

bodies of any of the said persons refusing to pay the same, then and in every such case the [party or] parties aggrieved may have their action or actions upon this act [against any] of the magistrates, officers and persons offending in any of the premises, wherever they or their effects may be found in this province; and if the verdict or inquisition passeth for the plaintiff or plaintiffs, in any such action, he or they shall have judgment for treble damages found thereby, with full costs of suit, in which actions no essoin, protection, wager of law, nor any more than one imparlance shall be allowed.

Passed May 28, 1715. Repealed by the Lords Justices in Council July 21, 1719. See Appendix IV, Section II.

CHAPTER CCVI.

AN ACT FOR THE BETTER RECOVERY OF FINES AND FORFEITURES DUE TO THE GOVERNOR AND GOVERNMENT OF THIS PROVINCE.

To the end that all fines, forfeitures, [issues and] ameracements, which were designed and ought to be applied [towards] defraying the necessary charge of supporting the administration of this government, may be duly estreated, levied and brought into the provincial stock or treasury, that so the same may go to the uses intended:

[Section I.] Be it enacted by Charles Gookin, Esquire, by the royal approbation Lieutenant-Governor, under William Penn, Esquire, Proprietary and Governor-in-Chief of the Province of Pennsylvania, by and with the advice and consent of the freemen of the said Province in General Assembly met, and by the authority of the same, That all fines, issues, ameracements, forfeited recognizances, sum and sums of money to be paid in lieu and satisfaction of them, or any of them, and all other forfeitures whatsoever, which after the twenty-fifth day of June, one thousand seven hundred and fifteen, shall be set, imposed, lost or forfeited in the supreme court of this

province, 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 province, shall by the justices, prothonotaries and clerks of the said courts respectively, be certified and estreated in and into the said supreme court, to be held at Philadelphia, on the twenty-fourth day of September, one thousand seven hundred and sixteen, expressing the cause of the loss, the court, the nature of the writ, and names of the parties betwixt whom the said issues and amercements are lost.

And that all fines, issues, amercements, forfeited recognizances, sum and sums of money to be paid in lieu or satisfaction of them, or any of them, and all other forfeitures whatsoever arising in any of the said courts, from the said twenty-fourth day of September, one thousand seven hundred and sixteen, in every year, to the tenth day of April, in every year, shall be and are hereby ordained and required to be certified and estreated in and into the said supreme court the last day of every April court, to be held at Philadelphia, in every year; and from the beginning of every April court there, in every year, to the beginning of every September court there in every year, on pain that every officer or minister of or belonging to the said courts, or any of them, who by this or any other law of this province ought to make certificates or estreats of any of the said fines, issues, amercements and forfeitures, making default or offending therein, shall forfeit and pay thirty pounds current money of this province for every such default that shall be made in certifying and estreating as aforesaid; the one moiety to the use of the governor, for support of government, and the other moiety to such person or persons as will sue for the same, to be recovered in any court of record in this province, by action of debt, bill or information, wherein no essoin, protection or wager of law, and but one imparlance shall be allowed.

[Section II.] And be it further enacted by the authority aforesaid, That all the clerks of the peace, and town clerks, and every of them within this province, shall make and deliver, yearly, to the sheriff of the respective county, city or town cor-

porate, where the sessions of the peace is or shall be kept, within ten days after the first day of November, in every year, a true and perfect estreat or schedule of all fines, issues, amercements, forfeited recognizances, sum and sums of money, and other forfeitures whatsoever, which shall happen to be imposed, set, lost or forfeited in any of the said sessions of the peace respectively, which shall be held before the said first day of November, by or upon any person or persons whatsoever, due to the governor or government of this province.

And also shall yearly and every year, on or before the tenth day of April, make and deliver into the said supreme court a true and perfect duplicate, certificate and estreat of all the schedules so delivered to the said respective sheriffs, that so they, on their opposals in the said supreme court, may be charged with the money levied and received by them respectively upon such schedules delivered as aforesaid, on pain that every person and persons offending herein, for every such default or failure made, shall forfeit and pay thirty pounds current money of this province, the one moiety to the use of the governor for support of government, and the other moiety to such person or persons as will sue for the same, to be recovered as aforesaid.

[Section III.] And be it further enacted, by the authority aforesaid, That the justices of the said supreme court shall award process for levying, as well of such fines, forfeitures, issues and amercements as shall be estreated into the said supreme court, as of all the fines, forfeitures, issues and amercements which shall be lost, taxed and set there, and not paid to the uses they shall be appropriated.

