

## CHAPTER MMX.

1799.

*An ACT to incorporate and endow an Academy or Public School in the town of York, and for other purposes therein mentioned.*

SECT. 1. [The tender of a building by the corporation of St. John's Church, in York-town, accepted. 2. The same vested in York county academy. 3. An academy established in York-town, to be called the "York-town Academy." The Trustees incorporated by the name of "The Trustees of the York County Academy," with the usual corporate powers. Annual meetings of the Trustees to be at the time they shall appoint. Proceedings at the meetings. Corporation officers, how to be appointed. Persons of every religious denomination eligible to be Trustees. No misnomer shall affect the corporation. 4. The constitution of the academy shall only be changed by the Legislature. 5. Qualification of the trustees and principal master. 6. Grant for the use of the academy, of 2000 dollars. 7. Provision for educating poor students *gratis*, not more than seven at one time. 8. Repeal of a part of the law incorporating St. John's Church, (chap. 1301,) which prevents the alienation of the school-house, &c.]

Passed 1st March, 1799.—Recorded in Law Book No. VI. page 343.

## CHAPTER MMXII.

*A SUPPLEMENT to the act, entitled "An Act to extend the powers of the Justices of the Peace of this state."*

(See the notes to the consolidating act of 29th March, 1810.)

The power of Justices and Aldermen in actions of trespass.

Proceedings in such actions.

SECT. I. *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 from and after the passing of this act, the powers of the Justices of the Peace of the several counties in this state, and of the Aldermen [and Aldermens' Court] in the city of Philadelphia, shall be, and the same are hereby, extended to actions or suits brought for the recovery of damages for any trespass, wrong or injury, done or committed against the real or personal estate of the plaintiff, in all such cases where the said damages shall not exceed the sum of twenty dollars\* ; and it shall be the duty of the Justice, Alderman [or Aldermens' Court,] before whom any such action or suit is brought, upon the request of either the plaintiff or defendant, to appoint three reputable citizens, to be chosen by the parties, or, if the parties cannot agree in such choice, then to be nominated by the said Justice, Alderman, [or Aldermens' Court,] and to administer an oath or affirmation to the persons so chosen or appointed, justly and truly to assess the damages (if any) which the plaintiff has sustained, and after the said referees shall by view, or otherwise, have enquired into the truth of the case, and made report thereof in writing to the said Justice, Alderman [or Aldermens' Court,] judgment shall be entered thereupon, and execution issue, as in other cases : *Provided nevertheless, That if the damages so found by the**

\* Extended to 50 dollars by act of 13th April, 1807, (chap. 2859,) and see the act to regulate and enforce the proceedings in case of damages under 20 dollars before a Justice of the Peace, passed 21st March, 1806, (chap. 2684.)

referrees shall not amount to more than one dollar, the plaintiff or 1799.  
 plaintiffs shall not recover more costs than damages: *And provided*  
*also*, That if the defendant shall, before the appointment of refer-  
 rees, make oath or affirmation that the title to lands will come in  
 question in any such suit or action, then, and in such case, it shall  
 be the duty of the said Justice, Alderman [or Aldermens' Court,] to  
 dismiss the same, in order that such question may be tried accord-  
 ing to the course of the common law.

Of costs,  
 where the  
 damages are  
 less than one  
 dollar.

Provision, if  
 title comes  
 in question.

SECT. II. *And be it further enacted by the authority aforesaid*,  
 That the powers of the said Justices, Aldermen [and Aldermens'  
 Court,] shall be extended to all cases of rent not exceeding the sum  
 of fifty-three dollars and one third, and the said Justice, Alderman  
 [or Aldermens' Court,] before whom any suit is commenced for the  
 recovery of rent, shall have authority to admit a defalcation or set-  
 off of the just account of the tenant out of the same; and the land-  
 lord may prosecute the said suit to judgment and execution, as in  
 other cases, or, if he think proper, may wave further proceedings  
 before the said Justice, Alderman [or Aldermens' Court,] and dis-  
 train in the usual manner for the balance so settled; but if any  
 landlord shall be convicted, after such waver, in any Court of Re-  
 cord, of distraining and selling more than to the amount of such  
 balance, and of detaining the surplus, he shall forfeit to the tenant  
 three times the amount of the surplus detained.

