in and without the Commonwealth, and shall have and possess all the necessary powers to enter into leases for space or land, and to enter into contracts for the construction of booths, exhibits, and buildings deemed necessary for the carrying out of this power, and to expend appropriations made to it for any and all of said pur-

Section 3. This act shall become effective immediately When effective. upon final enactment.

Approved—The 20th day of May, A. D. 1937.

## GEORGE H. EARLE

# No. 199

# AN ACT

Authorizing the recording and copying of documents, plats, papers, and instruments of writing by photostatic, photographic or other mechanical process; and relating to the effect and use of such copies and records.

Section 1. Be it enacted, &c., That whenever any of- Photostatic, ficer or employe of the Commonwealth or of any county, city, borough, town, township, school or poor district is etc., authorized. required or authorized by law, or otherwise, to record or copy any document, plat, paper or instrument of writing, he may do such recording or copying by any photostatic, photographic or other mechanical process which produces a clear, accurate, and permanent copy or reproduction of the original document, plat, paper or instrument of writing.

Section 2. Copies and records thus produced shall copies admishave the same effect, and be admissible\* in evidence in like manner and under the same conditions as copies and records produced in accordance with the law in effect immediately prior to the passage of this act.

sible in evidence.

Section 3. This act shall become effective immediately when effective. upon final enactment.

Approved—The 20th day of May, A. D. 1937.

GEORGE H. EARLE

#### No. 200

#### AN ACT

To amend the title and sections three, four, six, seven, eight, nine, ten, eleven, fourteen, and eighteen of the act, approved the twenty-eighth day of June, one thousand nine hundred thirty-five (Pamphlet Laws, four hundred sixty-three), entitled "An act providing, for a limited period of time, for the incorporation, as bodies corporate and politic, of 'Authorities' for municipalities, defining the same; prescribing the rights, powers, and duties of such Authorities; authorizing such Authorities to

<sup>\* &</sup>quot;admissable" in the original.

acquire, construct, improve, maintain, and operate projects, and to borrow money and issue bonds therefor; providing for the payment of such bonds, and prescribing the rights of the holders thereof; conferring the right of eminent domain on such Authorities; authorizing such Authorities to enter into contracts with and to accept grants from the Federal Government or any agency thereof; and for other purposes," by removing the date by which projects must be commenced; extending the powers therein granted; providing for additional projects and removing certain restrictions against construction of projects; extending the life of Authorities; providing for the creation of Authorities by joint or single action of municipalities, counties, and townships; providing for the audit of accounts of Authorities; regulating contracts by Authorities; regulating the number and terms of members of the governing boards of Authorities; authorizing the Commonwealth, and the political subdivisions thereof, to transfer certain contracts to the Authorities; authorizing Authorities to accept and acquire certain contracts, and limiting the powers of receivers appointed therefor.

Title, sections 3, 4, 6, 7, 8, 9, 10, 11, 14 and 18, act of June 28, 1935 (P. L. 463), amended.

Be it enacted, &c., That the title and sec-Section 1. tions three, four, six, seven, eight, nine, ten, eleven, fourteen, and eighteen of the act, approved the twenty-eighth day of June, one thousand nine hundred thirty-five (Pamphlet Laws, four hundred sixty-three), entitled "An act providing, for a limited period of time, for the incorporation, as bodies corporate and politic, of 'Authorities' for municipalities; defining the same; prescribing the rights, powers, and duties of such Authorities: authorizing such Authorities to acquire, construct, improve, maintain, and operate projects, and to borrow money and issue bonds therefor; providing for the payment of such bonds, and prescribing the rights of the holders thereof; conferring the right of eminent domain on such Authorities; authorizing such Authorities to enter into contracts with and to accept grants from the Federal Government or any agency thereof; and for other purposes," are hereby amended to read as follows:

#### AN ACT

Providing for [a limited period of time for] the incorporation, as bodies corporate and politic, of "Authorities" for municipalities, counties, and townships; defining the same; prescribing the rights, powers, and duties of such Authorities; authorizing such Authorities to acquire, construct, improve, maintain, and operate projects, and to borrow money and issue bonds therefor; providing for the payment of such bonds, and prescribing the rights of the holders thereof; conferring the right of eminent domain on such Authorities; authorizing such Authorities to enter into contracts with and to accept grants from the Federal Government or any agency thereof; and for other purposes.

