

No. 164.

AN ACT

Relative to the organization of the Courts of Justice.

TABLE OF CONTENTS.

- SECTION 1. The SUPREME COURT established, and the style thereof.
2. It consists of five judges, who, or a majority of whom, hold the court.
3. Governor to appoint judges of the Supreme Court as often as vacancies occur.
4. The State is divided into four districts, for the purpose of holding said courts.
5. The judges hold five terms of the court annually.
6. They continue their terms by adjournment, if necessary, but so as not to interfere with their duties in other districts.
7. A court to be held on the last Monday in July, in the Eastern district, for certain purposes.
8. The Supreme Court has a seal, and power to renew it.
9. A prothonotary is appointed for the court at each place of holding the terms, who shall keep the records, &c.
10. Commissioners of bail appointed by the court.
11. Return days in the Supreme Court.
12. But judicial process tested the first day of a term is not returnable the last day of the same term, except for purposes specially appointed.
13. Last Monday in July a return day in the Eastern district.
14. The court may appoint special return days.
15. May prescribe certain days within the terms for the return of writs in each district.
16. Courts of Nisi Prius are holden in Philadelphia.
17. The judges to hold these courts at least once annually, and in the order of rotation.
18. COURTS OF COMMON PLEAS established, and their style.
19. Consist of a president and two associate judges.
20. Any two of the judges, or the president alone, may hold the court.
21. The president or legal associate of the court of Common Pleas for the county of Philadelphia, may hold a court for the trial of civil issues, &c.

- SECTION 22.** Courts of Common Pleas have each a seal, which may be renewed.
23. A prothonotary to be appointed for every such court, who keeps the records, &c.
24. The State divided into seventeen districts, for the purpose of holding said courts.
25. A district is to be established from and after the first of September, one thousand eight hundred and thirty-five to be called the eighteenth district.
26. A president judge shall be appointed in each district as vacancies occur.
27. Associate judges to be appointed in each county as vacancies occur.
28. Proviso as to the court of Common Pleas in the county of Philadelphia.
29. Terms of the courts of Common Pleas appointed in the several counties.
30. The judges of the courts of Common Pleas shall hold terms by adjournment if necessary.
31. May abridge terms of two weeks to one week.
32. May enlarge the terms.
33. May order issues in civil causes to be taken up during the first week.
34. May in such cases direct the sheriff and commissioners to return the same panel to all *venires* returnable that week.
35. May award a *venire* returnable at such day, for a term so enlarged as the business shall require.
36. The judges may adjourn their sessions from time to time.
37. **SPECIAL COURTS OF COMMON PLEAS** shall be holden for the trial of certain causes.
38. *Provided*, That the parties by agreement may in certain cases dispense with the privilege intended by the preceding section.
39. The prothonotary to transmit a list of the causes to the president judge required to hold such court.
40. Proceedings of Special Courts to be valid and subject to a writ of error or appeal.
41. Proviso saving special provisions relating to Special Courts.
42. **COURTS OF QUARTER SESSIONS** established and the style thereof.
43. Shall consist of the judges of the courts of Common Pleas, any two of whom shall be a quorum.
44. Shall have a seal which may be renewed.

- SECTION 45.** A clerk shall be appointed in every such court, who shall keep the records.
46. The terms of such court appointed.
47. The court of Quarter Sessions for the county of Philadelphia shall continue their terms by adjournment if necessary.
48. The terms of the court of Quarter Sessions for the county of Schuylkill appointed.
49. Courts of Quarter Sessions may continue their terms, so as to complete trials commenced during the term.
50. The judges of such courts may hold special sessions.
51. Special or adjourned sessions, how appointed and notice given, no business to be done therein requiring a grand or petit jury.
52. ORPHANS' COURTS established and the style thereof.
53. Shall consist of the judges of the courts of Common Pleas, any two of whom shall be a quorum.
54. Business to be continued in the absence of the president if requested.
55. Every Orphans' court shall have a seal.
56. A clerk shall be appointed for every such court.
57. Terms of the Orphans' courts appointed.
58. COURTS OF OYER AND TERMINER and general gaol delivery, to be holden four times annually, and by whom to be holden.
59. The judges of the courts of Common Pleas to have power to hold special courts of Oyer and Terminer.
60. Associate judges may adjourn such courts if the president do not attend.
61. Prothonotaries of the courts of Common Pleas are clerks of Oyer and Terminer, when held by the judges of the Supreme court.

GENERAL PROVISIONS RELATIVE TO ALL THE COURTS.

- SECTION 62.** No process to be discontinued by the non-attendance of the judges.
63. Any judge shall have power to adjourn in case of the non-attendance of a quorum of the court.
64. The prothonotary, clerk, sheriff or coroner to adjourn if no judge shall attend.
65. Courts may adjourn to a different place in case of an infectious or contagious disease.
66. Also for a term, when the place appointed for holding it shall have been destroyed or shall be unsafe.

LAWS OF PENNSYLVANIA,

SECTION 67. Notice of adjournments to be given and jurors, witnesses, &c., to attend.

OFFICERS OF THE COURTS.

68. The several courts of record shall have power to admit ATTORNEYS AT LAW.
69. Attorneys shall make oath as prescribed in this section, before they shall practice as such.
70. Shall have power to prosecute and defend suits.
71. Shall file their warrants if required.
72. Penalty if they neglect to file warrant.
73. Penalty in cases of misbehaviour of attorneys.
74. Shall pay over money belonging to their clients.
75. Judges not to practice as attorneys, &c. nor aldermen nor justices of the peace, in cases removed from before them, nor prothonotaries, nor registers in the Orphans' Court of the respective county.

PROTHONOTARIES.

76. Prothonotaries and clerks shall make oath, &c. to support the constitution of the United States and of this State, &c.
77. Their powers and authorities.

CRIERS.

78. Criers of the courts to be appointed by the courts and paid by the respective county, and the several courts may appoint tipstaves or constables to attend them.

JURIES.

79. Juries for the trial of all issues in fact in all actions to be selected, summoned and returned, as in the following sections, and not otherwise.
80. The commissioners of the counties respectively to provide and keep a wheel to contain the names of jurors.
81. The commissioners of the counties of Lancaster and Allegheny to provide and keep one other wheel for jurors in the Mayor's Court.
82. The commissioners of the county of Philadelphia to provide and keep five wheels for jurors, &c.
83. Every wheel to have a lock and key, the commissioners to keep the wheel and the sheriff the keys.
84. Penalty on sheriffs and commissioners for neglecting or refusing to lock, seal, and take charge of the wheels and keys as aforesaid.

- SECTION 85. Jurors to be selected by sheriff and commissioners from citizens of the county.
86. How selected for the Mayors' Courts.
87. Oath or affirmation to be first taken by the sheriff and commissioners. The form of oath.
88. The names of the persons selected shall be deposited in the wheel.
89. Proviso to the last section.
90. Wheels to be locked and sealed as soon as the depositing of the names, &c. shall be completed.
91. The sheriff and commissioners not to open the wheels aforesaid, except in pursuance of law, &c.
92. Sheriff and commissioners to make a new selection, &c. if all the names be drawn before the end of the year, upon order of the court, &c.
93. New selection of jurors, in case an array of jurors be quashed for irregularity in the selection.
94. Also in case the wheel shall have been broken open or destroyed.
95. Also in case of the wheels remaining open, unlocked or unsealed by accident, mistake or neglect.
96. Prothonotaries and clerks to make out and deliver to the sheriff, thirty days before court, writs of *venire*.
97. *Venires* to be awarded of the body of the county.
98. Form of the writ of *venire* in civil proceedings.
99. The number of jurors to be returned in the several courts of civil jurisdiction.
100. The Supreme Court at Nisi Prius to make *venire* process returnable at such times, during the court, as they see fit.
101. *Venires* issuing from the Court of Common Pleas, District Court and Court of Quarter Sessions of Philadelphia returnable according to the direction of the court.
102. District Court of Philadelphia may direct one or more panels of special or common juries, for any one term of said court.
103. *Venires* may issue for each week of the term of the District Court of Lancaster.
104. *Venires* issuing from courts of Common Pleas, having a term of two weeks, are returnable on the first day of the second week, &c.
105. The Courts of Common Pleas may in certain cases direct that no *venire* issue.

- SECTION 106. A *venire* may be awarded by the Court of Common Pleas of Philadelphia, returnable before the president or legal associate.
107. *Venires* from special Courts of Common Pleas.
108. Clerks of Courts of Oyer and Terminer, Quarter Sessions and Mayor's Courts to issue *venires*.
109. *Venire* for a grand jury ; form of it.
110. One writ, or separate writs of *venire* may be awarded, returnable before the same judges holding a court of Quarter Sessions and Oyer and Terminer, &c.
111. *Venire* for a petit jury in the Criminal Courts ; form of it.
112. One *venire* may be issued for Courts of Quarter Sessions, and a Court of Oyer and Terminer to be holden by the same judges at the same time, or if distinct writs be awarded, the same panel shall be annexed to both.
113. Number of jurors in Criminal Courts.
114. Proviso to the last section.
115. *Venires* issuing from the Courts of Quarter Sessions are returnable the first day of the term.
116. The courts direct the number of jurors to be returned, in cases where the number is not fixed by law.
117. Proviso, That this act shall not interfere with any provisions specially made for any county.
118. Sheriff, on receiving *venire* process, to give notice to the commissioners, and proceed to draw a panel.
119. Names of persons removed or dead, if drawn, shall be destroyed, and other names drawn to fill the panel.
120. How several writs of *venire*, in the hands of the sheriff, at the same time, shall be executed.
121. The same panel of names shall be annexed to the *venires*, issuing from Civil and Criminal Courts held in the same county, during the same week.
122. Jurors shall be drawn from the names deposited for the preceding year, if thirty days do not intervene between the time of the depositing of the names and the term of the court.
123. Commissioners to make lists of the names drawn and deliver them to the sheriff and the prothonotary.
124. Special writs of *venire* shall issue in cases of a struck jury and view.

SECTION 125. Jurors to be summoned ten days before the term.

