

# A C T S

OF THE

## General Assembly of Pennsylvania.

Passed in the eighth General Assembly—the first Session of which commenced October 27th, 1783, and ended December 9th, 1783. The second commenced January 13th, 1784, and ended April 1st, 1784—and the third commenced August 20th, 1784, and ended September 29th, 1784.

1783,

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GEORGE GRAY, SPEAKER.

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### CHAPTER MLI.

*An ACT for supplying an act, entitled "An act for the effectual recovering and securing the fines, forfeitures, and other monies, due or belonging to the commonwealth, for the use of the same."*\*

[\*Chap. 296, 388.]

SECT. I. TO the end that all fines, forfeited recognizances, issues, amercements, and sums of money, forfeited and recovered in any courts in this commonwealth, or before any Justice or Justices of the peace, for the use of the commonwealth, may be the more easily collected, levied and paid into the public treasury,

SECT. II. *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 all recognizances forfeited in any court of Quarter Sessions of the peace within this commonwealth, or in the Sessions held for the city of Philadelphia, shall and may be sued for, and be recoverable, in the court of Common Pleas of that county, in which the said recognizances shall be forfeited respectively, which courts may, and they are hereby, empowered to order the said recognizances to be levied, moderated or remitted, on hearing the circumstances of the case, according to equity and their legal discretion.

Recognizances forfeited in Quarter Sessions, payable in Common Pleas.

Supreme Court may hear appeals, within a limited time.

SECT. III. *Provided always nevertheless, and be it further enacted by the authority aforesaid,* That the Supreme Court of this commonwealth may hear appeals from such orders or judgments of the courts of Common Pleas, on the said forfeited recognizances, at the

next ensuing term after such judgment given, but not afterwards, 1783. and finally decide on the same.

SECT. IV. *And be it further enacted by the authority aforesaid,* That all recognizances forfeited in the Supreme Court, or in any court of Oyer and Terminer, General Gaol Delivery, Admiralty Sessions, or Admiralty, or before any special commissioners of Oyer and Terminer in this state, shall be sued for, and be recoverable, in the Supreme Court of this state, which is hereby empowered to order the said recognizances to be levied, moderated or remitted, according to justice and their legal discretion.

Forfeited recognizances to be sued in the Supreme Court.

SECT. V. *And be it further enacted by the authority aforesaid,* That all fines, issues, amercements, forfeited recognizances, and other forfeitures, which, from and after the publication of this act, shall be set, imposed, lost or forfeited, for the use of the commonwealth, in the Supreme Court, or in any Courts of Oyer and Terminer, Gaol Delivery, Admiralty, Admiralty Sessions, Common Pleas, or Quarter Sessions of the peace, or in the Sessions held for the city of Philadelphia, or by any Justice or Justices of the peace in this commonwealth, shall, by the Clerks, Prothonotaries, or other Registers of the said courts, respectively, or by the said Justice or Justices of the peace, be certified and estreated into the Comptroller-General's office,\* on the first day of May, and the first day of November, in every year hereafter; and that the Prothonotaries of the said Supreme Court and the courts of Common Pleas shall also certify and estreat, at the same time, into the said Comptroller-General's office, the orders and judgments of the same courts respectively, on all such forfeited recognizances as shall be sued upon in the same courts; which said estreats or certificates shall be delivered into the said Comptroller-General's office by the said Prothonotaries, Clerks, Registers, Justice and Justices of the peace, respectively, upon their oath or affirmation, first being made before, and certified by, two Justices of the peace, or one judge of the Supreme Court, that the said estreats had been carefully and fully made up and examined by them, without any wilful or fraudulent omission, discharge or defect, whatsoever, and that they had therein particularly specified and mentioned such fines, issues, amercements, forfeited recognizances, and other forfeitures, which had been paid into their hands, for the use of the commonwealth, to the best of their knowledge.

Fines, &c. shall be certified and estreated into the Comptroller-General's office.

\*Sec an act passed March 17th, 1809, for the new arrangement of the Treasury Department.]

SECT. VI. *And be it further enacted by the authority aforesaid,* That the said Clerks, Prothonotaries, Registers, Justice and Justices of the peace, and all other persons, who shall or may receive, or be accountable to the commonwealth for, any fines, issues, amercements, forfeited recognizances, or other forfeitures, shall, within three months after they have received, any such sum or sums of money, pay the same into the hands of the High Sheriff of their respective counties; and the said Sheriffs shall, on the first day of November in every year hereafter, (and as often as thereunto required by the Comptroller-General) render an account of all such monies as may have come to their hands, as aforesaid, to the Comptroller-General's office, for settlement, and the money which shall be found due on such settlement shall then be immediately

Clerks, &c. receiving fines and forfeitures, shall pay the same to the High Sheriff.

who shall account with the Comptroller-General.

1783. paid to the Treasurer of the state, the said Sheriffs deducting a commission of two and one half per cent. for their trouble in collecting such monies; and the Treasurer of the state shall be allowed a commission of one half per cent, for all such monies, so as aforesaid paid into the treasury.

Commissions allowed.

Clerks, &c. fineable for neglect or breach of duty.

SECT. VII. *And be it further enacted by the authority aforesaid,* That if any of the said Clerks, Prothonotaries, Justices, Sheriffs, or other officers before mentioned, shall neglect or refuse to do and perform the several duties required of them by this act, or shall wittingly and willingly spare, take off, discharge, or conceal any fine, issue, amercement, forfeited recognizance, or other forfeiture, whatsoever, which shall be due to the commonwealth, and ought to be certified, estreated, or paid by him, by virtue of this act, such Clerks, Prothonotaries, Justice or Justices, Sheriffs, or other officers, shall be indicted and fined, for every such offence, at the discretion of the court.

Repealing clause with exception.

SECT. VIII. *And be it further enacted by the authority aforesaid,* That the act, entitled "An act for the effectual recovering and securing the fines, forfeitures and other monies, due or belonging to the commonwealth, for the use of the same," shall have no effect or force whatever, after the publication of this act, except so far as the same may relate to fines, issues, amercements, forfeited recognizances, sum and sums of money, paid in lieu and satisfaction of them, and other forfeitures, which have been set, imposed, lost, or forfeited in the Supreme Court, or in any of the courts of Common Pleas, courts of General Quarter Sessions of the peace, and Gaol Delivery, or before any special commissioners of Oyer and Terminer, in any county of this state, or before any Justice or Justices of the peace, before the publication of this act, to which purposes, only, the said recited act, and all the powers and authorities therein given, shall be and remain in force, any thing contained in this act notwithstanding.

Passed 9th December, 1783.—Recorded in Law Book No. II. page 220.

## CHAPTER MLII.

*An ACT to revive and continue in force the acts of Assembly regulating sales by public auction, and for other purposes therein mentioned. (s)*

SECT. I. WHEREAS the Assembly of this commonwealth, in the year one thousand seven hundred and eighty, frequently made the title a part of the laws by them enacted: And whereas, from that and other good causes, the act passed the twenty-third day of September, one thousand seven hundred and eighty, entitled "An act to alter and amend an act, entitled "An act for the effectual suppression of public auctions and vendues, and to prohibit male

(s) For the act cited in the first reference to all the laws respecting section of this act, see ante. chap. 908, vendues, see the note there subjoined. and for the original act, and a general (Note to former edition.)