Section 3. Method of Incorporation.—Whenever the municipal authorities of any municipality, singly or of one or more municipalities jointly, shall desire to or-

ganize an Authority under this act, they shall adopt a resolution or ordinance signifying their intention to do so, and setting forth in full the proposed articles of incorporation thereof. Thereafter the municipal authorities of such municipality or municipalities shall cause a notice of such resolution or ordinance to be published at least one time in the legal periodical of the county in which such Authority is to be organized, and at least one time in a newspaper published and of general circulation in such county or counties. Said notice shall contain a brief statement of the substance of said resolution or ordinance, including the substance of such articles, making reference to this act, and shall state that on a day certain, not less than three days after publication of said notice, articles of incorporation of the proposed Authority will be filed with the Secretary of the Commonwealth of Pennsylvania.

On or before the day specified in said notice, the Articles of incormunicipal authorities shall file with the Secretary of the Commonwealth articles of incorporation, together with Secretary of the Commonwealth. proof of publication of the notice as aforesaid. Said ar- Contents of the ticles of incorporation shall set forth:

(a) The name of the "Authority."(b) A statement that such Authority is formed under this act.

(c) A statement that no other Authority organized under this act or under the act approved December twenty-seven, one thousand nine hundred and thirtythree (Special Session, one thousand nine hundred and thirty-three, Pamphlet Laws, one hundred fourteen), is in existence in or for the incorporating municipality or municipalities.

(d) The name of the incorporating municipality or municipalities, together with the names and addresses of its municipal authorities; and

(e) The names, addresses, and terms of office of the

first members of the board of said Authority. All of which matter shall be determined in accordance

with the provisions of this act. Said articles of incorporation shall be executed by each incorporating municipality by its proper officers and under its municipal seal.

If the Secretary of the Commonwealth finds that the if the articles articles of incorporation conform to law, he shall forth-with, but not prior to the day specified in the aforesaid the Common-wealth to issue notice, endorse his approval thereon, and when all proper a certificate. fees and charges have been paid, shall file the articles. and issue a certificate of incorporation, to which shall be attached a copy of the approved articles.

Upon the issuance of such certificate of incorporation by the Secretary of the Commonwealth, the corporate existence of said Authority shall begin. Said certificate of incorporation shall be conclusive evidence of the fact

that such Authority has been incorporated, but proceedings may be instituted by the Commonwealth to dissolve any Authority which shall have been formed without substantial compliance with the provisions of this section.

Any Authority, heretofore created under the laws of the Commonwealth of Pennsylvania, in addition to powers granted or conferred upon said Authority, shall

possess all the powers provided in this act.

Purposes of the Authority.

Section 4. Purposes and Powers: General.—Every Authority incorporated under this act shall be a body corporate and politic, and shall be for the purpose of acquiring, holding, constructing, improving, maintaining, and operating, owning, leasing, either in the capacity of lessor or lessee, buildings to be devoted wholly or partially for public uses and for revenue-producing purposes, transportation, marketing, shopping terminals. bridges, tunnels, streets, highways, parkways, traffic distribution centers, traffic circles, parking spaces, airports. hangars, [low cost housing] projects, parks, recreation grounds and facilities, sewers, sewer systems, sewage treatment works, water supply works, swimming pools, playgrounds, lakes, [low head] dams, hospitals, motor buses for public use when such motor buses are to be used within any municipality, and subways (any and all the foregoing being herein called "projects"). [Provided, however, That no Authority shall be created and no project shall be begun after the expiration of two (2) years from the effective date of this act: And provided further. That the purpose and intent of this act being to benefit the people of the Commonwealth by, among other things, increasing their commerce and prosperity, and not to unnecessarily burden or interfere with existing business by the establishment of competitive enterprises, none of the powers granted by this act shall be exercised in the construction, improvement, maintenance, extension, or operation of any project or projects which in whole or in part shall duplicate or compete with existing enterprises serving substantially the same purposes. Every Authority is hereby granted and shall have and may exercise all powers necessary or convenient for the carrying out of the aforesaid purposes, including, but without limiting, the generality of the foregoing, the following rights and powers:

Powers of the Authority.