126. Names of persons privileged from serving on juries shall not be put into any wheel as aforesaid.

127. Sheriff to enter the names of all persons summoned and serving on juries in a book, and the times of their service.

128. Prothonotaries and clerks to certify to the sheriff, &c. at each term the names of jurors who appeared, made default, or were excused.

129. Jurors serving may have a certificate of their service.

130. Prothonotaries to certify to the commissioners the number of days every juror shall have served.

131. Coroners to perform the duties hereinbefore enjoined upon sheriffs in certain cases, or a disinterested person to be appointed for the purpose.

132. Coroner shall have the power of the sheriff in all cases, where the sheriff is incompetent in any case.

133. The judges of the court to appoint persons to act in the place of the sheriff, coroner and commissioners in certain cases.

134. Penalty upon jurors neglecting to attend without reasonable cause.

135. The names of jurors in default or excused to be returned to the wheel.

136. The names of persons who have served as jurors not to be returned, &c., penalty on sheriff and commissioners for so doing.

137. Compensation of jurors.

138. Mileage of jurors and how paid.

139. Prothonotary to cause the names of jurors to be written on slips of paper and deposited in a box.

140. How jurors shall be empannelled in a cause.

141. The oath or affirmation of jurors.

142. The names of the jurors drawn to be marked in the panel, and the slips to be kept separate until verdict or the jury be discharged and then returned to the box.

143. A jury may be empannelled in a second or subsequent cause from the remaining jurors.

144. Jurors may in certain cases be supplied from the bystanders or the county at large.

145. Penalty on persons summoned from the bystanders, &c., in case of their refusing to serve.

- SECTION 146. Courts may award a special *venire* in any cause in case of a challenge to the array sustained.
147. How such a *venire* shall be directed, its form in such case.
148. Courts of criminal jurisdiction may award a special *venire* in case of a challenge to the array by the defendant and sustained.
149. Aliens shall not have a jury *de medietate linguæ*.
150. Peremptory challenges allowed, two in civil and four in any criminal case.
151. Liability to taxation not to render incompetent a juror, in suits upon official bonds, &c.
152. Peremptory challenges in cases of treason.
153. " " in murder and other felonies, within the exclusive jurisdiction of the courts of Oyer and Terminer.
154. The Commonwealth not to challenge in cases without cause, nor peremptorily more than the defendant in any other criminal case.
155. How challenges shall be conducted in criminal cases.
156. The cause of challenge assigned in a criminal case shall be enquired of as in civil cases.
157. How a special jury shall be struck from the list of common jurors.
158. Views to be had by six or more jurors.
159. Viewers at the calling on of the cause shall be first sworn and the panel then be filled from the other jurors.
160. Jurors knowing any thing relative to the controversy shall disclose the same in open court, &c.
161. Penalty on jurors taking any thing to give a verdict; proviso, saving to the party aggrieved his action for damages if the penalty be recovered by another person.
162. *Embracery* defined, and the penalty upon persons guilty thereof.
163. Existing Circuit Courts abolished.
164. Supreme court at Harrisburg to sit in the capitol and use the library.
165. Acts creating the Lancaster and Southern districts repealed.
166. Records of the abolished districts removed.
167. Records of Northern district to remain at Sunbury.
168. Causes pending in the abolished districts removed to the new district.

SECTION 169. Prothonotary of Middle district to receive fees due to the prothonotaries of the abolished districts.

AN ACT

Relative to the organization of the Courts of Justice.

I. OF THE SUPREME COURT.

SECTION 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 there shall be holden and kept at the times and places, and during the terms hereinafter appointed, a court of record, the name and style whereof shall be "The Supreme Court of Pennsylvania."

SECTION 2. The Supreme Court is hereby declared to consist of a chief justice and four associate judges, and the said judges, or a majority of them, when convened for the purpose agreeably to law, shall have power to hold the said court.

SECTION 3. It shall be the duty of the Governor, from time to time, as any vacancy may occur in the office of chief justice or of a judge of the said court, to commission, by a distinct patent, under the great seal of the Commonwealth, a person of known integrity and ability, skilled in the laws, to supply such vacancy, distinguishing in such patent, the name of the office to which he may be so appointed.

SECTION 4. For the purpose of holding the said Supreme Court, the Commonwealth is hereby declared to be divided into four districts, denominated the eastern district, the western district, the northern district, and the middle district: the eastern district consists of the city and county of Philadelphia, and the counties Bucks, Chester, Delaware, Northampton, Montgomery, Lehigh, Pike, and Wayne; the northern district, of the counties Northumberland, Luzerne, Lycoming, Bradford, M'Kean, Potter, Tioga, Susquehanna, Columbia, Union; the middle district, of the city and county of Lancaster, the counties Dauphin, Berks, Schuylkill, York, Lebanon, Mifflin, Centre, Clearfield, Juniata, Huntingdon, Cumberland, Bedford, Franklin, Adams, Perry; the western district, of the city of Pittsburg, and the counties Allegheny, Somerset, Westmoreland, Fayette, Greene, Washington, Beaver, Butler, Mercer, Crawford, Erie, Warren, Venango, Armstrong, Cambria, Indiana, Jefferson.

SECTION 5. The judges of the said Supreme Court shall annually hold five terms of the said court, at the places and at and during the terms hereinafter specified, if the business depending in the said court at the respective places of holding the

same shall require it, to wit : One term at the city of Philadelphia, to commence on the second Monday in December, and to continue three weeks, for the eastern district aforesaid ; one other term at the said city of Philadelphia, to commence on the third Monday in March, and to continue two weeks, also for the eastern district aforesaid ; one term at the borough of Harrisburg, to commence on the second Monday of May, and continue eight weeks, for the middle district aforesaid ; one term at Pittsburg, in the county of Allegheny, to commence on the first Monday of September, and to continue eight weeks, for the western district aforesaid ; one term at Sunbury, in the county of Northumberland, to commence on the second Monday in July, and to continue two weeks, for the said northern district.

SECTION 6. *Provided*, That the judges of the said Supreme Court shall continue, by adjournment, the said terms, whenever the business which may be depending before them at any of the places aforesaid shall render it necessary, so always as not to interfere with their duties in any other of the districts aforesaid.

SECTION 7. It shall be the duty of the judges of the said Supreme Court, or one of them, to attend on the last Monday in July, at the place appointed by law for holding the said court for the eastern district aforesaid, to grant rules, make all necessary orders touching any suit, action, writ of error, process, pleadings, or other proceedings, returned to or depending in the said court at the said place, preparatory to the hearing, trial or decision of such action, writ of error, process, pleading or other proceeding.

SECTION 8. The said Supreme Court shall have, in each of the districts aforesaid, a seal, for the use of the said court, having engraven thereon the arms of this Commonwealth, and underneath the arms the figures " 1776," and around the edge and near the extremity or margin thereof the words following, " Seal of the Supreme Court of Pennsylvania," and such other words and devices as are inscribed on the seals of the said court now in use ; and the said seals may be renewed under the direction of the said court as often as occasion shall require.

SECTION 9. A prothonotary or clerk shall be appointed for the said Supreme Court at each of the places of holding the same as aforesaid ; he shall have the custody of the records and seal of the court for the respective district, and keep the same at the place of holding such court, and in the apartments provided by authority of law for that purpose, and he shall faithfully perform, under the direction of the court, all the duties appertaining to his office.

SECTION 10. The prothonotary of the said Supreme Court, and such other discreet persons as the said court may from time to time appoint, shall be, within the districts where they respectively reside, commissioners of bail, having, severally,

full power to take and receive recognizances of bail in any suit or action depending in the said court.

SECTION 11. The first day and last day or every term of the said Supreme Court, in every of the said districts, shall be a common day of return of all writs and process, whether original, mesne or judicial, or other proceeding, issuing from the said court, in the respective district, at the election of the party suing out the same.

SECTION 12. *Provided nevertheless*, That judicial process which shall bear teste on the first day of any term as aforesaid, shall not be made returnable on the last day of the same term, except in such cases and for such purposes only, as the said court by their rules or by special order appoint and direct.

SECTION 13. The last Monday in July, in each and every year, shall be a common day for the teste and return of all writs and process issuing out of the said court in the eastern district aforesaid, in the same manner as at the regular terms of the said court.

SECTION 14. The said Supreme Court is authorized also to appoint special return days in the said court, in term time or vacation, in each and every of the districts aforesaid, for the convenience of suitors and the furtherance of justice, and the days and times so appointed, having been entered upon the records of the said court for the respective district, shall thenceforth be deemed legal return days therein.

SECTION 15. The judges of the Supreme Court shall have power to prescribe, by rule of court, certain days within the terms thereof, to be holden as aforesaid, for the return of writs from the several judicial districts comprised within the respective district of the said Supreme Court, and the causes returned thereon shall be taken up in the order so established.

II. OF THE SUPREME COURT AT NISI PRIUS.

SECTION 16. The Supreme Court, in term time, or a majority of the judges thereof in vacation, are empowered and enjoined, when occasion shall require, to direct the holding of courts of Nisi Prius in the city of Philadelphia, for the city and county of Philadelphia, before the said judges, or some one or more of them, at such days, and during such times, as they shall designate.

SECTION 17. The judges of the Supreme Court shall severally, as often as may be consistent with their other duties, and at least once in every year, at such times and for such periods as they shall appoint, hold courts of Nisi Prius within the city and county of Philadelphia, and not elsewhere.

III. OF THE COURTS OF COMMON PLEAS.

SECTION 18. There shall be holden and kept, in every of the counties of this Commonwealth, a court of record, the name

and style whereof shall be "the Court of Common Pleas of the [respective] county."

SECTION 19. The Courts of Common Pleas of the several counties of this Commonwealth, except the county of Philadelphia, are hereby declared to consist of a president judge and two associate judges.

SECTION 20. The president and associate judges of the Courts of Common Pleas, or any two of them, or the presiding judge, in the absence of his associates, shall have power to hold the said courts, and to hear and determine all causes, matters and things cognizable, therein according to the constitution, laws and usages of this Commonwealth.

