

shares, or any part thereof, shall be bound in the same manner, and shall be entitled to all the privileges and immunities granted by the act aforesaid, to the original subscribers.

NER MIDDLESWARTH,
Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,
Speaker of the Senate.

APPROVED—The eleventh day of March, Anno Domini,
one thousand eight hundred and thirty-six.

JOS: RITNER.



No. 34.

A Supplement

To the act entitled, "An act to establish the District court for the city and county of Philadelphia, passed the twenty-eighth day of March, one thousand eight hundred and thirty-five.

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 in all actions which have been, or shall be brought in the said court, upon any record remaining therein, it shall not be deemed or held to have been, or to be necessary for the plaintiff to file in the office of the prothonotary of the said court, a copy of such record, to entitle him to enter judgment under the second section of the act to which this is a supplement; *Provided,* He shall have complied with the other requisitions of the said act.

No copy of
record to
be filed:

SECTION 2. The said court shall have power to award writs of *venire* for the summoning of jurors at any time, not less than thirty days before the day appointed for the return of such writs, notwithstanding the term during which the said writs shall be returnable, shall have commenced at the time of the issuing thereof.

Writs of *venire*.

SECTION 3. Each of the judges of the said court sitting alone, is hereby declared to have power under existing laws to render judgments by default, under the second section of the said act, and also, to render judgment by default in actions of partition.

Judgments
by default.

SECTION 4. The defendant in any action which shall be brought in the said court for the recovery of money, or of any goods or chattels, or the value thereof in damages, which shall have come lawfully to his hands or possession, may, at any time after declaration filed and before plea pleaded by a suggestion to be filed of record, disclaim all interest in the subject matter of such action, and offer to bring the same into court, or to pay or dispose thereof as the court shall order, and if he shall also alledge under oath or affirmation, that the right thereto is claimed by, or supposed to belong to some person not party to the action, (naming him or them,) who has sued or is expected to sue for the same, or shall shew some probable matter to the court to believe that such suggestion is true, the said court may, thereupon, order the plaintiff to interplead with such third person, and make such rules and orders in the cause, and issue such process for the purpose of making such third person party to the action, and for carrying such proceeding to interplead into full and complete effect, and may render such judgment or judgments thereon, as shall be agreeable to the rules and practices of the law in like cases.

How third persons may be made parties, and judgments rendered.

SECTION 5. If the process issued upon an order to interplead, as aforesaid, shall not be actually served, or personal notice thereof shall not be given to such third person, the said court shall have power, upon giving judgment for the plaintiff, to require him to enter into a recognizance, and if they shall think it necessary, with sufficient surety, to interplead with such third person, if afterwards, and before the expiration of the time which would be allowed to him to prosecute his claim against the defendant, such third person should appear in the said court, and claim such money or such goods or chattels, or the value thereof.

Recognizance to be entered into.

SECTION 6. The said court sitting in bank, shall have power from time to time, by general rules and orders, to make such alterations and regulations in respect to the time and manner of pleading, and the form and effect of pleadings, and the verifications and amendment thereof, and to variances occurring between the cause or causes of action alleged, and the evidence offered in support thereof, in suits brought in the said court, and such rules for carrying the same into effect, either by way of staying proceedings in the action, or by the payment of costs, or otherwise, as shall be conducive to fairness, economy and despatch in the trial of such actions; *Provided*, That nothing herein contained, shall be so construed as in any way to impair or effect the provisions of the fifth section of the act passed March twenty-first, eighteen hundred and six, entitled An act to regulate arbitrations and proceedings in courts of justice.

Power of the court in bank

SECTION 7. Whenever the defendant, upon the trial of a cause in the said court, shall offer no evidence, it shall be lawful for the judge presiding at the trial, to order a judgment of nonsuit to be entered, if, in his opinion, the plaintiff shall have given no such evidence as in law is sufficient to maintain the action, with leave, nevertheless, to move the court in bank to set aside such judgment of nonsuit; and in case the said court in bank shall refuse to set aside the nonsuit, the plaintiff may remove the record by a writ of error, into the Supreme court for revision and reversal, in like manner and with like effect as he might remove a judgment rendered against him upon a demurrer to evidence.

Costs & fees. **SECTION 8.** The same costs and fees which by law may now be demanded by sheriffs, jurors and witnesses, in the court of Common Pleas of the city and county of Philadelphia, may be charged for similar services in the District court for the said city and county, and no other or greater fees.

