriff of the city and county of Philadelphia, or of any other county within this commonwealth, shall be legally removed from his office, or die before the expiration of the term for which he shall have been commissioned, the coroner of the proper county shall execute the office of sheriff, and all things thereunto appertaining, until another sheriff shall be duly commissioned; and notice thereof shall be given to the coroner then exercising the office of sheriff; and the security and pledges given by every coroner in pursuance of this act, shall be a security to the commonwealth, and to all persons whomsoever for the faithful discharge and due performance of all the duties required by law from such coroner.

Section VIII. (Section VIII, P. L.) And whereas the process by *distringas* is dilatory and expensive, and it is necessary to provide some adequate remedy therein, to prevent the delays of sheriffs and others in the duties of their respective offices: Be it therefore enacted by the authority aforesaid, that the court out of which any writ of *distringas vice-comitem*, or *distringas nuper vice-comitem*, or other writ of *distringas* proceeds, may by a rule for that purpose made, order and direct that the issues levied from time to time

shall be sold, and the money arising thereby be applied in the first instance to pay such costs to the plaintiff, as the said court shall think just, under all circumstances to order, and have the remainder thereof in court to be retained until the defendant shall have appeared, or other purpose of the writ be answered, or to be rendered to the plaintiff for his debt, damages and costs where the same shall be ascertained: Provided, that where the purpose of a writ is answered, the said issues shall be returned, or if sold, what shall remain of the money arising by such sale shall be repaid to the party distrained upon.

Section IX. (Section IX, P. L.) And be it further enacted by the authority aforesaid, That whether a demand for that purpose shall be made or not, it shall be the duty of every sheriff, his deputy or agent, immediately after the receiving of any of his fees, or of a bond, or other written security therefor, to deliver a bill of particulars, specifying the several items contained therein, and the amount thereof; to give the party so paying or securing the payment of any fees, a receipt in full therefor; to endorse on such written security when taken, that the same was given for fees, and to sign the endorsement so to be made; and if any sheriff, his deputy or agent shall neglect to give such receipt, or make such endorsement in the manner directed by this act, on conviction thereof before the court of quarter sessions of the proper county, he shall forfeit and pay any sum not exceeding fifty dollars to the party injured, who is hereby declared to be a competent witness to prove such neglect.

Section X. (Section X, P. L.) And be it further enacted by the authority aforesaid, That within six months after the passing of this act, the sheriff of every county within this commonwealth, shall publish and set, and keep up in some conspicuous part of his office, the ninth section of this act, for the inspection of all persons having business in such office; on pain of forfeiting for each day the same shall be missing through the said sheriff's neglect, the sum of ten dollars; which penalty may be recovered in any court of record, one

half to the use of the informer, and the other half to the use of the county, wherein the offence shall be committed.

Section XI. (Section XI, P. L.) And be it further enacted by the authority aforesaid, That so much of every former act of assembly as is hereby altered or supplied, be, and the same is hereby repealed and annulled: Provided always, that nothing in this act contained, shall ever be so construed, as to impair, or in any manner affect any obligations, bonds, recognizances or other securities, heretofore made, given or acknowledged; or in any degree to prevent or obstruct the recovery of any monies, fines, forfeitures, penalties, debts or demands due or accruing, by virtue of any former act or acts or parts thereof, which are hereby repealed and annulled.

Approved March 28, 1803. Recorded in L. B. No. 9, p. 112.

CHAPTER MMCCCLXVII.

AN ACT TO ENABLE MARTIN HOCKER, TO OBTAIN A TITLE TO A LOT OF LAND IN THE TOWNSHIP OF PAXTON, AND COUNTY OF DAUPHIN.

Whereas it has been represented to the legislature, that Martin Hocker, did purchase of his brother John Hocker, a lot of land, containing about ten acres, situate in the township of Paxton, in the county of Dauphin, and hath actually paid the full consideration for the same, according to the terms of an agreement made in the life time of the said John Hocker, who is since dead, by reason whereof he is deprived of the means of obtaining a title thereto, and as no written contract was made respecting the premises, he therefore prays the legislature to authorise the administrators of the said John Hocker, to execute a deed to him the said Martin Hocker, his heirs and assigns: And whereas the said representation appears to be true, it is just and reasonable that the prayer of the petitioner ought to be granted: 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