SECTION 21. The president or the legal associate judge of the Court of Common Pleas, of the county of Philadelphia, shall have power, from time to time, as may be found requisite to hold a Court of Common Pleas, for the trial of civil issues depending in such court, although two of the judges of the said court should be holding, at the same time, an Orphan's Court, a court of Quarter Sessions, or a court of Common Pleas.

SECTION 22. Every court of Common Pleas shall have a seal for the use of said court, having engraven thereon such words and devices as are inscribed on the seal now in use in the respective court, and such seal may be renewed, under the direction of such court, as often as occasion shall require.

SECTION 23. A prothonotary or clerk shall be appointed, and commissioned for each of the said courts, he shall have the custody of the records and seal of the respective court, and keep the same at the place of holding such court, and in the apartments provided, by authority of law, for that purpose. And he shall faithfully perform, under the direction of the court, all the duties appertaining to his office.

SECTION 24. For the purpose of holding the several courts of Common Pleas, the Commonwealth is hereby declared to be divided into districts, in manner following, to wit:

The first district consists of the city and county of Philadelphia.

The second district, of the counties Lancaster and York.

The third district, of the counties Berks, Northampton, Lehigh.

The fourth district, of the counties Huntingdon, Mifflin, Centre, Jefferson, Clearfield.

The fifth district, of the county Allegheny.

The sixth district, of the counties Erie, Crawford, Venango, Warren.

The seventh district, of the counties Bucks, Montgomery.

The eighth district, of the counties Columbia, Northumberland, Lycoming, Union.

The ninth district, of the counties Adams, Cumberland, Perry.

The tenth district, of the counties Westmoreland, Cambria, Armstrong, Indiana.

The eleventh district, of the counties Luzerne, Pike, Wayne.

The twelfth district, of the counties Schuylkill, Lebanon, Dauphin, Juniata.

The thirteenth district, of the counties Susquehanna, Bradford, Tioga, Potter, McKean.

The fourteenth district, of the counties Washington, Fayette, Greene.

The fifteenth district, of the counties Delaware, Chester.

The sixteenth district, of the counties Franklin, Bedford, Somerset.

The seventeenth district, of the counties Beaver, Butler, Mercer.

SECTION 25. From and after the first day of September, one thousand eight hundred and thirty-five, the counties, Potter, McKean, Warren and Jefferson shall be formed into a separate district, to be called the eighteenth district.

SECTION 26. It shall be the duty of the Governor, from time to time, as vacancies may occur in the office of a president judge, in any of the said districts, to appoint and commission, under the great seal of this Commonwealth, a person of knowledge and integrity, skilled in the laws, to be president and judge of the courts of Common Pleas, in each of the counties composing the district for which he may be so appointed.

SECTION 27. It shall also be the duty of the Governor, from time to time, as any vacancy may occur in the office of judge in any of the said counties, to appoint and commission, in the manner aforesaid, a suitable person to be judge of the Court of Common Pleas of such county.

SECTION 28. *Provided*, That on the death, resignation, or removal from office of either of the associate judges of the Court of Common Pleas for the city and county of Philadelphia, appointed previously to the eighth day of February, one thousand eight hundred and thirty-three, no appointment shall be made to fill the vacancy; but thereafter the said court shall consist of one president, one associate learned in the law, and one other associate appointed as aforesaid.

SECTION 29. The Courts of Common Pleas of every county shall be holden four times in every year, at the court house of the respective county, and at and during the times hereinafter specified for each term, if the business depending in the said courts respectively shall require it, to wit:

In the county of Adams, on the fourth Mondays in January, April, August and November, to continue one week.

In the county of Allegheny, on the fourth Monday in March, the third Monday in June, the fourth Mondays in October and December, to continue as long as may be necessary, according to the discretion of the court, for the disposal of all causes depending therein.

In the county of Armstrong, on the third Mondays in March, June, September and December, to continue one week.

In the county of Beaver, on the first Mondays in March, June, September and December, to continue one week.

In the county of Bedford, on the fourth Monday in January, the third Monday in April, and the fourth Monday in August and November, to continue one week.

In the county of Berks, on the first Mondays in January, April, August and November, to continue two weeks.

In the county of Bradford, on the second Mondays of February, May, September and December, to continue two weeks.

In the county of Bucks, on the fourth Monday in April, the second Mondays in September, December and February, to continue two weeks.

In the county of Butler, on the second Mondays in March, June, September and December, to continue one week.

In the county of Cambria, on the Mondays following the fourth Mondays in March, June, September and December, to continue one week.

In the county of Centre, on the fourth Mondays in January, April, August and November, to continue one week.

In the county of Chester, on the first Mondays in February, May, August and November, to continue two weeks.

In the county of Clearfield, on the Mondays next following the fourth Mondays in January, April, August and November, to continue one week.

In the county of Columbia, on the third Mondays in January, April, August and November, to continue two weeks.

In the county of Crawford, on the second Mondays in February, April, August and November, to continue one week.

In the county of Cumberland, on the second Mondays in January, April, August and November, to continue two weeks.

In the county of Dauphin, on the third Mondays in January, April, August and November, to continue two weeks.

In the county of Delaware, on the fourth Mondays in February, May, August and November, to continue one week.

In the county of Erie, on the first Mondays in February, May, August and November to continue one week.

In the county of Fayette, on the first Monday in June to continue one week, and on the first Mondays in September, January and March, to continue two weeks.

In the county of Franklin, on the second Monday in January, the first Monday in April, and the second Mondays in August and November to continue two weeks.

In the county of Greene, on the third Monday in March, the second Monday in June, and the third Mondays in September and November, to continue one week.

In the county of Huntingdon, on the second Mondays in January, April, August and November to continue two weeks.

In the county of Indiana, on the fourth Mondays in March, June, September and December, to continue one week.

In the county of Jefferson, on the Mondays two weeks after the fourth Mondays in January, April, August and November, to continue one week.

Provided, That from and after the first day of September, one thousand eight hundred and thirty-five, the said courts shall be holden on the fourth Mondays in February, May, September and December, to continue one week as aforesaid.

In the county of Juniata, on the first Mondays in February, May, September and December, to continue one week.

In the county of Lancaster, on the third Mondays in January, April, August and November, to continue two weeks : *Provided*, That the said court shall, in addition to the said terms, sit for the despatch of business, at least sixteen weeks in each and every year by adjournment, at such times as they may think proper.

In the county of Lebanon, on the first Mondays in January, April, August and November, to continue two weeks.

In the county of Lehigh, on the Mondays next following the fourth Mondays in January, April, August and November, to continue two weeks.

In the county of Luzerne, on the first Mondays in January, April, August and November, to continue two weeks.

In the county of Lycoming, on the Mondays next following the fourth Mondays in January, April, August and November, to continue two weeks.

In the county of McKean, on the Mondays after the courts in Tioga county, to continue one week : *Provided*, That after the first day of September, one thousand eight hundred and thirty-five, the said courts shall be holden on the second Mondays in February, May, September and December for the said county of McKean only, and continue one week.

In the county of Mercer, on the fourth Mondays in March, June, September and December, to continue one week.

In the county of Mifflin on the first Mondays in January, April, August and November, to continue one week.

In the county of Montgomery, on the third Monday in January, the second Monday in April, and the third Mondays in August and November, to continue two weeks.

In the county of Northampton, on the third Mondays in January, April, August and November, to continue two weeks.

In the county of Northumberland, on the first Mondays in January, April, August and November, to continue two weeks.

In the county of Perry, on the first Mondays in January, April, August, and November to continue one week.

In the county of Philadelphia, on the first Mondays in March and June, the third Monday in September and the first Monday in December, to continue from term to term, according to the discretion of the court.

In the county of Pike, on the Tuesdays next following the fourth Mondays in January, April, August and November, to continue one week.

In the county of Potter, after the first day of September, one thousand eight hundred and thirty-five, on the first Mondays in February, May, September and December, to continue one week.

In the county of Schuylkill, on the Mondays next preceding the last Mondays in March, July, October and December, to continue two weeks: *Provided*, That nothing herein contained shall affect the time of holding the court of Quarter Sessions and Orphan's Court of the said county.

In the county of Somerset, on the Monday next following the fourth Monday in January, on the fourth Monday in April and on the Mondays next following the fourth Mondays in August and November, to continue one week.

In the county of Susquehanna, on the first Mondays of February, May, September and December, to continue one week.

In the county of Tioga, on the fourth Mondays of February, May, September and December, to continue one week.

In the county of Union, on the Mondays three weeks after the fourth Mondays in January, April, August and November, to continue two weeks.

In the county of Venango, on the fourth Mondays in February, April, August and November, to continue one week.

In the county of Warren, on the Monday next following the fourth Monday in February, on the first Monday in June, and on the Mondays next following the fourth Mondays in August and November, to continue one week.

In the county of Washington, on the third Mondays in June, to continue one week, and on the fourth Mondays in September, January and March, to continue two weeks.

In the county of Wayne, on the third Mondays in January, April, August and November, to continue one week.

In the county of Westmoreland, on the Mondays preceding the last Mondays in February, May, August and November, to continue two weeks.

In the county of York, on the first Mondays in January, April, August and November, to continue two weeks.

SECTION 30. It shall be the duty of the president and associate judges of the several courts of Common Pleas of this Commonwealth, to hold adjourned courts of Common Pleas in their respective counties, in addition to their regular terms, whenever the business of the said courts shall require, so always as not to interfere with their duties, in any of the said counties, at the terms appointed by law.

SECTION 31. The judges of the courts of Common Pleas, in every county wherein a term of two weeks is appointed, as aforesaid, shall have power to order, at any term thereof, that the said court, at the next term, shall continue during one week only thereof, and such order being entered upon record, such succeeding term shall be abridged accordingly.

SECTION 32. The judges of the courts of Common Pleas, in every county, shall also have power to order, at any term

thereof, that the next succeeding term shall be extended during one or more weeks beyond the time hereinbefore allowed for the continuance of such court, but in such manner, always, as shall not interfere with any term of the courts in any other county of the respective districts, and such order being entered upon record, such succeeding term of the court shall be enlarged accordingly.

