

act, until the taxes and assessments in the said-recited act mentioned are fully collected and paid; and shall be applied, practised, and executed, for the raising, levying, collecting, answering and paying the said taxes and assessments according to the tenor and intent of this and the said-recited act, as fully to all intents and purposes as if the said-recited act, and every clause, matter and thing therein contained (and not hereby altered) had been again repeated in this act.

Passed October 29, 1715. Apparently never submitted to the consideration of the Crown. See Appendix IV, Section II, and the Act of Assembly passed May 28, 1715, Chapter 215.

CHAPTER CCXX.

AN ACT FOR REVIVING OF ACTIONS AND PROCESS LATELY DEPENDING IN THE COURTS OF THE COUNTY OF CHESTER, AND FOR SUPPLYING OTHER DEFECTS RELATING TO PROCEEDINGS AT LAW IN ALL THE COURTS OF COMMON PLEAS IN THIS PROVINCE.

Whereas by the late law of this province for establishing the said courts, the day whereon the court of common pleas by the former law was to begin, is altered, and no copy of the new law being sent to the said county of Chester, the justices and officers were not ascertained of the return days now appointed; by reason whereof divers returns and continuances of pleas and process were made to the second day, instead of the first day, of the two last courts, which may prove a great delay of justice, and very expensive to the parties concerned, if a due and timely provision be not made in that behalf:

[Section I.] Therefore 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 same Province in General Assembly met, and by the authority of the same, That all pleas, suits, complaints, process, proceedings, indictments, information, bail bonds, recognizances, causes, matters and things whatsoever

depending or being in the respective courts of common pleas and quarter-sessions of the said county of Chester, which were discontinued, or not made returnable on the days now appointed for that purpose, by the said present law of courts, and all writs and process whatsoever which were made returnable to the courts of common pleas for the said county, on the first day of June and thirty-first of August last respectively, shall stand and be continued and revived to all intents, and are hereby revived, continued and adjourned unto and shall and may be proceeded upon, pleaded, heard, tried and adjudged at the next court, to be holden for the said county on the twenty-ninth day of November next.

And that all persons who were formerly let to bail by bond or recognizance, and the actions upon which such bail was given not determined, but by continuance or otherwise the parties were to appear on the first day of June and thirty-first day of August, shall appear at the said court, to be held on the said twenty-ninth day of November next, and abide the orders and rules of the court in such cases, under the penalty of forfeiting any of the said bonds, obligations or recognizances respectively; or under any other penalty that might have incurred upon the said persons, their pledges and sureties for not appearing at the said respective days, if the courts had, by the present law, been to have been holden or kept.

[Section II.] And be it further enacted, That all actions [sic] or suits hereafter to be brought in any of the said courts of common pleas in this province, the first process shall be writs of summons, *capias* or attachment (as the case may require), under the hand and seal of one of the justices of the said courts; which writs shall contain and express the names of the plaintiffs and defendants, and the day and place of their return. And for better direction to the sheriff or coroner to take bail, the sum of the debt or damages sued for shall be inserted therein or indorsed thereon, and shall be made by the clerk or prothonotary of the said respective courts, without any note or *praecipe* required by the late act for ascertaining the practice, &c. And that none of the said writs made and issued according to the direction of this act shall abate for want of such

praecipe or for want of form, or for any variance whatsoever, or for not expressing the precise nature of the action: and that two shillings six pence be added to the clerk's fee for every of the said writs and making an entry thereof in a book, as hereinafter is directed, anything in the said act or in any other act, law or usage to the contrary notwithstanding.

[Section III.] And be it further enacted, That the clerks of the said respective courts, who make the said writs, shall keep books, wherein they shall enter the names of the plaintiffs and defendants in every such writ, with the date thereof and the debt or damages sued for and the name of the justice that signs each writ, and the said clerks shall receive the fees due to the justices for signing the said writs, which fees and all other fees, due to the justices, shall be accounted for, and by the clerks or sheriffs that receive the same duly paid to the justices and be distributed as they shall direct.

Passed October 29, 1715. Apparently never submitted to the consideration of the Crown. See Appendix IV, Section II, and the Acts of Assembly passed May 28, 1715, Chapter 214; May 22, 1722, Chapter 255; March 20, 1724-25, Chapter 285; April 13, 1791, Chapter 1575; April 20, 1795, Chapter 1863; March 21, 1806, P. L. 558; March 28, 1814, P. L. 352; February 22, 1821, P. L. 50; April 6, 1830, P. L. 272; April 14, 1834, P. L. 333; June 13, 1836, P. L. 568; April 4, 1837, P. L. 377; April 14, 1838, P. L. 457; July 12, 1842, P. L. 339; April 2, 1868, P. L. 3; March 17, 1869, P. L. 8; April 6, 1870, P. L. 960; May 24, 1878, P. L. 135; June 12, 1878, P. L. 187; June 11, 1879, P. L. 125; July 8, 1885, P. L. 269; May 24, 1887, P. L. 197.