- (a) To have existence for a term of (thirty-two) fifty years as a corporation.
- (b) To sue and be sued, implead and be impleaded. complain and defend in all courts.
  - (c) To adopt, use, and alter at will a corporate seal.
- (d) To acquire, purchase, hold, lease as lessee, and use any franchise, property, real, personal or mixed, tangible or intangible, or any interest therein necessary or desirable for carrying out the purposes of the Author-

ity, and to sell, lease as lessor, transfer, and dispose of any property or interest therein, at any time acquired by it.

(e) To acquire by purchase, lease, or otherwise, and to construct, improve, maintain, repair, and operate

projects.

- (f) To make by-laws for the management and regulation of its affairs.
- (g) To appoint officers, agents, employes, and servants; to prescribe their duties and to fix their compensation.
- (h) To fix, alter, charge, and collect rates and other charges for the use of the facilities of, or for the services rendered by the Authority or projects thereof, at reasonable rates, to be determined by it, for the purpose of providing for the payment of the expenses of the Authority, the construction, improvement, repair, maintenance, and operation of its facilities and properties, the payment of the principal of and interest on its obligations, and to fulfill the terms and provisions of any agreements made with the purchasers or holders of any such obligations.
- (i) To borrow money, make and issue negotiable notes, bonds, and other evidences of indebtedness or obligations (herein called "bonds") of the Authority, said bonds to have a maturity date not longer than forty years from the date of issue, and to secure the payment of such bonds, or any part thereof, by pledge or deed of trust of all or any of its revenues and receipts, and to make such agreements with the purchasers or holders of such bonds or with others in connection with any such bonds, whether issued or to be issued, as the Authority shall deem advisable, and in general to provide for the security for said bonds and the rights of the holders thereof, and in respect to any project constructed and operated, under agreement with any public Authority of any adjoining state, to borrow money and issue such notes, bonds and other evidences of indebtedness and obligations jointly with any such Authority.

(j) To make contracts of every name and nature, and to execute all instruments necessary or convenient for

the carrying on of its business.

(k) Without limitation of the foregoing, to borrow money and accept grants from, and to enter into contracts, leases or other transactions with, any Federal agency.

(1) To have the power of eminent domain.

(m) To pledge, hypothecate, or otherwise encumber all or any of the revenues or receipts of the Authority as security for all or any of the obligations of the Authority.

(n) To do all acts and things necessary or convenient to carry out the powers granted to it by this act or any other acts.

(o) To contract with any corporation or any public Authority of any adjoining state, on such terms as the said Authority shall deem proper for the construction and operation of any project which is partly in this Commonwealth and partly in such adjoining state.

Proviso.

Provided, however, that the Authority shall have no power at any time or in any manner to pledge the credits or taxing power of the Commonwealth of Pennsylvania or any political subdivisions, nor shall any of its obligations be deemed to be obligations of the Commonwealth of Pennsylvania or of any of its political subdivisions, nor shall the Commonwealth of Pennsylvania, or any political subdivision thereof, be liable for the payment of principal of or interest on such obligations.

Remedies granted bondholders to enforce their rights.

Section 6. Remedies of Bondholders.—The rights and the remedies, herein conferred upon or granted to the bondholders, shall be in addition to and not in limitation of any rights and remedies lawfully granted to such bondholders by the resolution or resolutions providing for the issuance of bonds, or by any deed of trust, indenture or other agreement under which the same may be issued. In the event that the Authority shall default in the payment of principal of or interest on any of the bonds after the said principal or interest shall become due, whether at maturity or upon call for redemption, and such default shall continue for a period of thirty days, or in the event that the Authority shall fail or refuse to comply with the provisions of this act, or shall default in any agreement made with the holders of the bonds, the holders of twenty-five per centum in aggregate principal amount of the bonds then outstanding, by instrument or instruments filed in the office of the recorder of deeds of the county, and proved or acknowledged in the same manner as a deed to be recorded, may appoint a trustee to represent the bondholders for the purposes herein provided. Such trustee and any trustee under any deed of trust, indenture or other agreement may, and, upon written request of the holders of twentyfive per centum (or such other percentage as may be specified in any deed of trust, indenture or other agreement aforesaid) in principal amount of the bonds then outstanding, shall in his or its own name-

(a) by mandamus or other suit, action, or proceeding at law or in equity enforce all rights of the bondholders, including the right to require the Authority to collect rates, rentals, and other charges, adequate to carry out any agreement as to or pledge of the revenues or receipts of the Authority, and to require the Authority to carry out any other agreements with or for the benefit of the bondholders, and to perform its and their duties under this act:

(b) bring suit upon the bonds;

- (c) by action or suit in equity, require the Authority to account as if it were the trustee of an express trust for the bondholders:
- (d) by action or suit in equity, enjoin any acts or things which may be unlawful or in violation of the rights of the bondholders:

(e) by notice in writing to the Authority, declare all bonds due and payable, and if all defaults shall be made good, then with the consent of the holders of twenty-five per centum (or such other percentage as may be specified in any deed of trust, indenture or other agreement aforesaid) of the principal amount of the bonds then outstanding, to annul such declaration and its consequences.

The court of common pleas of the county shall have Trustee entitled jurisdiction of any suit, action or proceedings by the ment of a retrustee on behalf of the bondholders. Anv trustee. whether appointed as aforesaid or acting under a deed of trust, indenture or other agreement, and whether or not all bonds have been declared due and payable, shall be entitled as of right to the appointment of a receiver, who may enter and take possession of the facilities of the Authority, or any part or parts thereof, the revenues or receipts from which are or may be applicable to the payment of the bonds so in default, and operate and maintain the same, and collect and receive all rentals and other revenues thereafter arising therefrom in the same manner as the Authority or the board might do, and shall deposit all such moneys in a separate account, and apply the same in such manner as the court shall direct. In any suit, action or proceeding by the trustee, the fees, counsel fees, and expenses of the trustee and of the receiver. if any, and all costs and disbursments allowed by the court, shall be a first charge on any revenues and receipts derived from the facilities of the Authority, the revenues or receipts from which are or may be applicable to the payment of the bonds so in default. Said trustee shall, in addition to the foregoing, have and possess all of the powers necessary or appropriate for the exercise of any functions specifically set forth herein or incident to the general representation of the bondholders in the enforcement and protection of their rights: Provided, however, That nothing in this section or any other section of this act shall authorize any receiver appointed pursuant to this act, for the purpose of operating and maintaining any facilities of the Authority, to sell, assign, mortgage, or otherwise dispose of, any of the assets of whatever kind and character belonging to the Authority. It is the intention of this act to limit the powers of such receiver to the operation and maintenance of the facilities of the Authority as the court shall direct, and no holder of bonds of the Authority, nor any trustee, shall ever have the right in any suit, action or proceed-

ceiver.

ings at law or in equity to compel a receiver, nor shall any receiver ever be authorized, or any court be empowered, to direct the receiver to sell, assign, mortgage, or otherwise dispose of, any assets of whatever kind or character belonging to the Authority.

Members of the governing body.

Section 7. Governing Body.—The powers of each Authority shall be exercised by a governing body (herein called the "Board"), composed as follows:

If the Authority is incorporated by one municipality. the board shall consist of five members, each of whom shall be a citizen of [the] such municipality. [for which the Authority is created] The [municipal authorities] governing body of such [municipalities] municipality shall appoint the members of the board, one of whom shall serve for a year, one for two years, one for three years, one for four years, and one for five years from the January first next succeeding the date of incorporation. Thereafter the [municipal authorities] said governing body shall, at a meeting held [at least a] not later than one month prior to January first in each year in which a vacancy occurs, appoint, as a member of the board, a citizen of the municipality for which the Authority is created, for a term of five years, to succeed the member whose term expires on the January first next succeeding.

If the Authority is incorporated by two or more municipalities, the board shall consist of a number of members at least equal to the number of municipalities incorporating the Authority, but in no event less than five.

The members of the board shall be appointed, their terms staggered, and vacancies filled, and where the number of municipalities joining is less than five, shall be apportioned in such manner as the articles of incorporation shall provide. No member shall be appointed for a term longer than five years.

Members shall hold office until their successors have been appointed and may succeed themselves, and shall receive such salaries as may be determined by the [municipal authorities] governing body or bodies of the municipality or municipalities, but none of such salaries shall be increased or diminished during the term for which the member receiving the same shall have been appointed. A member may be removed for cause by the court of quarter sessions of the county in which the Authority is located, after having been provided with a copy of the charges against him for at least ten days, and full hearing by the court. If a vacancy shall occur by reason of the death, disqualification, resignation or removal of a member, the municipal authorities shall appoint a successor to fill his unexpired term.