SECTION 33. The court of Common Pleas in every county wherein a term of two weeks is appointed as aforesaid, shall have power to order, at any term thereof, that the trial of issues in civil causes depending in the respective court shall be commenced during the first week of the next succeeding term, at a day fixed; and such order being entered upon record, the court shall award a venire for jurors, and the trial of such issues shall be commenced accordingly, or as soon thereafter as the other business of the judges of the said court will permit.

SECTION 34. Whenever any term of the court of Common Pleas of any county shall be abridged by order of the judges to one week, also whenever the said judges shall order that the trial of issues in civil causes shall be commenced during the first week as aforesaid, the said judges shall order the sheriff and commissioners of the respective county to annex and return one and the same panel of names to all venires awarded by them for the summoning of the petit or common jurors returnable during that week.

SECTION 35. Whenever any term of the court of Common Pleas shall be enlarged as aforesaid, the said court shall have power to award a venire for jurors returnable on such day of the term so enlarged as the business of the said court shall require.

SECTION 36. The courts of Common Pleas of the several counties shall have power respectively to adjourn the sessions of the court from time to time, as they may think proper, and at such adjourned courts to act upon and decide all matters depending therein, with the same effect as they might or could do at the terms appointed for the holding of such court as aforesaid.

SECTION 37. Special courts of Common Pleas shall be holden in the several counties of this Commonwealth, at the respective places appointed by law for holding courts of Common Pleas, in every of the cases following, to wit:

I. Whenever the president judge of any of the said courts shall be personally interested in the event of any cause depending in any county of his district.

II. Whenever the title under which the parties or either of them claim in any cause depending as aforesaid, shall have been derived from or through such president, or whenever the president shall hold under the same title with either of the parties in the cause.

III. Whenever any near relative of the president judge of any of the said courts shall be a party to any cause depending as aforesaid, or interested in the event thereof.

IV. Whenever the president judge of any of the said courts shall have been concerned as an attorney or counsel for either of the parties in any suit depending as aforesaid, or in any other cause touching the same subject matter, or for any other person under whom the said parties or either of them claim.

SECTION 38. *Provided*, That the parties to any such cause may, in any of the cases aforesaid, agree, in writing to be filed of record, to a trial before such president, or before him and any one or more of his associates, or before the associates.

SECTION 39. Whenever any special court shall be necessary for the trial of any cause or causes depending as aforesaid, it shall be the duty of the president of the court in which such cause shall be depending, to give notice thereof to the prothonotary of such court, who shall forthwith make out a list of all such causes, and transmit the same to the president judge who may reside nearest to the place where any such cause is to be tried: on the receipt of such list it shall be the duty of such president to appoint a time for holding a special court in the county where such cause or causes ought to be tried, and at the time so appointed to hold the said court, with one or more of the associate judges of the county; and courts so holden may be adjourned from time to time until all such causes shall be finally determined: *Provided*, That public notice be given of the time of holding such court during sixty days.

SECTION 40. All proceedings had before any special court of Common Pleas, held as aforesaid, shall be of the same force and effect, to all intents and purposes, as if the same had occurred before the proper president of the district; and shall in like manner be subject to appeal or writ of error in due course of law as in other cases.

SECTION 41. *Provided*, That nothing in this act shall be so construed as to interfere with any special provision, heretofore made by law, respecting Special courts in any of the counties of this Commonwealth.

IV. OF THE COURTS OF QUARTER SESSIONS.

SECTION 42. There shall be holden and kept in every county of this Commonwealth a court of record, the name and style of which shall be "the court of Quarter Sessions of the Peace of the [respective] county."

SECTION 43. The judges of the court of Common Pleas of each county, any two of whom shall be a quorum, shall compose the court of Quarter Sessions of the Peace thereof.

SECTION 44. Every court of Quarter Sessions shall have a seal for the use of the said court, having engraven thereon such words and devices as are inscribed on the seal now in use, in the respective court, and such seal may be renewed under the direction of such court as often as occasion shall require.

SECTION 45. A clerk shall be commissioned for each of the said courts; he shall have the custody of the records and of the

seal of the respective court, and keep the same at the place of holding such court, and in the apartments provided by authority of law for that purpose. He shall faithfully perform under the direction of the court all the duties appertaining to his office.

SECTION 46. The courts of Quarter Sessions of the several counties of the Commonwealth shall be holden four times in every year; they shall commence, unless it be otherwise specially provided, on the several days appointed for the commencement of the courts of Common Pleas of the respective county; and shall continue during the same time, if the business depending in the said courts, respectively, shall require it.

SECTION 47. The judges of the court of Quarter Sessions, for the county of Philadelphia, shall continue the same by adjournment as often and as long as occasion shall require.

SECTION 48. The court of Quarter Sessions for the county of Schuylkill shall commence, and be holden on the last Mondays in March, July, October and December, and shall continue one week if the business depending in the said court shall require it.

SECTION 49. The courts of Quarter Sessions of the several counties of this Commonwealth are respectively authorized and empowered, to continue their session during such time as may be necessary to complete the trial and sentence of any person, whose trials shall have been commenced during the period limited by law for holding the said courts.

SECTION 50. The judges of the courts of Quarter Sessions, or any two of them, may hold special sessions when, and as often as occasion shall require.

SECTION 51. Special or adjourned sessions of the said court may be appointed at a regular term, or by any two of the judges thereof, in vacation and public notice thereof, and of the time of holding the same, shall be given at the discretion of the said judges. But no business within the jurisdiction of the said courts, requiring the intervention of a grand jury or a petit jury, shall be transacted at any such session.

V. OF THE ORPHANS COURT.

SECTION 52. There shall also be holden and kept in every county of this Commonwealth a court of record, the name and style whereof shall be The Orphans' Court of the [respective] county.

SECTION 53. The judges of the court of Common Pleas of each county, any two of whom shall be a quorum, shall compose the Orphans' court thereof.

SECTION 54. *Provided*, That in case of the absence of the president, if any person interested in the business before the court, shall request the same to be continued until the president shall attend, such business shall be continued accordingly.

SECTION 55. Every Orphans' Court shall have a seal for the use of the said court, having engraven thereon such words

and devices as are inscribed on the seal now in use in the respective court, and such seal may be renewed, under the direction of such court, as often as occasion shall require.

SECTION 56. A clerk shall be commissioned for each of the said courts. He shall have the custody of the records, and of the seal of the respective court, and keep the same at the place of holding such court, and in the apartments provided by law for that purpose. He shall faithfully perform, under the direction of the court, all the duties appertaining to his office.

SECTION 57. The Orphans' Court of the city and county of Philadelphia, shall be held during every term of the court of Common Pleas of the said city and county, at such times, and as often as the judges thereof shall think necessary or proper, and the Orphans' Court of every other county of this Commonwealth, shall be held during the first week of each term of the court of Common Pleas of the respective county, and at such other times as the judges thereof shall think necessary or proper.

VI. OF COURTS OF OYER AND TERMINER.

SECTION 58. A court of Oyer and Terminer and general jail delivery shall be holden four times, annually, in every county, at the several times appointed for holding the courts of Quarter Sessions of the respective county, although no special precept shall have been issued for that purpose; and it shall be the duty of the president judge of the court of Common Pleas of such county, with the associate judges thereof, or one of them, unless the judges of the Supreme Court, or some of them, shall be sitting as a court of Oyer and Terminer, in the respective county, to hold such court.

SECTION 59. The president and associate judges of the several courts of Common Pleas, are hereby declared to have full power and authority, also, to hold courts of Oyer and Terminer and general jail delivery, within their respective jurisdictions, from time to time, and at such times as emergencies may require, and as they shall appoint, in pursuance of precepts, by them previously issued for that purpose, in the manner hitherto practised and allowed in this Commonwealth.

SECTION 60. The associate judges of the said court, or either of them, in the absence of the president judge, and the president in the absence of both his associates shall have power to open a court of Oyer and Terminer and general jail delivery, and to adjourn the same to such day as a quorum of the said court can attend, or in case no business shall be made known to such judge or judges, requiring a session of the said court at that time, such judge or judges may adjourn the same without day.

SECTION 61. Whenever the judges of the Supreme Court shall hold a court of Oyer and Terminer and general jail delivery, in any county of this Commonwealth, except the coun-

ties in which a prothonotary of the said Supreme Court may reside, the prothonotary of the court of Common Pleas of the respective county, shall be, by virtue of his office, clerk of the court of Oyer and Terminer, held as aforesaid.

VII. GENERAL PROVISIONS RELATIVE TO THESE COURTS.

SECTION 62. No process, plea, suit, action or proceeding, in any of the courts of this Commonwealth, shall at any time be discontinued or put without day, by reason of the non-attendance of the justices or judges of the said courts.

SECTION 63. In case of the non-attendance of a competent number of judges, to hold any of the courts aforesaid, at the day and place appointed by law for holding the same; also, in case of the subsequent interruption of any court, by the sickness, death or absence of any of the said judges, or by any other cause, any judge shall have power to adjourn the court from day to day, until a quorum be present, or otherwise, as he shall deem expedient.

SECTION 64. In case of the non-attendance of all the judges of any of the courts aforesaid, at the day and the place appointed, it shall be the duty of the prothonotary or clerk of the said court, to adjourn the same, from day to day, till one of the judges thereof shall attend; or, upon the order of either of the said judges, in such case transmitted to him in writing, to adjourn the same to a day by the said judges appointed, or without day. And in case of the inability or absence of such prothonotary or clerk, the service aforesaid shall be performed by the sheriff or coroner of the respective county.

SECTION 65. If at the time appointed for holding any of the courts aforesaid, an infectious or contagious disease should prevail at or near the place of holding the same, the said court shall have power to adjourn, and to hold the term thereof at any other place within the respective county; and in case of the Supreme Court sitting in bank at any other place within the respective district.

