

CHAPTER LXXXII.

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 1. **B**E 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 herein-after excepted, and to demands of debts, bonds, penal and single bills, not exceeding the amount of one hundred dollars.

The jurisdiction of justices of the peace, in certain cases, extended to one hundred dollars.

Sec. 2. *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

Of process, where defendant is a freeholder.

Where not.

How to be served.

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.

Where the debt does not exceed five dollars and thirty-three cents, justices judgment to be final.

If it exceed that sum, the justice, in case either of the parties refuse to submit to his decision, shall request them to choose referees;

on whose award judgment to be final, if not exceeding fifty-three dollars.

Sec. 3. *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 of 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 said referees fifty cents per day for his service; 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

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.

Referees to be notified of their appointment.

Penalty for neglecting or refusing to serve.

Sec. 4. *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

How justice is to proceed, where either party refuses to refer.

Appeal allowed within 20 days after judgment.

Of proceedings on an appeal.

Appellant to
give security,
&c.

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.

Costs to attend
the event of
the suit.

Prothonotaries
to enter on

Sec. 5. *And be it further enacted by the authority aforesaid,* That the prothonotaries of the respective counties shall enter in their dockets

kets 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 within 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.

their dockets transcripts of judgments before justices of the peace, which shall bind defendants real estates from the time of such entry.

No judgment to deprive any person of his right as a freeholder longer than till such judgment shall be satisfied.

Sec. 6. *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 principal, 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 a sufficient authority for the special bail, or any person authorized by him, to take the principal within this commonwealth,

Of the nature of special bail.

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 shew 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.

When execution may issue thereon.

Where defendant doth not appear on the proper day, justice may give judgment by default; and in case plaintiff neglects to appear and prosecute, a non-suit may be entered.

Sec. 7. *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.

Where the personal at-

Sec. 8. *And be it further enacted by the authority aforesaid,* That upon the affidavit of either party or their agents, that the testimony
of

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 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.

tendance of a material witness cannot be had, his deposition may be read in evidence.

Proceedings in such case.

Sec. 9. *And be it further enacted by the authority*

Where the debt exceeds five dollars thirty-three cents, and is not above twenty dollars, there shall be a stay of execution for three months; if exceeding twenty and not sixty dollars, for six months, and where it shall be above sixty, and not exceeding one hundred dollars, for nine months.

The justice to receive the amount of the judgment if offered, and pay it over to plaintiff.

Execution to go against the goods, chattels, body

thority 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.

Sec. 10. *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 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 debt or damages, and costs of the defendant's goods, and chattels, and by virtue thereof shall, within the

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 the 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 prothonotaries 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.

and lands of
the defendant.

Sec. 11. *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, interest and costs, 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 justice to state in his docket, and also on the back of the execution, before delivering to the constable the amount of the debt, &c. What shall be a discharge

therefrom to the constable, and proceedings against him for failing to do his duty herein.

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 shew 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 shew 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 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.

The powers of justices of the peace extended to cases of rent not exceeding one hundred dollars *to far*, Sec.

Sec. 12. *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

off the just account of the tenant out of the same; but the landlord may wave further proceedings before the justice, and pursue the method 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.

Sec. 13. *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,

Proceedings
before justices
removable by
certiorari; &c.

formality, 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.

Persons suing for demands, made cognizable by this act, in any other manner, shall not recover costs.

Sec. 14. *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 pias, and filed the same in the prothonotaries 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.

Actions to which this act shall not be construed to extend.

Sec. 15. *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 ejectments 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.

Sec. 16.

Sec. 16. 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;” “ An act against removing land marks;” and “ An act against defacers of charters:” *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 offence 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 mean time, 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.

Mode of recovering certain penalties & forfeitures,

Sec. 17. *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 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

Of choosing constables,

who must possess a freehold estate of the value of one

thousand dol-
lars, or give
security to that
amount.

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, and 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 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

Penalty on persons elected, not serving as constables.

cept in the township of Moyamensing and Paf-
 fyunk ; and also that no person shall be com-
 pelled to serve as constable more than once in
 every fifteen years, in the same town, town-
 ship 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 afore-
 said, shall be considered equal to personal ser-
 vice : *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 Li-
 berties, and district of Southwark, or the town-
 ship of Germantown, relating to the election
 of constables : *And provided also*, That the se-
 curity to be given under the acts now in force,
 for the appointment and regulation of consta-
 bles in the township of the Northern Liberties,
 and the district of Southwark, and the town-
 ship of Germantown, be, and the same is here-
 by encreased to one thousand dollars, any law
 or laws to the contrary notwithstanding.

How often the
 same person
 shall be liable
 to serve as
 constable.

Provisions of
 this act not to
 interfere with
 the laws now
 in force in the
 city of Phila-
 delphia, &c.

The security to
 be given, un-
 der former
 laws, in the
 Northern Li-
 berties, &c.
 enlarged to
 1000 dollars.

Sec. 18. *And be it further enacted by the au-
 thority aforesaid*, That each and every of the
 constables which 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 free-
 holders, and who shall be approved of by the
 mayors court, jointly and severally in the sum
 of one thousand dollars, for the just and faith-
 ful 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

Constables e-
 lected within
 the city of
 Philadelphia,
 in what man-
 ner and to
 what amount
 to give secu-
 rity.

Penalty on
their refusing
to serve.

Proceedings on
taking goods,
&c. in execu-
tion.

person and persons who may be injured or ag-
grieved 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 of-
fice, those so refusing shall be subject to a like
penalty as is specified in the seventeenth sec-
tion of this act; and the said constables, upon
taking any goods, wares or merchandize, in
execution, shall in due time deliver all such
goods, wares or merchandize, to such one of
the auctioneers appointed in the said city,
as the alderman issuing the execution may di-
rect, 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 alder-
man issuing the execution; and the said alder-
man, 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.

The aldermen
of the city of
Philadelphia
vested with
like powers as
are possessed
by justices of
the peace.

Sec. 19. *And be it further enacted by the au-
thority aforesaid,* That the like jurisdictions,
powers and authorities vested by this act, in
the justices of the peace within this common-
wealth, shall be and is 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 en-
titled to like fees, and in all cases shall be un-
der

der 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 function of the said aldermans' 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.

Sec. 20. *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-eighth, one thousand seven hundred and fifteen," 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," 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 eighth 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," and an act, entitled "An act to continue in force for a limited time the 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, and so much of the act, entitled An act to incorporate the city of Philadelphia, passed the

Repeal of former laws.

the

the-eleventh day of March one thousand seven hundred and eighty-nine, as establishes the aldermans' 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 effect 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.

Provido that such repeal shall not discontinue suits now depending or which shall be brought before the 1st of June next.

Sec. 21. *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.

Limitation of the act.

SIMON SNYDER, *Speaker*

of the House of Representatives.

ROBERT WHITEHILL, *Speaker*

of the Senate.

IN THE HOUSE OF REPRESENTATIVES,

March 28th, 1804.

Mr. Thompson, the secretary of the commonwealth, being introduced, presented to the chair

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

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.

CHAPTER LXXXIII.

An ACT authorizing the Governor to incorporate a Company for making an artificial Road in Wayne and Luzerne Counties.

Section 1. **B**E 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