The powers  
 of Justices  
 and Alder-  
 men in cases  
 of rent.

(See act of  
 20th March,  
 1810.)

SECT. III. *And be it further enacted by the authority aforesaid*,  
 That if any landlord shall distrain the goods of his tenant, agreea-  
 bly to the existing laws of this commonwealth, for a sum not ex-  
 ceeding fifty-three dollars and one third, and the tenant shall have  
 a just account to set off against the same, it shall be the duty of any  
 Justice, Alderman [or Aldermens' Court,] to whom application for  
 that purpose shall be made, to issue process against the landlord, to  
 compel him to appear and shew cause, if any he has, why the de-  
 mand of the tenant should not be allowed, and upon the appearance  
 of the landlord, or on his refusal or neglect to appear, if the said  
 Justice, Alderman [or Aldermens' Court,] shall be satisfied of the  
 justice of the tenant's account, the same shall be defalked out of his  
 arrears of rent, and the distress shall proceed for no more than the  
 balance which shall remain due, in like manner, and under the like  
 penalty, as is provided in the preceding section of this act; *Pro-*  
*vided always*, That in all cases wherein the powers of the Justices  
 of the Peace are by this act extended, the parties shall have the  
 same right of removal, although the cause in dispute may not  
 amount to ten pounds, and appeal, in like manner as is provided in  
 other cases by the act to which this is a supplement.

Proceedings  
 of set-off, in  
 cases of dis-  
 tress for rent  
 under fifty  
 dollars and  
 one third.

[See act of  
 20th March,  
 1810.]

Appeals al-  
 lowed.

SECT. IV. *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 ejectment brought to obtain possession of  
 lands and tenements; actions of replevin in cases of actual distress,  
 actions of slander, actions on real contracts for the sale or convey-  
 ance of lands and tenements, civil actions for damages in personal  
 assault and battery, wounding or maiming, or to actions for false  
 imprisonment.

To what ac-  
 tions this  
 act shall not  
 be construed  
 to extend.

SECT. V. And whereas doubts have been entertained with re-

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spect 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," "An Act against defacers of charters," and "An Act about cutting timber trees:" *Be it therefore 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 the recovery shall be had, 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 any of the aforesaid Justices or Aldermen, to oblige the offender or offenders to find surety for his, her or their appearance at said court, and to be of good behaviour in the mean time, if necessary, and in default of such surety, to commit him, her or them, to the gaol of such county, to be dealt with according to law.

How penalties under certain acts shall be recovered.

How the election of township Constables shall be notified.

SECT. VI. *And be it further enacted by the authority aforesaid,* That the acting Constable in every ward, town, township or district, in this commonwealth, shall, within six days after the election for a Constable or Constables has been held, give notice in writing to the person or persons who shall be chosen of his or their election to the said office; and if such acting Constable shall neglect so to do, he shall forfeit to the commonwealth the penalty of sixteen dollars; and if any person so elected and notified shall refuse or neglect to appear on the first day of the next Court of Quarter Sessions, to decline or accept the said office, he shall forfeit the like penalty of sixteen dollars to the commonwealth, which penalties shall be levied by order of the said Court.

Repeal of parts of preceding laws.

SECT. VII. *And be it further enacted by the authority aforesaid,* That so much of an act of Assembly, enacted on the first day of March, in the year one thousand seven hundred and forty-five, entitled "An Act for the more easy and speedy recovery of small debts," and of the act to which this is a supplement, as is herein before altered or amended, and the second section of the 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 other purposes therein mentioned," passed the fourth day of April, one thousand seven hundred and ninety-eight, be, and the same is hereby, repealed, and made null and void.

Limitation of this act.

SECT. VIII. *And be it further enacted by the authority aforesaid,* That this act shall be and continue in force for the term of two years from and after the passing of this act, and from thence until the end of the next session of the General Assembly of this commonwealth, and no longer. (*k*)

Passed 1st March, 1799.—Recorded in Law Book No. VI. page 348.

(*k*) Revived and made perpetual, by act of 2d January, 1804, (chap. 2390,) and Justices of the Peace now have jurisdiction in trover and conversion,

to the amount of thirty dollars, subject to the rules of proceeding in the act in the text, by act of 4th April, 1809.