SECTION 66. Whenever the court house, or place appointed by law for the holding of any of the courts aforesaid, shall at any time be unsafe, or shall have been destroyed; when a Circuit court or special court of Common Pleas shall be held during a term of the court of Common Pleas of any county, the said courts shall respectively have power to appoint some other convenient place in the neighborhood of such court house, for the holding of the courts at that term.

SECTION 67. Whenever any court shall be adjourned to another day or place, notice thereof shall be given, according to the discretion of the judge or judges of the said court; and all jurors, witnesses, and other persons, bound by recognizances or otherwise to appear at the said court, shall take notice thereof, and appear at the day so assigned to them; and all writs,

process, precepts, recognizances, and other proceedings in the said court, or returnable thereto, shall be as good and effectual, to all intents and purposes, as if such court had been held at the time and place at which it was appointed to be holden.

VIII. OF ATTORNIES.

SECTION 68. The judges of the several courts of record of this Commonwealth shall respectively have power to admit a competent number of persons of an honest disposition, and learned in the law, to practise as attorneys in their respective courts.

SECTION 69. Before any attorney, admitted as aforesaid, shall make any plea at the bar except in his own case, he shall take an oath or affirmation, as follows, viz :

You do swear or affirm that you will support the constitution of the United States and the constitution of this Commonwealth, and that you will behave yourself in the office of attorney within this court, according to the best of your learning and ability, and with all good fidelity, as well to the court as to the client, that you will use no falsehood, nor delay any person's cause for lucre or malice.

SECTION 70. Every such attorney shall have power to commence, prosecute and defend, all actions and suits in which he may be retained or concerned, from time to time, in the manner and with the effect hitherto allowed and practised.

SECTION 71. The attorney for the plaintiff in every action, shall, if required, file his warrant of attorney in the office of the prothonotary or clerk of the court in which such action shall be depending, at the term of the court in which he declares ; and the attorney for the defendant shall, if required, file in like manner his warrant of attorney, at the term of the court in which he appears.

SECTION 72. If any attorney shall neglect or refuse to file his warrant of attorney in the manner required by law, he shall not be allowed a fee in the bill of costs, nor be suffered to speak in the cause until he shall have filed his warrant.

SECTION 73. If any attorney at law shall misbehave himself in his office of attorney, he shall be liable to suspension, removal from office, or to such other penalties as have hitherto been allowed in such cases by the laws of this Commonwealth.

SECTION 74. If any such attorney shall retain money belonging to his client, after demand made by the client for the payment thereof, it shall be the duty of the court to cause the name of such attorney to be stricken from the record of the attorneys, and to prevent him from prosecuting longer in the said court.

SECTION 75. No judge of any court of this Commonwealth shall practice as attorney or counsellor in any court of justice in this Commonwealth or elsewhere, nor shall he hold or exercise the office of alderman or notary public.

Nor shall any alderman or justice of the peace practice as aforesaid, in any case which has been or may be removed from before him by appeal or by a writ of *certiorari*, or act as agent in any such case.

Nor shall any prothonotary or clerk of any court practice as aforesaid, in the court of which he shall be prothonotary or clerk.

Nor shall the register of wills of any county practice as aforesaid, in the Orphans' court of the same county.

IX. OF PROTHONOTARIES AND CLERKS.

SECTION 76. The prothonotaries and clerks of the several courts of this Commonwealth shall, before they enter upon the duties of their offices, respectively, make oath or affirmation to support the constitution of the United States and the constitution of this Commonwealth, and to perform the duties of the respective office with fidelity; they shall also, with one or more sureties, to be approved of by any two of the judges of the court of Common Pleas of the respective county and also by the Governor, give a joint and several bond to the Commonwealth, in such sum as the Governor shall judge sufficient, with condition faithfully to execute the duties of their respective offices, and well and truly to account for and pay according to law all monies which shall be received by them in their official capacity, and to deliver the books, seals, records, writings and papers belonging to their respective offices whole, safe and undamaged to their successors therein.

SECTION 77. The prothonotaries and clerks, aforesaid, shall have and exercise, respectively, in the courts to which they severally belong and with full effect in term time and vacation, the powers and authorities following to wit: They shall have power

I. To sign and affix the seal of the respective court to all writs and process, and also to the exemplifications of all records and process therein.

II. To take bail in civil actions, depending in the respective court.

III. To enter judgments at the instance of plaintiffs, upon the confessions of defendants.

IV. To sign all judgments.

V. To take the acknowledgement of satisfaction of judgments or decrees entered on the record of the respective court.

VI. To administer oaths and affirmations in conducting the business of their respective offices.

X. OF THE CONSTABLES, CRIERS AND TIPSTAVES.

SECTION 78. The judges of the several courts of this Commonwealth shall have power to appoint a crier for the respective court, and so many tipstaves or constables as may be necessary to attend upon the court, and the said officers shall be paid by

the respective county, such sum for each days attendance, as the said judges shall allow.

XI. OF JURIES.

SECTION 79. The juries for the trial of all issues, in fact, which may be taken in any action in any of the courts of this Commonwealth, shall be selected by the sheriff and commissioners, and summoned and returned to the respective court in the manner following, and not otherwise, to wit :

SECTION 80. The commissioners of the several counties of this Commonwealth, except the county of Philadelphia, shall from time to time, and as occasion requires, provide, and at all times keep one wheel for the purpose of containing the names of jurors for the courts of the respective county.

SECTION 81. The commissioners of the counties of Lancaster and Allegheny shall provide and keep, as aforesaid, one other wheel, for the purpose of containing the names of the grand jurors and petit jurors for the mayors courts of the cities of Lancaster and Pittsburg.

SECTION 82. The commissioners of the county of Philadelphia shall provide and keep as aforesaid, one wheel for the purpose of containing the names of grand jurors of the said county, which wheel they shall cause to be marked No. 1.

Also, one other wheel for the purpose of containing the names of petit jurors of the said county, which wheel they shall cause to be marked No. 2.

Also, one other wheel for the purpose of containing the names of special jurors of the said county, which wheel they shall cause to be marked No. 3.

They shall also provide one other wheel for the purpose of containing the names of grand jurors for the Mayors' Court of the city of Philadelphia, and one other wheel for the purpose of containing the names of the petit jurors of the same court.

SECTION 83. Every of the said wheels shall be provided with a sufficient lock and key; the wheel shall remain and be in the custody of the commissioners of the respective county, and the keys thereof in the custody of the sheriff of the same county.

SECTION 84. If the sheriff and commissioners of any county, or any of them, shall neglect or refuse to lock and seal the wheel or wheels aforesaid, of the respective county, or if the commissioners neglect or refuse to take charge of such wheel or wheels, or if the sheriff neglect or refuse to take charge of the key belonging to such wheel or wheels, the sheriff or commissioners so offending, and every of them, shall, on conviction thereof in the Court of Quarter Sessions of the respective county, forfeit and pay a fine not less than one hundred dollars, nor more than one thousand dollars, at the discretion of the court.

SECTION 85. The sheriff, and at least two of the commissioners of every county, shall, at least thirty days previously to the first term in every year of the Court of Common Pleas of the respective county, meet, and thereupon proceed with due diligence to select, at the seat of justice thereof, from the taxable citizens of the county, a sufficient number of sober, intelligent and judicious persons, to serve as jurors in the several courts of such county in which juries shall be required to be holden therein during that year.

SECTION 86. The sheriff, and at least two of the commissioners as aforesaid of the counties of Philadelphia, Lancaster and Allegheny, shall respectively, at the time and place of selecting jurors as aforesaid, also select from the taxable citizens residing within the limits of the cities of Philadelphia, Lancaster and Pittsburg, respectively, a sufficient number of sober, judicious, and intelligent persons, to serve as jurors in the Mayor's Courts to be holden in the said cities during that year.

SECTION 87. But before the sheriff and commissioners shall make any selection of jurors in any year as aforesaid, they shall severally take an oath or affirmation, before some person having authority to administer oaths in the following form :

You, and each of you do [swear or affirm] that you will use your utmost endeavors and diligence in making an impartial selection of competent persons for jurors during the ensuing year, and that you will not suffer partiality, favorit, affection, hatred, malice or ill will in any case or respect whatever, to influence you in the selecting, drawing or returning of jurors ; but, that you will, in all respects, honestly conform to the true intent and meaning of the acts of Assembly, in such case made and provided.

SECTION 88. The sheriff and commissioners aforesaid shall provide a sufficient number of small slips or pieces of paper, upon each of which, they shall write or cause to be written the name, surname and addition or occupation, and place of abode of one of the persons selected, they shall roll up or fold the said slips, so that the names shall not appear, without unfolding thereof, and thereupon they shall deposit the names of the persons so selected, in the appropriate wheel, as aforesaid.

SECTION 89. *Provided,* That the sheriffs and commissioners of the several counties shall, in every year, select such a number of persons, and deposit their names in the proper wheel as aforesaid, that at the end of the year there shall remain in each wheel, as near as may be, the number of names requisite to compose the panels of jurors for one court at the least, and not any greater number.

SECTION 90. As soon as the selection of jurors and the depositing of their names in the wheel as aforesaid shall be completed, the sheriff shall cause the same to be locked and secured by sealing wax, and thereon the said sheriff and commissioners shall impress distinctly their respective seals.

SECTION 91. The sheriff, in the absence of the commissioners of the respective county, or of at least two of them, and the commissioners, in the absence of the sheriff of the county, shall not at any time open any of the wheels aforesaid, nor shall the sheriff and commissioners open any such wheel, except for the purpose of depositing therein the names of persons to be jurors, in pursuance of law, or an order of court, or of drawing a panel or panels of jurors therefrom, in compliance with a precept directed to them for that purpose. And if any sheriff or commissioner shall offend herein, he shall forfeit, for the use of the respective county, a sum not exceeding five hundred dollars, at the discretion of the court having jurisdiction of the offence.

SECTION 92. If at any time the names in any of the wheels aforesaid, shall be exhausted before the end of the current year, it shall be the duty of the sheriff and commissioners aforesaid, upon the order of the court of Common Pleas or two of the judges thereof, to make a new selection of persons and deposit their names in the proper wheel for the remainder of such year: *Provided*, That in the counties wherein more than one wheel is provided, the judges of the court in which such jurors shall be required shall make the order aforesaid.