Judges may meet upon Saturday. **SECTION 9.** The judges of the said court, or any two of them, shall have power, during the periods appropriated for the trial of causes by jury, to meet in bank, if they deem it necessary or proper, upon the Saturday of each week of such periods, and dispose of all motions and questions requiring early attention, which a single judge is not by law competent to decide.

Relative to the powers of the District court. **SECTION 10.** The authority and power given to the District court for the city and county of Philadelphia, by an act passed on the fourteenth day of April, one thousand eight hundred and twenty eight, entitled, "An act to prevent the failure of trusts, to provide for the settlement of the accounts of trustees, and for other purposes," are hereby declared to be vested in the court established by the act to which this is a supplement; and also, to have been vested in the court established by an act passed on the twenty-sixth day of March, one thousand eight hundred and thirty-two, entitled, "An act to establish the District court for the city and county of Philadelphia."

Public notice to claimants. **SECTION 11.** In all cases where the proceeds of any sheriff's sale shall be brought into the said court for distribution, and the claims upon the said fund shall be referred to an auditor for adjustment, it shall be lawful for the court to direct such public notice to be given as they may deem proper, by advertisement, in two public newspapers or otherwise, and they may therein require all persons to make their claims before such auditor, within such time as shall be limited by such order, or be debarred from coming upon the said fund.

SECTION 12. That the provisions of the act passed the twenty-ninth of March, one thousand eight hundred and twenty-three, entitled, "A supplement to the act entitled, 'An act to compel assignees to settle their accounts, and for other purposes,'" be, and hereby are extended to all cases where any estate, real or personal, hath heretofore been, or may hereafter be devised or bequeathed in trust, either for femes covert minors, or others, by any last will or testament, as fully and effectually as if such trust have been created by any other instrument of conveyance.

The provisions of the act of March 29th, 1823, extended.

SECTION 13. That the provisions of the act passed the twenty-fourth day of March, Anno Domini, one thousand eight hundred and eighteen, entitled "An act to compel assignees to settle their accounts, and for other purposes," and the several supplements thereto, are hereby extended to all cases of trusts, created by any instrument in writing, or by any last will and testament, so far as to authorize any cestuy que trust, or co-trustee, to compel his or her trustee or trustees, co-trustee or co-trustees, to settle his, her, and their accounts, and to exhibit the amount of the estate so held by such trustee or trustees, and the manner in which such trustee or trustees hath or have disposed of the same, in like manner and with the same effect as creditors now can, by virtue of the said act, compel assignees to settle the accounts of the estate and property conveyed to such assignees in trust for creditors.

Act of 24th March, 1818, extended.

SECTION 14. That the provisions of the second section of the act to which this is a supplement, which provides for the taking judgments by default, shall be, and the same hereby are extended to all actions brought on contracts for the loan or advance of money, whether the same be reduced to writing or not: *Provided*, That in all such cases no judgment shall be entered by virtue of this section, unless the plaintiff shall, within two weeks after the return of the original process, file in the office of the prothonotary of the said court, an affidavit, setting forth the terms of the said loan, or advance, with the date thereof.

The 3d section of the original act extended in certain cases.

Proviso.

SECTION 15. That from and after the passage of this act, it shall be the duty of the Governor to appoint a competent person, learned in the law, to be an associate judge of the court of Common Pleas for the city and county of Philadelphia, who shall be entitled to the same compensation as is now allowed to the present legal associate judge of said court; and hereafter, the said court shall consist of a president and two associate judges, learned in the law, and each of the said associate judges shall have power to hold a court of Common

Associate judge learned in the law, to be appointed by the Governor

Pleas, and to issue writ of habeas corpus, and grant relief thereon.

NER MIDDLESWARTH,
Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,
Speaker of the Senate.

APPROVED—The eleventh day of March, Anno Domini, one thousand eight hundred and thirty-six.

JOS: RITNER.



No. 35.

An Act

Authorizing the payment of the temporary loan, made under the act of fifteenth day of April, one thousand eight hundred and thirty-five.

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 the Governor is hereby authorized to pay out of any money in the treasury not otherwise appropriated, the seventy-four thousand four hundred and forty dollars borrowed from the bank of Pennsylvania, in pursuance of the act of Assembly, passed the fifteenth day of April, in the year one thousand eight hundred and thirty-five.

Temporary
loan of \$74,
440 to be
paid.

NER MIDDLESWARTH,
Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,
Speaker of the Senate.

APPROVED—The eleventh day of March, Anno Domini, eighteen hundred and thirty-six.

JOS: RITNER.