

## 1782. — Chapter 10.

[May Session, ch. 11.]

AN ACT DIRECTING THE APPRAISEMENT OF CERTAIN ARTICLES OF PERSONAL ESTATE WHEN TAKEN, TO SATISFY EXECUTIONS AT THE SUIT OF ANY PRIVATE PERSON OR PERSONS.

Chap. 10

*Whereas in order to carry on the present War and defray the necessary Charges thereof, large Demands for Money are from Time to Time made upon the good People of this Commonwealth, by Reason whereof many Persons possessed of a Surplus of the Necessaries of Life have been unable to satisfy in Money the Contents of Executions obtained against them, and their Property taken to satisfy such Executions has been sold for that Purpose at a Rate far less than its Value:*

Preamble.

*Be it therefore enacted by the Senate and House of Representatives in General Court assembled, and by the Authority of the same, That in all Cases where any Person against whom Execution has issued at the Suit of any private Person, shall shew to the Officer serving the same Neat Cattle, Sheep, Swine, Flour, any Kind of Grain, or Merchantable Pine Boards of his own Property, for Satisfaction of such Execution, such Officer shall receive such Personal Estate, and cause three indifferent discreet Men, being Freeholders in the same County, one to be chosen by the Creditor or Creditors, another by the Debtor or Debtors, and the third by the Officer serving the same; (and in Case either Party shall neglect the Choice, the same to be made by the said Officer) to appraise such Personal Estate to satisfy the Execution with all Fees, and set out such Personal Estate for that Purpose; and the Sheriff or other Officer shall at the Place of Appraisement deliver the same to the Creditor or Creditors, his or their Attorney in Satisfaction of the same Execution. And the Persons so appointed shall previous to their making the Appraisement before some Justice of the Peace of the same County, or the Town Clerk in such Towns where there is no Justice, take the following Oath, viz.*

Persons having Executions issued may shew to the Officers certain Articles.

Officers to cause an Appraisement thereof.

In Case of Neglect —

Persons appointed, to take an Oath.

YOU A. B. solemnly Swear, that in Appraising the Personal Estate taken to satisfy the Execution of C. D. against E. T. you will govern yourselves by the general Rates at which Personal Estate of the same Kind has of

Form of the Oath.

late been sold for the ready Money in this Part of the Country; and that you will therein Act faithfully and impartially, according to your best Skill and Judgment. So help you GOD.

Creditors who  
have com-  
menced  
Actions —

Actions to be  
continued.

Limitations.

*And be it further enacted by the Authority aforesaid,* That where any Creditor shall have commenced an Action before the passing this Act, and shall be unwilling to receive in Discharge of his Demand, such Personal Estate as is herein specified, every such Action shall, if requested by the Plaintiff, be continued from Term to Term, provided the same be not continued more than one Year, and it be done without Charge to the Defendant.

This Act to continue and be in Force until the First Day of *July*, in the Year of our Lord one Thousand seven Hundred and Eighty-three and no longer. °

*July 3, 1782.*

## 1782. — Chapter 11.

[May Session, ch. 12.]

### Chap. 11

#### AN ACT ESTABLISHING COURTS OF COMMON PLEAS.

Inferiour  
Courts' Con-  
stitution and  
Power.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the Authority of the same,* That there shall be held and kept within each County of this Commonwealth, at the Times and Places by Law appointed, a Court of Common Pleas, by four substantial, discreet and learned Persons, each of whom to be an Inhabitant of the County wherein he shall be appointed; which Persons shall be appointed and commissioned by the Governor, as is provided by the Constitution, and they, or any three of them, shall be a Court, and have Cognizance of all Civil Actions of the Value of more than *forty Shillings*, arising or happening within their County, triable by Common or Statute Law of what Nature or Species soever the same may be, and shall be fully empowered, when qualified as the Constitution directs, to give Judgment and award Execution accordingly, and to administer all necessary Oaths, and to do and order whatsoever by the Constitution and Laws shall be their Duty to do. And all Writs and Processes issuing from the several Courts of Common Pleas, shall be in the Name of the Commonwealth of *Massachusetts*, bear Test of the first Justice who is not a Party, and be under the

All Writs and  
Processes to be  
in the Name of  
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wealth of  
*Massachusetts*.