SECTION 93. When the array of jurors returned at any court, shall be quashed by reason of any fault or irregularity in the selection of persons or depositing their names in the wheel as aforesaid, the sheriff and commissioners of the respective county shall, upon the order of such court, forthwith take out of the wheel, from which such jurors were drawn, all the names therein deposited, and make a new selection of persons, and deposit their names in the wheel for the remainder of the current year, in the manner aforesaid.

SECTION 94. If at any time any such wheel as aforesaid shall be broken open or destroyed, so that no jury can be drawn from it, a new selection of persons shall be made, and their names deposited in such wheel, or in a new wheel to be prepared for that purpose, for the remainder of the current year, thirty days before the court at which such jurors shall be summoned to serve, if so many days shall intervene.

SECTION 95. If by any accident, mistake or neglect of the sheriff or commissioners of any county, or either of them, the wheels aforesaid, or any of them, shall be opened, unlocked, or unsealed, except in the presence of such sheriff or commissioners, it shall be the duty of the court, upon sustaining a challenge to the array for any such cause, to direct the sheriff and commissioners, forthwith to take out of the wheel the names therein deposited, and to make a new selection of persons, and deposit their names in such wheel for the remainder of the current year, in the manner aforesaid.

SECTION 96. The prothonotaries and clerks of the several courts of Common Pleas, District Courts or Nisi Prius of

this Commonwealth shall, as soon as conveniently may be after the list of the causes at issue and for trial at any term of the respective court shall have been settled, and at least thirty days before the beginning thereof, make out and forthwith deliver to the sheriff of the respective county a writ, commanding the said sheriff and the commissioners of the said county to empanel, and the said sheriff to summon a jury, or a jury of special jurors, as the case may be, for the trial of all such issues.

SECTION 97. Every writ of venire, for the trial of issues in fact, shall be awarded of the body of the county wherein such issues shall be triable, and shall be made according to the form following.

SECTION 98.

County, ss.

The Commonwealth of Penn-

sylvania,

to the sheriff and commissioners of said county.

Greeting :

We command you, and every of you, that in your proper persons you draw from the wheel (or from the proper wheel if there be several,) containing the names of the persons selected, according to law to be jurors, (or special jurors as the case may be,) in the courts of the said county, the names of persons to be jurors in our court to be holden at in and for said county, the day of at o'clock, in the noon of that day : *And further,* That you the said sheriff do summon the persons whose names shall be so drawn, and every of them, to come before our said court at the same time and place, to make up the juries requisite for the trial of all issues in the pleas depending and for trial by a jury in our said court ; and that you the said sheriff have then there this writ, and the names of the persons so summoned, with their additions respectively in a panel hereto annexed, and otherwise make return at the day and place aforesaid how you shall have executed this writ. Witness (J. B.) &c. at &c.

SECTION 99. The number of persons who shall be summoned and returned as aforesaid, to serve as special jurors in the court of Common Pleas or District Court of the county of Philadelphia, or in the Supreme Court at bar or at Nisi Prius, shall be forty-eight ; and the number of general or common jurors in the same courts, shall be not less than forty-eight nor more than sixty ; and in the courts of Common Pleas and District Courts of any other county, not less than thirty-six nor more than sixty.

SECTION 100. The Supreme Court shall award process as aforesaid, for the trial of all issues in fact in all pleas, civil or criminal, depending in the said court, returnable during the sitting of the said court at Nisi Prius, at such times as they shall see fit.

SECTION 101. The *venires* issuing as aforesaid from the District Court, court of Common Pleas or Quarter Sessions of the county of Philadelphia, shall be made returnable into the same, at such particular day of the term as the said court shall direct and appoint.

SECTION 102. The District Court of the city and county of Philadelphia, may direct that one or more panels of general or common jurors, and also one or more panels of special jurors, be selected, summoned and returned as aforesaid, for any one term of the said court.

SECTION 103. The District Court for the city and county of Lancaster may direct that a *venire* issue for the summoning and returning a jury for the trial of causes in the said court, for each and every week during the time it may be necessary to continue the terms thereof; and the Monday in each week of the said terms respectively, shall be return day, so far as respects the return of such process.

SECTION 104. The *venires* issuing as aforesaid, in any county wherein the term of the court of Common Pleas is to continue two weeks, shall be made returnable on the first day of the second week of the term, unless otherwise specially ordered by the court.

SECTION 105. The judges of the several courts of Common Pleas shall have power to order, at any term of the court, that no writ of *venire* shall be awarded as aforesaid for the next succeeding term of the said court, if in their opinion the criminal business which will be depending before them as justices of the court of Quarter Sessions, or as judges of Oyer and Terminer, during such succeeding term, will interfere with and prevent the holding trials of issues in the court of Common Pleas.

SECTION 106. Whenever a court for the trial of issues depending in the court of Common Pleas of the county of Philadelphia, shall be appointed to be holden by the president or the legal associate judge of the said court, a separate writ of *venire* shall be awarded as aforesaid, returnable before such judge, at such particular day as the court shall appoint.

SECTION 107. Whenever an adjourned or special Court of Common Pleas shall be directed in any county, the judges of the said court, or any two of them, may direct a *venire* to issue for a jury, thirty days before the time of the holding thereof, returnable at the said court, notwithstanding a regular term or return day may intervene between the issuing and return of such writ.

SECTION 108. The clerks of the several courts of Oyer and Terminer, Quarter Sessions, and Mayors' Courts of this Commonwealth, shall, upon the order or precept of the said court, or of two of the judges thereof, in vacation, issue, according to the direction of such order, to the sheriff and commissioners of the proper county, a writ or writs, commanding the said sheriff and

commissioners to empanel, and the said sheriff to summon a grand jury or petit jury, or both, to inquire of or try all causes and matters which may be depending in the said court, and given to them in charge at the term thereof, to be holden next after the date of the said precept.

SECTION 109. The writ of venire for a grand jury in any of the said courts, shall be made according to the following form, to wit :

County, ss.

The Commonwealth of Pennsylvania, to the sheriff and commissioners of the said county, Greeting :

We command you and every of you, that in your proper person you draw from the wheel, (or from the proper wheel if there be several) containing the names of the persons selected for jurors according to law, the names of twenty-four persons to be grand jurors in our court (describing the court) to be holden at in and for the said county, on the day of at o'clock in the noon of that day : *And further*, That you, the said sheriff, do summon the persons whose names shall be so drawn, and every of them, to come before our said court at the said time and place, to inquire of and perform all those things, which, on our part shall be enjoined upon them ; and that you, the said sheriff, have then and there this writ, and the names and surnames of the persons so summoned, with their additions respectively, in a panel hereto annexed, and otherwise make return at the day and place aforesaid, how you shall have executed this writ. Witness (J. B.) at &c.

SECTION 110. It shall be lawful for the judges of the Court of Quarter Sessions, to award one writ in the form aforesaid for the summoning and returning a grand jury in the said court, and in a court of Oyer and Terminer to be holden by them at the same time, and if distinct writs of venire shall in such case be awarded, it shall be the duty of the said judges to order the sheriff and commissioners of the respective county to annex and return one and the same panel to each of the said writs.

SECTION 111. The writ of venire for a petit jury in any of the said criminal courts, shall be made according to the following form, to wit :

County, ss.

The Commonwealth of Pennsylvania, to the sheriff and commissioners of said county, Greeting :

We command you and every of you, that in your proper persons you draw from the wheel (or the proper wheel if there be several) containing the names of the persons selected, according to law, to be jurors in the courts of the said county, (or in the court of the city of as the case may be) the names of persons to be jurors in our court to be holden at in and for said county

(or city) the day of at o'clock, in the noon of that day: *And further*, That you, the said sheriff, do summon the persons whose names shall be so drawn, and every of them, to come before our said court at the same time and place, to make up the juries requisite for the trial of all issues which may be then there depending for trial in our said court, and that you, the said sheriff, have then there this writ, and the names and surnames of the persons so summoned, with their additions respectively, in a panel hereto annexed, and otherwise make return at the day and place aforesaid, how you shall have executed this writ. Witness (J. B.) &c. at &c.

SECTION 112. It shall be lawful for the judges of the court of Quarter Sessions to award and issue one *venire* in the form aforesaid for the summoning and returning of petit jurors in the said court, and in a court of Oyer and Terminer and general jail delivery, to be holden by them at the same time, and if distinct writs of *venire* shall in such case be awarded, it shall be the duty of the said judges, to order the sheriff and commissioners, of the respective county, to annex and return one and the same panel of jurors to each of the said writs.

SECTION 113. The number of persons who shall be summoned and returned as aforesaid to serve as petit jurors, in any court of Oyer and Terminer, shall not be less than forty-eight nor more than eighty, and in any other court of criminal jurisdiction, not less than twenty-four nor more than sixty.

SECTION 114. *Provided*, That the justices of any county court of Oyer and Terminer may award a *venire* for such number of jurors only as may be required in the court of Quarter Sessions of the respective county, subject to be enlarged by an order of any two justices of the said court to the sheriff and commissioners of such county at any time before the return day thereof if emergencies shall require it.

SECTION 115. The *venires* issuing as aforesaid from any court of Quarter Sessions of the peace of any county shall be made returnable into the same on the first day of the said court.

SECTION 116. In all cases where the number of jurors to be returned to any court shall not be precisely fixed by law, it shall be the duty of the respective court by a standing order or by orders made from time to time to direct the number of jurors which shall be returned at each successive term of such court, subject nevertheless to be enlarged as aforesaid by order of the judges of the same court, or of any two of them in vacation if emergencies shall require it.

SECTION 117. *Provided*, That nothing in this act shall be construed to repeal or interfere with any special provisions heretofore made by law respecting juries to be drawn, summoned and returned to serve at any court of any city or county of this Commonwealth.