[Section IV.] And be it further enacted, by the authority aforesaid, That no justice, officer or minister of or belonging to any of the said courts, or any prothonotary or clerks of said supreme or other courts, clerk of the peace, town clerk, nor any officer or minister under them, or any of them, nor other person or persons whatsoever, do or shall spare, take off, discharge or wittingly or willingly conceal any indictment, fine, issue, amercement, forfeited recognizance, or other forfeiture whatsoever, exhibited, set, imposed, lost or forfeited in any of

the courts above mentioned, or before any of the judges, justices or commissioners of or belonging to the same; or any sum or sums of money paid or to be paid to any officer or officers, in lieu or satisfaction of any fine or forfeiture (unless it be by rule or order of court where such indictment, fine, issue, amercement, forfeited recognizance or other forfeiture is or shall be exhibited, set, imposed, lost or forfeited). Nor shall any of the said justices, officers or ministers aforesaid, or any other, wittingly or willingly miscertify or estreat in or into any of the said supreme courts, any fine, issue, amercement, forfeited recognizance or other forfeiture whatsoever, whereby the process of the said supreme court for the levying thereof may be made invalid and of none effect. But every such justice, officer and minister, and all and every other person and persons offending herein, shall for every such offense forfeit and pay treble the value of such fine, issue, amercement, forfeited recognizance, sum or sums of money, or other forfeiture so spared, taken off, discharged, concealed, not certified or estreated, or miscertified, or estreated as aforesaid; the one moiety thereof to the governor, for support of the government, and the other moiety to such person or persons as will sue for the same, to be recovered as aforesaid.

[Section V.] And be it further enacted, by the authority aforesaid, That all clerks and prothonotaries of the said courts, clerks of the peace, town clerks, and others to whom it belongs to make return of estreats into the said supreme court, shall deliver in all and every such estreat and estreats, upon their oaths or affirmations to be administered by one or more of the judges of the same court, to the effect following: (That is to say:)

You shall declare, That these estreats now by you delivered are truly and carefully made up and examined; and that all fines, issues, amercements, recognizances and forfeitures which were set, lost, imposed or forfeited, and in right and due course of law ought to be estreated in the supreme court of Pennsylvania, are (to the best of your knowledge and understanding) herein contained; and that in the same estreats are also contained and expressed all such fines and amercements as have been paid into the court from which the said estreats are made,

without any willful or fraudulent discharge, omission, misnomer or defect whatsoever.

[Section VI.] And be it further enacted, That any two of the judges of the said supreme court for the time being shall view all the said estreats, and [cause] their clerk to enroll them in the said court, and shall hear and determine all complaints brought before them concerning immoderate fines, issues or ameracements estreated as aforesaid, and give relief to the party grieved as the law in Great Britain in such cases doth or shall direct.

[Section VII.] And be it further enacted by the authority aforesaid, That where any fine or fines, sum or sums of money, or other forfeitures due to the governor or government of this province, after the said twenty-fifth day of June, one thousand seven hundred and fifteen, shall be paid to any sheriff, clerk, or other officer or minister whatsoever, belonging to any court or courts in this province, and be, according to the intent and directions of this act, certified and estreated, in or into the said supreme court; then, and in such case, process shall issue out of the said supreme court directed to the sheriff or coroner of the proper county, against such officers and other persons to whom such fines, sum or sums of money, or other forfeiture is or shall be so paid, for levying and receiving the same; that so it may appear when, to whom, and how, such moneys are received, answered and paid.

Section VIII. And be it further enacted, That all and every the said fines, sums of money, or other forfeitures (excepting such as are by law appropriated to the poor, or for repairing highways and bridges, or any other particular uses in the said respective counties, or city of Philadelphia) which from henceforth shall be levied or received according to the intent and directions of this act, shall be paid by the sheriff, or other officer or minister who levied or received the same, to such person as the assembly of this province shall from time to time appoint provincial treasurer; who shall pay the same to the uses the same are or shall be respectively appropriated: And the said treasurer shall from time to time, lay an account thereof before the governor and assembly for the time being;

and shall deduct five per cent for his trouble in paying and receiving the same.

Provided always, That nothing in this act contained shall extend to be anyways prejudicial to the charter of the city of Philadelphia; but that the said city may have and enjoy the fines and forfeitures granted them by the said charter, as if this act had not been made.

[Section IX.] And be it further enacted, That the secretary, or his deputy who draws licenses for keeping public houses, and selling wine and other liquors in any town or place of this province, shall keep a true and just account of all the said licenses, expressing the time when, the persons' names to whom the same were granted, and where they live; and shall certify the same to the said treasurer for the time being, on the first day of November, in every year, upon pain of forfeiting and paying the sum of twenty pounds, money of this province, for [every] default or neglect in that behalf; the one moiety thereof to the governor for support of government, and the other moiety to him or them that will sue for the same, to be recovered as aforesaid.

Passed May 23, 1715. Allowed to become a law by lapse of time in accordance with the proprietary charter, having been considered by the Lords Justices in Council July 21, 1719, and not acted upon. See Appendix IV, Section II; repealed by Act of Assembly passed March 18, 1780, Chapter 899.

CHAPTER CCVII.

AN ACT FOR THE ASSIGNING OF BONDS, SPECIALTIES AND PROMIS- SORY NOTES.

Whereas it hath been held that bonds and specialties under hand and seal, and notes in writing, signed by the party [who] makes the same, whereby such party is obliged or promises to pay [unto any] other person, or his order or assigns, any sum of money therein mentioned, are not, by law, assignable or in-