

ber, one thousand seven hundred and eighty-seven, as prevents the rector, church wardens and vestrymen, and their successors, from alienating the school-house and lot of ground on which the same is erected, as is therein mentioned, be and the same is hereby repealed.

Passed March 1, 1799. Recorded L. B. No. 6, p. 343.

CHAPTER MMXXII.

AN ACT TO CONTINUE IN FORCE, FOR A LIMITED TIME, PART OF AN ACT, ENTITLED, "A FURTHER SUPPLEMENT TO THE ACT, ENTITLED, 'AN ACT TO ENJOIN CERTAIN DUTIES ON THE SECRETARY OF THE COMMONWEALTH, AND FOR OTHER PURPOSES' "

[Section I.] (Section I, P. L.) 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 so much of the act, entitled, "A further supplement to the act, entitled, 'An act to enjoin certain duties on the secretary of the commonwealth and for other purposes,'" passed on the fourth day of April, one thousand seven hundred and ninety-six, as provides for and directs an increase of the salary of the deputy-secretary, be, and the same is hereby, continued for three years from and after the passing of this act, and from thence to the end of the session of the general-assembly.

Passed March 1, 1799. Recorded L. B. No. 6, p. 353.

CHAPTER MMXXIII.

A SUPPLEMENT TO THE ACT, ENTITLED, "AN ACT TO EXTEND THE POWERS OF THE JUSTICES OF THE PEACE OF THIS STATE."

[Section I.] (Section I, P. L.) 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 aldermen's 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, aldermen or aldermen's 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 aldermen's court, and to administer an oath or affirmation to the persons so chosen or appointed, justly and truly to assess the damage (if any) which the plaintiff has sustained, and after the said referees shall by view, or otherwise, have inquired into the truth of the case, and made report thereof in writing to the said justice, alderman or aldermen's court, judgment shall be entered thereupon, and execution issue, as in other cases. Provided nevertheless, That if the damages so found by the referees shall not amount to more than one dollar, the plaintiff or plaintiffs shall not recover more costs than damages. And provided also, That if the defendant shall, before the appointment of referees, 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 aldermen's court to dismiss the same, in order that such question may be tried according to the course of the common law.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That the powers of the said justices aldermen or aldermen's 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 aldermen's 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 ac-

count of the tenant out of the same, and the landlord may prosecute the said suit to judgment and execution, as in other cases, or, if he think proper, may waive further proceedings before the said justice, alderman or aldermen's court, and distrain in the usual manner for the balance so settled, but if any landlord shall be convicted, after such waiver, in any court of record 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.

[Section III.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That if any landlord shall distrain the goods of his tenant, agreeably to the existing laws of this commonwealth, for a sum not exceeding 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 aldermen's court, to whom application for that purpose shall be made to issue process against the landlord, to compel him to appear and show cause, if any he has, why the demand of the tenant should not be allowed, and upon the appearances of the landlord, or on his refusal or neglect to appear, if the said justice, alderman or aldermen's court shall be satisfied of the justice of the tenant's account, the same shall be defalced 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. Provided 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.

[Section IV.] (Section IV, P. L.) 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 ejection 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 conveyance of lands and

tenements, civil actions for damages in personal assault and battery, wounding or maiming, or to actions for false imprisonment.

(Section V, P. L.) And whereas doubts have been entertained with respect 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,"¹ "An act against removing land marks,"² "An act against defacers of charters,"³ and "An act about cutting timber trees:"⁴

[Section V.] 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 behavior in the meantime, 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.

[Section VI.] (Section VI, P. L.) 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.

¹Passed November 27, 1700, Chapter 11.

²Passed November 27, 1700, Chapter 15.

³Passed November 27, 1700, Chapter 16.

[Section VII.] (Section VII, P. L.) 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"⁵ and of the act to which this is a supplement, as is hereinbefore 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 justice 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.⁶

[Section VIII.] (Section VIII, P. L.) 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.

Passed March 1, 1799. Recorded L. B. No. 6, p. 348.

CHAPTER MMXXIV.

AN ACT FOR THE APPOINTMENT AND REGULATION OF CONSTABLES IN THE DISTRICT OF SOUTHWARK.

[Section I.] (Section I, P. L.) 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 electors of the district of Southwark shall, on the same day and at the same place where they meet to choose inspectors for the election of commissioners for said district,

⁵Chapter 365.

⁶Chapter 1995.