SECTION 118. Whenever any writ of *venire* shall be delivered to any sheriff, he shall give immediate notice thereof to

the commissioners of the respective county, and the said sheriff and at least two of the commissioners shall without delay draw from the proper wheel, after having turned the same sufficiently to intermix the papers deposited therein, the names of so many persons to be jurors as shall be required by such writ.

SECTION 119. If any of the persons whose names shall be drawn as aforesaid, shall have removed from the county or shall be dead or absent, the said sheriff and commissioners shall destroy the slips containing the names of persons so removed or dead, and proceed to draw other names until the several panels shall be completed, and thereupon they shall lock and seal up in the manner aforesaid the said wheel.

SECTION 120. Whenever writs of *venire* for a grand jury and petit jury in the court of Quarter Sessions, and also, a writ of *venire* from the court of Common Pleas in any county, except the county of Philadelphia, shall be in the hands of the sheriff and commissioners at the same time for execution, the required number of names first drawn shall be annexed in a panel to the *venire* for a grand jury, and the required number of names next drawn shall be annexed in a panel to the *venire* for a petit jury in the court of Quarter Sessions, and thereupon the said sheriff and commissioners shall proceed to draw and annex the panel required, to be returned into the court of Common Pleas.

SECTION 121. In every county wherein the terms of the courts of Common Pleas and Quarter Sessions of the peace are limited, by law, to one and the same week, the sheriff and commissioners of such county shall annex and return one and the same panel of names to the *venires* issuing as aforesaid, for the summoning and returning of petit and general jurors in the said courts.

SECTION 122. If thirty days shall not intervene between the time of depositing the names of jurors in the wheel or wheels as aforesaid, and the next court in any county, the jurors shall be drawn, as aforesaid, for such court from the names deposited in the wheel for the preceding year.

SECTION 123. The commissioners of the several counties, respectively, shall make out, in alphabetical order, two lists of the names of the persons so drawn, to serve as grand, petit or special jurors, and one of the said lists they shall deliver to the sheriff of the respective county, and the other to the prothonotary or clerk of the proper court, to be set up by them in their respective offices for the inspection of all persons concerned.

SECTION 124. Whenever a view shall be allowed in any cause, and a jury shall be struck from the list of persons drawn as aforesaid, it shall be the duty of the prothonotary or clerk to issue, upon the precept of either party, a special writ of *venire*, containing the names of such jury. And he shall add thereto a clause, commanding the said sheriff to cause the said jurors, or six of the first twelve of them, to view the place to

which the controversy between the said parties may relate, at some convenient time before the trial, according to the manner hitherto practised and allowed in such cases in this commonwealth.

SECTION 125. It shall be the duty of the sheriff to summon, at least ten days before the return day of the venire, the persons whose attendance shall be thereby required, by delivering to each of the said persons a separate ticket, in the customary form, specifying the duty enjoined, or by leaving such ticket at their usual places of abode, respectively.

SECTION 126. It shall not be lawful for the sheriff and commissioners, of any county, to return or put into the wheels aforesaid, or any of them, the name of any person privileged or exempted from serving upon juries, as aforesaid.

SECTION 127. The sheriff of each county shall enter, in alphabetical order, in a book to be kept by him for that purpose, the surnames of all persons, together with their Christian names and additions, who shall be summoned by him or by any officer or other person legally authorized for the purpose, and who shall duly attend and serve upon any jury in any of the said courts, and also the times of their services, respectively, and said book shall be delivered by him to his successor in office.

SECTION 128. The prothonotaries and clerks of the several courts aforesaid, shall respectively certify to the sheriff and commissioners of the respective county, at the end of each term or session of the respective courts, the names of the jurors who shall have appeared and served at such court, also the names of those who shall have made default or were excused from serving as jurors at that term, and also the names of those who were privileged or exempted from serving on juries.

SECTION 129. Every person who shall be summoned, or who shall serve upon a jury as aforesaid, shall be entitled to demand and receive from the sheriff, without fee or reward, a certificate, testifying his attendance and service, and the time thereof, as aforesaid.

SECTION 130. The prothonotaries and clerks of the several courts of the Commonwealth shall, without fee or reward, certify to the commissioners of the respective county, the number of days each person shall have served or attended as aforesaid, either as grand, petit, or general juror at the respective court.

SECTION 131. The several duties hereby enjoined upon the sheriffs of the several counties, relative to the selecting, summoning and returning of jurors as aforesaid, shall in case of the death, resignation, removal from office, inability or incompetency of any sheriff to act, be performed by the coroner of the respective county, and the coroner, performing such duties, shall be subject to all and singular the provisions herein enacted in relation to the sheriffs; and in case of the death, resignation, removal from office, inability or incompetency of the sheriff and coroner to act, by a disinterested person, to be ap-

pointed for that purpose by the court, or by two of the judges of the court of Common Pleas of the respective county.

SECTION 132. Whenever the sheriff of any county shall be incompetent to perform, in any case which may be depending and for trial by jury, as aforesaid, the duties hereby enjoined, the coroner of such county, being otherwise competent, shall have power, concurrently with the commissioners thereof, to execute the writ of venire for the grand jury in manner aforesaid.

SECTION 133. If at any time it shall happen by the death, sickness, resignation, or removal from office of two of the commissioners, or by the death, sickness, resignation, or removal from office of the sheriff and coroner, that no selection of jurors can be made, or that a panel of jurors cannot be drawn, summoned and returned as aforesaid, it shall be lawful for the judges of the court of Common Pleas of the respective county, or of two of them, to appoint a person or the requisite number of persons to act in the place of such commissioners or sheriff; and the person or persons so appointed, shall, after being sworn or affirmed, in the manner herein before required in the case of the sheriff and commissioners, be competent to all intents and purposes to perform for that time the duties of the place to which he shall be so appointed.

SECTION 134. Every person selected and summoned as aforesaid, who shall, after being called three times in open court, fail to appear at the time and place appointed, shall, upon due proof of lawful summons, forfeit and pay for every such default to the respective county, to be appropriated towards a fund for defraying the expenses of jurors, a sum not exceeding thirty dollars, at the discretion of the court at which his attendance shall be required: *Provided*, That the said court shall remit any fine which may be so imposed by them, at the same or the next succeeding term thereof, if reasonable cause for the absence of such person shall be shown.

SECTION 135. The name of every person selected, drawn, summoned and making default as aforesaid, also the name of every person who shall be excused from serving, shall be returned by the sheriff and commissioners to the wheel from which it was taken, at the time of the next drawing from the said wheel for any of the courts of such county: *Provided*, Such person is resident within the respective county, and competent and liable to perform the duties of a juror.

SECTION 136. It shall not be lawful to return to the wheel or to any of them, (if there be several,) the name of any person who may have served as a juror during the year in which such service shall be rendered, nor shall it be lawful to put the name of the same person during the same year into two or more different wheels containing the names of jurors for the courts of the respective county; and every sheriff and every commissioner who shall intentionally offend herein, or shall

consent thereto, shall forfeit and pay to the respective county, for the use of the fund aforesaid, a sum not less than ten dollars nor more than thirty dollars, at the discretion of the court of Quarter Sessions of the peace for the respective county.

SECTION 137. Every person who shall serve or attend as a juror in any court, shall be entitled to receive from the treasurer of the county, upon a warrant drawn by the commissioners thereof, one dollar for each day's service or attendance as aforesaid.

SECTION 138. Every person who shall be summoned and who shall serve as a juror in any court of this Commonwealth, shall be entitled to six and a quarter cents for each mile he shall travel, going to and returning from the same, to be paid out of the county treasury in the usual manner.

SECTION 139. On the return of any venire issued as aforesaid, the prothonotary or clerk of the respective court shall cause the names of the jurors, empannelled and summoned as aforesaid, to be written separately, on distinct slips or pieces of paper, as nearly alike in size and appearance as may be: he shall, by direction and under notice of the judge presiding, roll or fold up the said slips separately, and as nearly in the same manner as may be, and put them in a box, to be provided by him for that purpose.

SECTION 140. When any cause shall be ready for trial, some disinterested person shall, by direction of the court, in open court draw from the said box, after having well mixed the papers deposited therein as aforesaid, twelve of the said papers, one after another; and if any of the jurors whose names shall be so drawn shall not appear, or shall be challenged and set aside, such person shall proceed to draw as aforesaid a further number of the said papers, until twelve jurors shall appear and be approved, and the said jurors, having been sworn or affirmed as the law directs, shall be the jury to try such cause.

SECTION 141. The oath or affirmation to be administered to jurors empannelled in any cause as aforesaid, shall be in the following form, to wit:

You, and each of you do [swear or affirm,] that you will well and truly try the issue joined between C D plaintiff and E F defendant, and a true verdict give according to the evidence, unless dismissed by the court or the cause be withdrawn by the parties. So &c.

SECTION 142. The names of the jurors drawn and sworn or affirmed, in any cause as aforesaid, shall be written on a panel, and the slips or papers which bear those names shall be kept apart by themselves in some other box, to be provided as aforesaid and kept for that purpose, until such jury shall give in their verdict and the same be recorded, or until the said jury shall by consent of the parties or by the order of the court be discharged from the cause, and thereupon the names of the said jurors shall be again rolled up as aforesaid, and returned to the

box first above mentioned and mingled with the names of the jurors remaining at that time undrawn, and the like proceedings in all respects shall be had so often as any cause shall be called on for trial during the holding of the court.

SECTION 143. If a second or any subsequent cause shall be called for trial, before the jury charged as aforesaid with the first or any former cause shall have given in their verdict or shall be otherwise discharged, it shall be lawful for the court to proceed as aforesaid to empanel a jury in such second or subsequent cause of the jurors remaining for the trial thereof, and so in like manner as long as any of the jurors aforesaid shall remain.

SECTION 144. If a sufficient number of the persons summoned and returned, as aforesaid, shall not appear as required, or if by reason of challenges or otherwise there shall not be a sufficient number of jurors present, competent for the trial of any cause which shall be called for trial, the sheriff or coroner, or if the case require it two citizens to be appointed by the court for that purpose, shall upon the order of the court immediately summon and return from the bystanders or from the county at large so many qualified and competent persons as shall be necessary to fill up the jury for the trial of such cause.

