

No. 96.

AN ACT

To establish the District Court for the city and county of Philadelphia, and for other purposes.

SECT. 1. *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 thirtieth day of March, one thousand eight hundred and thirty-two, there shall be a court of record established in and for the city and county of Philadelphia, by the name and style of "the District court for the city and county of Philadelphia;" which shall consist of three judges, learned in the law, one of whom shall be president, who shall have and exercise the same authority, power, and jurisdiction, and be subject to the same duties, and governed by the same provisions as are enacted by the act, entitled "An act to provide for the erection of an additional court within the city and county of Philadelphia," passed the thirtieth day of March, one thousand eight hundred and eleven, and the supplement to the said act, passed the third day of March, one thousand eight hundred and twelve; and so much of said two last mentioned acts as are not inconsistent with this act, are hereby revived and continued in force from and after the said thirtieth day of March, one thousand eight hundred and thirty two: *Provided,* That the first Monday in each and every month, except the months of July and August, shall be a day for the return of all writs of summons, (except summons in partition) of writs of *capias ad respondendum* and executions, issued by said court, and all such writs shall be directed to be returned accordingly, and the parties in all suits instituted in said court may, after such returns of writs of summons and *capias*, file declarations and other pleadings, put causes to issue and have them tried, enter rules of arbitration, and arbitrate causes, and do all other matters and things in the prosecution of suits that might be done if the said writs were returned on the return day of any term of said court.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the court hereby established shall have the same jurisdiction in all cases of appeal from the judgment of any alderman or justice of the peace of the said city or county, as is at present exercised by the court of Common Pleas for the city and county of Philadelphia, and shall hear and decide the same in the same manner as the said court of Common Pleas may now do, and all suits depending in the said court

Court established from 30th March, 1832.

Style.

Under regulations of act of 30th March, 1811, and supplement.

Portions of those acts revived.

Proviso.

Return days, &c.

Jurisdiction of court.

of Common Pleas upon appeals, as aforesaid, from and after the thirtieth day of March, one thousand eight hundred and thirty-two, shall be transferred to the court hereby established, there to be heard, tried and determined, and the jurisdiction of the said court of Common Pleas in all cases of appeals aforesaid shall thenceforth cease and determine:

Provided, That it shall be the duty of each of the judges of the said court, in addition to the other duties required of them by this act, to sit alternately for trials of such appeals at least two weeks in each term, if requisite, a separate docket for which appeals, and list of such of them as shall be at issue, shall be kept by the prothonotary of said court, separate and apart from their other trial list, and a distinct and separate venire facias shall be issued for the summoning the requisite number of jurors for the trial of such issues; the jurors to be drawn in the manner now prescribed by law, and to be paid the same compensation in the same manner as other jurors in said court.

SECT. 3. *And be it further enacted by the authority aforesaid*, That from and after the thirtieth day of March, instant, all actions, matters, and things depending in the present District court, for the city and county of Philadelphia, and all process issued from and returnable thereto shall be transferred to and proceeded in by the court, established by this act, and shall have the same effect in law as if there had been no limitation to the present court, and the Governor shall, on or before the said thirtieth day of March, one thousand eight hundred and thirty two, appoint and commission three persons learned in the law, to be judges of the court established by this act, who shall severally receive the same compensation, to commence from that day, and payable in like manner, as the president of the District Court for the city and county of Philadelphia was entitled to receive under the act entitled "An act to provide for the erection of an additional court within the city and county of Philadelphia," passed the thirtieth day of March, one thousand eight hundred and eleven; and it shall be the duty of the said judges to meet on the thirtieth day of March, instant, or as soon thereafter as possible, and proceed in the business of the court and the judges of the present District Court for the city and county of Philadelphia are hereby enjoined and required to order the arrangement of business for the March term, and direct venires to issue for summoning the requisite number of panels of jurors to attend at said term of the court, established by this act, agreeably to the provisions of the second section of the act, entitled "A supplement to an act to provide for the erection of an additional court within the city and county of Philadelphia," passed the third day of March, one thousand eight hundred and twelve.

Transfer of certain appeals, and jurisdiction of Common Pleas.

Proviso. Judges to sit alternately for trial of appeals.

Special jurors &c.

Continuation of the usual powers, jurisdiction, &c.

Governor to appoint 3 judges.

Their compensation.

Organization, arrangement of business, &c.

SECT. 4. *And be it further enacted by the authority aforesaid,* That any one of the judges of the court hereby established shall have power to try all civil pleas and actions, real, personal, and mixed, and to grant motions, and for these purposes shall have and exercise the same powers, authority, and jurisdiction as are hereby vested in the said court; and it shall be the duty of the said judges to sit separately, at the same time, for the trial of all such causes as often as the same may be found necessary and proper for the despatch of business; and the prothonotary of the said court shall appoint competent clerks, to attend at said trials, when not present in person, and whenever it shall so happen that all of the said judges are not sitting at the same time, either separately or together, questions of bail, and other matters, requiring early attention, (to the decision of which a single judge is, by the foregoing provisions, or ordinary practice, competent,) shall not be permitted to interfere with jury trials, but shall be heard and disposed of by such one or more of the said judges as may not be then sitting for the trial of causes as aforesaid; that it shall be lawful for any one of said judges, when he thinks expedient, to reserve questions of law which may arise on the trial of a cause, for the consideration and judgment of all the judges of said court, sitting together: *Provided,* That either party shall have the right to a bill of exceptions to the opinion of the court, as if the point had been ruled and decided on the trial of the cause.

