

1801. — Chapter 81.

[January Session, ch. 57.]

AN ACT FOR PRESERVING AND AUTHENTICATING THE RECORDS OF JUSTICES IN CERTAIN CASES.

*Whereas law suits may arise, and great injustice accrue, in consequence of judgments obtained under the several acts of this Commonwealth “for rendering processes in law less expensive,” in cases where the Justices before whom such judgments may have been obtained, have neglected to complete their records, and have deceased or moved out of this Commonwealth, unless some adequate remedy be provided.* Preamble.

SEC. 1ST. *Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, that in all cases where real estate shall have been set off in satisfaction of any execution which shall have been issued by any Justice of the Peace, under either of the Acts entitled, “an Act for rendering processes in law less expensive,” if such Justice shall have deceased or removed out of the Commonwealth, without having completed his record, and the title to such real estate, founded on the extent of such execution, shall be drawn in question in any action, the execution creditor or creditors, or the person or persons claiming such title under him or them, shall be admitted to shew in evidence of his title, a copy of the original writ, with the Officer’s return thereon; and a copy of the execution with the Officer’s return thereon, registered according to law, which said copies duly authenticated by the proper certifying Officers thereof, shall be sufficient evidence of the Judgment on which such execution issued as aforesaid.*

The evidence which is to be conclusive where a Justice has not completed his record.

SEC. 2D. *And be it further enacted by the authority aforesaid, That the Justices of the Peace within this Commonwealth, who have rendered judgments under either of the aforesaid Acts, shall within twelve months after the passing of this Act, return their respective records thereof, together with the original processes, and all the papers relating thereto into the Offices of the Clerks of the Courts of Common Pleas, in the several Counties wherein such judgments were respectively rendered; and the said Clerks shall be the proper persons to keep and certify the same; and to sign writs of execution on such judgments returned as aforesaid, in any case where the same may be issuable*

Justices to return records, &c. under a penalty.

by law. And if any Justice of the Peace shall refuse or neglect to return his records, processes and papers as aforesaid, he shall forfeit and pay the sum of twenty Dollars, to be recovered to the use of the County, by the Clerk of the Court of Common Pleas in said County, whose duty it shall be to sue for the same in any Court proper for the trial thereof. *Approved March 11, 1802.*

### 1801. — Chapter 82.\*

[January Session.]

AN ACT TO APPORTION & ASSESS A TAX OF ONE HUNDRED THIRTY THREE THOUSAND, THREE HUNDRED AND THIRTY ONE DOLLARS & EIGHTY FIVE CENTS, & PROVIDING FOR THE REIMBURSEMENT OF TWENTY ONE THOUSAND NINE HUNDRED & FIFTY TWO DOLLARS PAID OUT OF THE PUBLIC TREASURY TO THE MEMBERS OF THE HOUSE OF REPRESENTATIVES FOR THEIR ATTENDANCE, THE TWO LAST SESSIONS OF THE GENERAL COURT.

SECTN. 1ST. *Be it enacted by the Senate & House of Representatives in General Court Assembled & by the Authority of the same,* That each Town, District, Plantation & other place hereinafter named, within this Commonwealth, shall be assessed & pay the several sums with which they stand respectively charged in the following Schedule vizt.

\* Not printed in session pamphlet.