[Three] A majority of the members shall constitute a quorum of the board for the purpose of organizing the Authority and conducting the business thereof and for

Term.

Vacancy.

Quorum.

all other purposes, and all action may be taken by vote of a majority of the members present, unless in any case the by-laws shall require a larger number. The board shall have full authority to manage the properties and business of the Authority, and to prescribe, amend, and repeal by-laws, rules, and regulations governing the manner in which the business of the Authority may be conducted, and the powers granted to it may be exercised and embodied. The board shall fix and determine the number of officers, agents, and employes of the Authority and their respective compensation and duties. and may delegate to one or more of their number or to one or more of said officers, agents, or employes such powers and duties as it may deem proper.

Where any Authority has been created prior to the effective date of these amendments with a board composed of five members, such board shall continue as the governing body of such Authority with all the powers conferred by this act. The members of any such board shall hold the terms of office for which they were originally appointed, and in case of a vacancy for any reason in the office of any member, a successor shall be appointed for a full term of five years by the governing body of the municipality for which the Authority was

created.

Section 8. Moneys of the Authority.—All moneys of Moneys of the any Authority, from whatever source derived, shall be Said moneys urer and deposited by him in the bank. paid to the treasurer of the Authority. shall be deposited in the first instance by the treasurer in one or more banks or trust companies, in one or more special accounts, and each of such special accounts, to the extent the same is not insured, shall be continuously secured by a pledge of direct obligations of the United States of America, of the Commonwealth or of the municipality or municipalities creating the Authority, having an aggregate market value, exclusive of accrued interest, at all times at least equal to the balance on deposit in such account. Such securities shall either be deposited with the treasurer or be held by a trustee or agent satisfactory to the Authority. All banks and trust companies are authorized to give such security for such deposits. The moneys in said accounts shall be paid out on the Money to be paid warrant or other order of the chairman of the Authority, of chairman or or of such other person or persons as the Authority may authorize to execute such warrants or orders. [The De-cute warrants. partment of Revenue of the Commonwealth, and its legally authorized representatives are The controller. auditors or accountant designated by the municipality or municipalities are hereby authorized and empowered from time to time to examine, at the expense of the Authority, the accounts and books of the Authority, including its receipts, disbursements, contracts, leases, sinking

Authority of the hoard

Authority to be paid to the treas-

other person au-thorized to exe-

funds, investments, and any other matters relating to its finances, operation, and affairs.

Transfer of Existing Facilities to Au-Section 9. thority.—The Commonwealth, the county, or any city, borough, or township in the county, may, and they are hereby authorized to, lease, lend, grant or convey to the Authority, upon such terms and conditions as are mutually satisfactory to the Authority and the corporate authorities of the Commonwealth, the county, or any such city, borough, or township, any existing bridges, tunnels, streets, highways, parkways, traffic distribution centers, traffic circles, parking spaces, airports, hangars, parks. recreation grounds and facilities, swimming pools, sewers, sewer systems, sewage treatment works, lakes, or any part or parts thereof, or any interest in real or personal property, which may be used by the Authority in the construction, improvement, maintenance or operation of any project. The Commonwealth, the county, or any city, borough, or township are also authorized to transfer, assign, and set over to the Authority any contracts which may have been awarded by said Commonwealth, county, city, borough, or township for the construction of projects not begun, or, if begun, not completed.

Competition in Award of Contracts.—If Section 10. any project or any portion thereof or any improvement or repair thereof shall be constructed pursuant to a contract and the estimated cost thereof exceeds five hundred dollars, such contract shall be awarded to the lowest responsible bidder after advertisement for bids. board may make rules and regulations for the submission of bids [and] for the construction or improvement or repair of any project or portion thereof. No contract shall be entered into for construction or improvement or repair of any project, or portion thereof, or for the purchase of materials, unless the contractor shall give an undertaking with a sufficient surety or sureties approved by the Authority, and in an amount fixed by the Authority, for the faithful performance of the con-All [construction] such contracts shall provide, among other things, that the person or corporation entering into such contract with the Authority will pay for all materials furnished and services rendered for the performance of the contract, and that any person or corporation furnishing such materials or rendering such services may maintain an action to recover for the same against the obligor in the undertaking as though such person or corporation was named therein; provided the action is brought within one year after the time the cause of action accrued. Nothing in this section shall be construed to limit the power of the Authority to construct, repair or improve any project or portion thereof, or any addition, betterment, or extension thereto, directly by the officers, agents, and employes of the Authority or otherwise than by contract.