Joint and separate powers of judges.

Prothonotary's deputies.

Reservation of decision on questions of law.
Proviso.
Not to preclude right to bill of exceptions.

Court to summon jurors for respective judges.

Judges may fine jurors separately, &c.

Of the seal.

Governor to appoint prothonotary.
His fees, &c.

SECT. 5. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the said court to cause writs of venire facias to issue for summoning the requisite number of jurors, to be drawn in the manner now prescribed by law; to attend before each of the said judges, for trial of said causes, and each of the said judges shall have power to fine the said jurors for non attendance, and while sitting for the trial of causes, shall have the same power and authority that is now possessed by the District Court for the city and county of Philadelphia. And the seal heretofore used by the District Court for the city and county of Philadelphia shall be the seal of the court established by this act.

SECT. 6. *And be it further enacted by the authority aforesaid,* That there shall be a prothonotary appointed by the Governor, for the said court, who shall perform all the duties of a prothonotary, and shall be entitled to receive like fees as other prothonotaries are entitled by law to receive for similar services, and be subject to the like account to the commonwealth, and give the like security as the prothonotary of the court of Common Pleas of the county of Philadelphia is required by law to give for the due performance of the duties of his office; and it shall and may be lawful for the prothonotary, under the sanction of the court, to appoint one or more discreet persons as commissioners of bail, who

are hereby empowered to take and receive recognizances of Prothonotary bail, in any suit or action in the said court, to administer to appoint oaths and affirmations, and also to appoint arbitrators, in commission- case of the absence or sickness of the prothonotary, in the ers of bail with certain same manner as if the prothonotary was present. powers.

SECT. 7. *And be it further enacted by the authority aforesaid,* That the motions for new trials and in arrest of judgment, and questions on reserved points, which may be made and sustained before any one of the judges of the said district court, shall be reserved by the said judges, and heard and decided by the three judges of the said court, or any two of them sitting together for that purpose. Motions for new trials, &c. to be heard by court.

SECT. 8. *And be it further enacted by the authority aforesaid,* That in all cases in which the judges of the court hereby established, or any of them holding said court, shall deliver an opinion of the court, if either party by himself or counsel require it, it shall be the duty of the judge delivering the opinion to reduce the same with the reasons therefor to writing, and file it of record in the cause. Opinions in all cases may be reduced to writing and filed.

SECT. 9. *And be it further enacted by the authority aforesaid,* That the Mayor's court for the city of Philadelphia, instead of holding four courts in each and every year, as heretofore, shall hold a court on the first Monday of June, in the year one thousand eight hundred and thirty-two, and on the first Monday of each and every month thereafter, for the inquiring, hearing, trying and determining of all pleas and matters of which the said court has jurisdiction, and they shall do all matters and things necessary to be done for holding courts at the times herein specified, and they shall sit for said purposes as long as may be necessary, to do the business which may at such times be submitted to the said court. Mayor's court to be held monthly after June—instead of quarterly.

SECT. 10. *And be it further enacted by the authority aforesaid,* That the said Mayor's court shall, after the passage of this act, have authority to grant licenses to hawkers and pedlers, in all cases where the court of Quarter Sessions of the county of Philadelphia, are now authorized to grant the same, under the regulations and provisions established by law, and the authority of the said court of Quarter Sessions to grant such licenses is hereby taken away. Mayor's court to license hawkers and pedlers instead of court of Quarter Sessions.

SECT. 11. *And be it further enacted by the authority aforesaid,* That the act entitled "An act enjoining duties on the Attorney General, and for other purposes," so far as it gives concurrent jurisdiction to the District court for the city and county of Philadelphia, with the court of Common Pleas of the county of Philadelphia, in all the powers and jurisdiction vested in the said court of Common Pleas by virtue of an act entitled "An act to compel assignees to settle their accounts, and for other purposes," is hereby repealed. Certain provisions of former acts repealed.

County commissioners to provide apartments for Dist. court.

SECT. 12. *And be it further enacted by the authority aforesaid,* That the commissioners of the county of Philadelphia shall provide proper and suitable apartments, in which the trials in the said District court shall be had, as provided by this act.

Duration of act.

SECT. 13. *And be it further enacted by the authority aforesaid,* That this act shall continue in force for and during the term of three years from and after the thirtieth day of March, one thousand eight hundred and thirty-two, and no longer.

JOHN LAPORTE,
Speaker of the House of Representatives.

WM. G. HAWKINS,
Speaker of the Senate.

APPROVED—The twenty-sixth day of March, A. D. one thousand eight hundred and thirty-two.

GEO. WOLF.



No. 97.

AN ACT

To authorize the mayor, aldermen and citizens of Philadelphia to erect guard pier and ice break, at the foot of Coates street, near Fair Moun water works.

Authority to erect pier.

SECT. 1. *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 the mayor, aldermen and citizens of Philadelphia be and they are hereby authorized to erect a guard pier and ice break at the foot of Coates street, in such manner as shall best protect the water works at Fair Mount, and preserve the purity of the water of the river Schuylkill: *Provided,* That in constructing said guard pier and ice break, it shall not be lawful to occupy more than thirty feet in width on the south side of said Coates street, and in length extending eastwardly, from low water mark, not more than four hundred and forty-five feet on the said street: *And provided,* That if said pier and ice break shall

Proviso.
Space occupied.

2d proviso.