SECTION 145. If any person summoned and returned from the bystanders or from the county at large, as aforesaid, shall refuse or neglect without reasonable excuse to attend and serve, as aforesaid, at such court, he shall be liable to the penalties provided in the case of other jurors summoned and making default of appearance; and such penalty shall be levied and collected in like manner and paid for the same use.

SECTION 146. Whenever a challenge to the array of jurors, summoned and returned as aforesaid, shall be made by either party to a cause and sustained by the court, so that there shall be no jury present, legally qualified, to try the same, the court shall have power at the instance of either party to award a *venire*, returnable forthwith for the trial thereof.

SECTION 147. Every *venire* awarded, as aforesaid, shall be directed to the sheriff or coroner of the respective county, or if the case require it to two elisors, it shall require him or them to summon and return, forthwith, twenty-four good and lawful men to be jurors in such cause, and upon the return thereof with a panel of jurors annexed, the trial shall proceed in like manner and with like effect, as if the jurors had been selected and summoned as aforesaid.

SECTION 148. The courts aforesaid, having jurisdiction of any criminal cause, shall respectively have the like power, whenever a challenge to the array shall be made by the defendant and sustained by such court, so that no jury shall be present, legally qualified as aforesaid to try such cause: *Provided*, That in case such defendant shall be allowed by law to make twenty peremptory challenges the number of jurors returnable upon such writ shall be thirty-six.

SECTION 149. No alien shall, in any civil or criminal case whatever, be entitled to a jury *de medietate lingue*, or partly of strangers.

SECTION 150. In all civil suits, each party shall be allowed to challenge two jurors peremptorily, and in all criminal prosecutions; wherein peremptory challenges have not been heretofore permitted by law, the defendant or defendants shall be allowed to challenge four jurors peremptorily.

SECTION 151. No person shall be deemed incompetent to serve as a juror, in any suit or prosecution upon any official bond or forfeited recognizance, or upon any penal act of assembly, by reason of his being subject to any tax which would be diminished by the recovery which may be had in such case.

SECTION 152. Every person who shall be arraigned for treason, may challenge, peremptorily, thirty-five of the panel, but not more.

SECTION 153. Every person who shall be arraigned for murder, or any other felony, whereof the courts of Oyer and Terminer and general gaol delivery have exclusive jurisdiction, shall be admitted to challenge, peremptorily, twenty of the panel, but not more.

SECTION 154. In cases of felony, the Commonwealth shall not challenge any juror without cause, nor shall the Commonwealth, in any criminal proceeding, have a right to challenge, peremptorily, a greater number of jurors than the defendant or defendants in such case.

SECTION 155. All challenges in criminal proceedings shall be conducted as follows, to wit:

The Commonwealth shall challenge one person and then the defendant shall challenge one person, and so alternately, until all the challenges shall be made, but if the commonwealth shall refuse to make any challenge, the defendants shall nevertheless have their right to challenge the full number allowed to them by law.

SECTION 156. Whenever a challenge of a juror, for a cause assigned, shall be made, in any criminal proceeding, the truth of such cause shall be inquired of in the manner practised by the courts in civil cases.

SECTION 157. When a rule shall be entered in a civil action depending in any court, for striking a special jury, the parties in any such action shall strike the same in the office of the prothonotary, or clerk of the respective court, from the list of jurors which shall have been drawn from the proper wheel, as aforesaid, for the ensuing court.

SECTION 158. When a view shall be allowed in any cause, six of the first twelve of the jurors named in the panel, or more of them, shall be taken by the sheriff, or other officer, to the place in question, and they shall have view thereof.

SECTION 159. At the calling of the jury to try any cause in which a view shall have been had, those of the viewers who

shall appear shall first be sworn or affirmed, and so many jurors only shall be drawn as aforesaid, and added to the said viewers, as shall, after default and challenges allowed, make up the number twelve, to be sworn or affirmed for the trial of such cause.

SECTION 160. Every juror, empannelled in any cause, who shall know any thing relative to the matter in controversy in such cause, shall disclose the same in open court, before the jury shall retire to consider of their verdict.

SECTION 161. If any juror, drawn or summoned, shall, in any cause, directly or indirectly, take any thing to give a verdict, or shall take or receive, as aforesaid, any gift or gratuity, whatever, from either party to such cause, such juror shall forfeit and pay ten times the value of the thing so taken, one half to the commonwealth and the other half to the person that will sue for the same, and shall also be liable to prosecution by indictment, as for a misdemeanor: *Provided*, That nothing in this section shall debar the party aggrieved, of his action to recover the damages he shall sustain, in all cases where the penalty aforesaid shall be recovered at the suit of any other person.

SECTION 162. Every person who shall procure any such juror to take, gain or profit in the manner or for the purpose aforesaid, shall be deemed guilty of embracery, and shall be subject to the same pains and penalties, to be adjudged or recovered by indictment or action as aforesaid, and the party aggrieved shall also be entitled to recover against him the damages sustained thereby, in manner provided in the case of jurors.

SECTION 163. The Circuit Courts now existing, from and after the second Monday in May, shall be abolished, and all suits and proceedings pending in them, with all the papers and documents connected therewith, shall be restored to the courts from which they were removed, in the situation in which they now are in the said Circuit Courts.

SECTION 164. When the Supreme Court shall sit at Harrisburg, it shall be held in the north-east committee room of the State house or capitol, which shall be fitted up and furnished in a suitable manner for that purpose, the expense to be paid by the county of Dauphin; and the said court shall have the use of the law library of the State during their sessions at Harrisburg: *Provided*, That the prothonotary of said court shall, before he enters on the duties of his office, give bond, with sufficient security, to be approved by the Governor, conditioned for the return of such law books to the State library.

SECTION 165. So much of the act entitled "An act erecting a Middle district of the Supreme Court and for other purposes," passed the tenth day of April, one thousand eight hundred and seven, as is by this act altered and supplied, also so much of the act entitled "A further supplement to an act to alter the judiciary system of this Commonwealth," passed the eleventh day of March, one thousand eight hundred and nine, as relates to the district called therein the "Lancaster district,"

and to the district called therein the "Southern district," shall, from and after the second Monday of May next, be repealed : all writs of error which have been or shall be issued returnable to the next term of the Lancaster district, or of the southern district, or of the Middle district, as heretofore subsisting, issued to any of the counties which by this act are attached to the Middle district, as hereby created, shall be considered returnable and shall be returned to the said last mentioned Middle district, on the second Monday in May next, and shall there be duly proceeded in ; and all writs of error, returnable to the next term of the Western district, shall be returned to the first, second, third and fourth Mondays of September, instead of the corresponding days of October.

SECTION 166. All and singular the records, papers and documents, of the Supreme Court for the Lancaster district and Southern district, remaining in the offices of the prothonotaries of the said courts, at Lancaster and Chambersburg ; also, all and singular the records, papers and documents of the Supreme Court for the Middle district heretofore established, connected with any cause removed thereto, from any court in the counties Clearfield, Centre, Mifflin, Juniata or Huntingdon, and remaining therein, shall be removed to and deposited in the office of the prothonotary of the Supreme Court in the Middle district established by this act, and the expense of removing the same being allowed by the Auditor General, shall be paid out of the treasury of this Commonwealth.

SECTION 167. All and singular the records, books, papers and documents of the Supreme Court for the Middle district heretofore established, excepting the records, papers and documents required to be removed therefrom as aforesaid, shall remain as if this act had not been passed, and from henceforth they shall be deemed to be and remain in the office of the prothonotary of the Northern district, established by this act for all intents and purposes.

SECTION 168. All causes and proceedings now depending and undetermined in the Supreme Court for the Lancaster district and Southern district ; also, all causes and proceedings now depending and undetermined in the Supreme Court for the Middle district, heretofore established, which shall have been removed or brought into the same from the counties Clearfield, Centre, Mifflin, Juniata or Huntingdon, shall be deemed to be depending before the said court in the Middle district established by this act, and shall be proceeded in by the said court in like manner, and with like effect, to all intents and purposes, as they might have been proceeded in by the said court at the places where they now are respectively depending, if this act had not been passed.

SECTION 169. The prothonotary of the Supreme Court for the Middle district established by this act, shall collect and receive all fees which may have accrued in any cause or pro-

ceeding which, by virtue of this act, shall be removed to the said district, and he shall account for and pay the same, when received, to the persons respectively entitled thereto.

WM. PATTERSON,

Speaker of the House of Representatives.

JACOB KERN,

Speaker of the Senate.

APPROVED—The fourteenth day of April, one thousand eight hundred and thirty-four.

GEO: WOLF.

No. 165.

AN ACT

To authorize the Governor to incorporate a company for making a turnpike road from the borough of Pottsville, in Schuylkill county, to Mauch Chunk, in Northampton county.

SECTION 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 Thomas S. Ridgway, Martin Weaver Lawton, George Reber, John Franklin, James M. Porter, Benjamin Needham, Jacob Hertz and Isaac T. Dodson, are hereby appointed commissioners, to do and perform the several things hereinafter mentioned, that is to say, they shall, on or before the first day of September next, procure two books and in each of them enter as follows: "We whose names are hereunto subscribed, do promise to pay to the president and managers of the Pottsville and Mauch Chunk turnpike road company, the sum of twenty-five dollars for every share of stock in said company set opposite to our respective names, in such manner and proportions and at such times as shall be determined by the president and managers of said company, in pursuance of an act of the General Assembly of this Commonwealth, entitled "An act to authorize the Governor to incorporate a company for making a turnpike road from the borough of Pottsville, in Schuylkill county, to Mauch Chunk in Northampton county, and for other purposes, witness our hands, the day of _____ in the year of our Lord, one thousand eight hundred and _____ and thereupon shall give notice, in two or more of the public papers, printed in the counties of Schuylkill and Northampton, for twenty days, at least, of the time and places when and where the said book shall be opened to receive subscriptions for the stock of the said

Commiss'rs.

Form of subscription.

Shares \$25 each.

Duties of commiss'rs.