Subject to the aforesaid any Authority may (but without intending by this provision to limit any powers of such Authority) enter into and carry out such contracts, or establish or comply with such rules and regulations concerning labor and materials and other related matters in connection with any project or portion thereof, as the Authority may deem desirable, or as may be requested by any Federal agency that may assist in the financing of such project or any part thereof: Provided, Proviso. however, That the provisions of this section shall not apply to any case in which the Authority has taken over by transfer or assignment any contract authorized to be assigned to it under the provisions of section nine of this act, nor to any contract in connection with the construction of any project which the Authority may have had transferred to it by any person or private corporation.

Section 11. Acquisition of Lands.—The Authority Authority given shall have the power to acquire by purchase or eminent lands. domain proceedings, either the fee or such right, title, interest, or easement in such lands as the Authority may deem necessary for any of the purposes mentioned in this act: Provided, however, That no property devoted to a Proviso. public use, nor any property of a public service company, property used for burial purposes, places of public worship, or (except in the case of a housing project) a dwelling house and the reasonable curtilage not to be less than three hundred feet appurtenant thereto, shall be taken under the right of eminent domain: And pro- Proviso. vided further. That in event of the exercise of eminent domain for the purpose of establishing housing projects, the Authorities shall first acquire by purchase or option more than sixty-five per centum of the real property or The right of eminent domain shall be Eminent site involved. exercised by the Authority in the manner provided by law for the exercise of such right by municipalities of

palities by which such Authority was organized. Section 14. Termination of Authority.-When any Authority shall have finally paid and discharged all bonds which, together with the interest due thereon, shall have been secured by a pledge of any of the revenues or receipts of a project, it may (subject to any agreements concerning the operation or disposition of such project) convey such project to the municipality or municipalities creating the Authority. Authority shall have finally paid and discharged all bonds issued and outstanding and the interest due thereon, and settled all other claims which may be outstanding against it, it may convey all its property to the

the same class, as the municipality or one of the munici-

domain.

municipality or municipalities and terminate its existence. A certificate requesting the termination of the existence of the Authority shall be filed in the office of the Secretary of the Commonwealth. [who, if he approve] If the certificate is approved by the municipality or municipalities creating the Authority by its ordinance or ordinances, the said secretary shall note the termination of existence on the record of incorporation and return the certificate, with his approval shown thereon, to the board, which shall cause the same to be recorded in the office of the recorder of deeds of the county. Thereupon the property of said Authority shall pass to the municipality or municipalities and the Authority shall cease to exist.

Section 18. If a project shall have been established under this act by a board appointed by a municipality or municipalities, which project is of a character which the municipality or municipalities [has] have power to [itself] establish, maintain, or operate, and such municipality [desires] or municipalities desire to acquire the same, it or they may by appropriate resolution or ordinance, adopted by the proper Authorities, signify its or their desire to do so, and thereupon the Authorities shall convey by appropriate instrument said project to such municipality or municipalities, upon the assumption by the latter of all the obligations incurred by the Authorities with respect to that project.

When effective.

Section 2. This act shall become effective immediately upon its final enactment.

Approved—The 20th day of May, A. D. 1937.

GEORGE H. EARLE

#### No. 201

## AN ACT

To amend section one of the act, approved the eleventh day of June, one thousand nine hundred and thirty-five (Pamphlet Laws, three hundred thirty-six), entitled "An act authorizing courts to stay legal proceedings, except in certain cases, against banks, bank and trust companies, and trust companies where any such corporation has guaranteed, or otherwise obligated itself, to pay in cash the amount or value of trust, or other funds, placed with it for investment, and the same have been invested in mortgages, or participations in mortgages, or in pools or funds of mortgages, and suspending the operation of the Statute of Limitations, and inconsistent acts of Assembly," extending said act a further period of two years.

Section one, act of June 11, 1935 (P. L. 336), amended.

Section 1. Be it enacted, &c., That section one of the act, approved the eleventh day of June, one thousand nine hundred and thirty-five (Pamphlet Laws, three hundred thirty-six), entitled "An act authorizing courts to