

have been paid in advance or not, if paid after the rendition of the judgment on which sale was made, as such defendant might have had, if no such sale had been made.

SECTION 120. If after notice shall be given of such sale, as aforesaid, such tenant, lessee, or other person, shall pay any rent or sum accruing subsequently to the acknowledgment of such deed, notice given him as aforesaid, to such defendant, such tenant, lessee, or other person, to paying, shall nevertheless, be liable to pay the same to the purchaser.

NER MIDDLESWARTH,

Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,

Speaker of the Senate.

APPROVED—The sixteenth day of June, A. D. eighteen hundred and thirty-six.

JOS: RITNER..

No. 192.

An Act

Relating to the jurisdictions and powers of courts.

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An act Relative to the jurisdictions and powers of the Courts.

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 Supreme court of this

commonwealth, shall have power to hear and determine all, and all manner of pleas, plaints, and causes which shall be brought, or removed there from any other court of this commonwealth, by virtue of any writ or process issued by the said court, or any judge thereof, for that purpose, in the manner now practised and allowed, to examine and correct all, and all manner of errors of the justices, magistrates, and courts of this commonwealth, in the process, proceedings, judgments and decrees, as well in criminal as in civil pleas or proceedings, and thereupon, to reverse, modify or affirm such judgments and decrees, or proceedings, as the law doth or shall direct; and generally, to minister justice to all persons, in all matters whatsoever, as fully and amply, to all intents and purposes, as the said court has heretofore had power to do, under the constitution and laws of this commonwealth; and the Chief Justice and assistant judges of the Supreme court, in lieu of the thirty shillings per day for traveling expenses, given by the act of the thirteenth April, seventeen hundred and ninety-one, shall respectively be entitled to receive the sum of four dollars per day, whilst engaged in holding court, or traveling to or returning from the same, and shall have power, and is required to issue execution, or other process, for the recovery of costs which have accrued, or may accrue in said Supreme court, as well as in all cases which have been heretofore decided.

SECTION 2. The Supreme Court shall have original jurisdiction within the city and county of Philadelphia, in all civil actions, wherein the matter in controversy shall be of the value of five hundred dollars, or more.

SECTION 3. It shall be the duty of the Supreme Court, at their sessions in bank, from time to time, to devise and establish, by rule of court, such new writs and forms of proceedings, as in their opinion shall be necessary or convenient to the full, direct, and uniform execution of the powers and jurisdiction possessed by the said court, or by the courts of Common Pleas, District courts, Orphans' courts, or Register's courts.

SECTION 4. *Provided*, That nothing herein contained, shall be deemed to authorize the said court to enlarge, abridge, or alter the jurisdiction of any of the courts, or to impair the right of trial by jury, or to dispense with or to supply the use of any form of proceeding, which shall be made necessary, by any act of assembly.

SECTION 5. Whenever the said court shall devise and establish any new writ or form, as aforesaid, or make any rule or order relative thereto, they shall cause notice thereof to be given to the courts, or to the president judges of the courts for which such writ, form or rule shall be made or

appointed, and also to the Governor of the commonwealth, for the information of the legislature, at their next session.

SECTION 6. The courts, or the president judges of the courts to which any such rule shall be made known, shall cause the same to be published in open court, and to be recorded with the rules of court, and after the expiration of three months from the recording of such rule, the same shall be deemed to be obligatory, and in full effect.

SECTION 7. The judges of the Supreme court shall have full power and authority, when, and as often as there may be occasion, to issue writs of habeas corpus, writs of certiorari, and writs of error, and all remedial and other writs and process, returnable to the said court.

SECTION 8. All the writs shall be granted of course, and the style thereof shall be "The Commonwealth of Pennsylvania;" they shall bear teste in the name of the Chief Justice of the said court for the time being, or if he be a party, in the name of one of the other judges of the said court, and they shall be sealed with the judicial seal of the said court.

SECTION 9. Every person indicted in any court of Quarter Sessions, or in any county court of Oyer and Terminer, and General Jail delivery, may remove the indictment, and all proceedings thereon, or a transcript thereof, into the Supreme court, by a writ of certiorari, or a writ of error, as the case may require.

SECTION 10. Besides the powers hitherto possessed by the Supreme court, to issue writs of mandamus, the said court shall have power to issue such writs to any other court or tribunal constituted by the authority of the laws of this commonwealth, in all cases where such interposition shall, in the discretion of the said court, be necessary to the advancement and due administration of justice.

SECTION 11. As soon as the Supreme court shall have rendered judgment, or made a final decree or decision, in any cause, action, or matter brought into the same by writ of error, certiorari, or appeal, such court shall order the records thereof, with their judgment or decree thereon written, and duly certified, to be remitted to the appropriate court, which judgment, decree, or decision, such court shall duly carry into execution and effect; or the said Supreme court may, if they see cause, order execution thereof to be done by process, issued out of the same, and thereupon, order the record to be remitted, as aforesaid.

SECTION 12. The courts of Common Pleas shall have jurisdiction and power within their respective counties, to hear and determine all pleas, actions, and suits, and causes, civil, personal, real and mixed, according to the constitution and laws of this commonwealth; and the said court shall have power to grant, under their judicial seals, all lawful

writs and process necessary for the exercise of such jurisdiction: *Provided*, That the court of Common Pleas for the city and county of Philadelphia, shall not have jurisdiction in any civil plea or action, when the sum or value in controversy, shall exceed one hundred dollars, as heretofore; that the board of commissioners of the incorporated district of the Northern Liberties, in the county of Philadelphia, shall and may annually, or whenever a vacancy shall occur, elect one of the aldermen or justices of the peace of the said district, or any citizen of the district, qualified to be a commissioner thereof, to be mayor of the said district, who shall possess and enjoy, during his continuance in office, all the rights, power, authority and jurisdiction of a justice of the peace, and the said board of commissioners are hereby authorized to make all such police regulations, and prescribe such duties, rules and regulations for the mayor of the said district, as they may from time to time, by ordinance declare: *Provided*, Such ordinances are not inconsistent with the laws and constitution of this commonwealth: That the Governor shall appoint a recorder, of legal learning and ability, for the district of the Northern Liberties, Spring Garden and Kensington, of the county of Philadelphia, who shall receive a salary of five hundred dollars, as a full compensation for his services, which said recorder, together with the mayor of the Northern Liberties, and the aldermen of the Northern Liberties, Spring Garden and Kensington, (the said aldermen being paid in the same manner as the aldermen of the city of Philadelphia are now paid,) or any four of them, (whereof the mayor or recorder for the time being, shall be one,) shall have full power and authority to hold and keep a court of record within the said district, four times in each year, by the name, style and title of the Recorder's court for the incorporated district of the Northern Liberties, and the district of Spring Garden and Kensington; and the said court shall be, and hereby is vested with all the power and authority, within the said district, which the mayor's court for the city of Philadelphia has within the said city, and shall be organized in like manner, and shall have authority to try and determine all offences which have been committed, or shall be committed within the said districts, which would be cognizable in any county court of Quarter Sessions of the peace of this commonwealth; and also to hear, try and determine all offences, which shall be committed within the said districts, against any of the laws, ordinances, regulations, or constitutions that are, or shall be, legally made, in pursuance of authority granted to said districts, and generally, to do all such matters and things within the said districts, as any court of general Quarter Sessions of the peace, Oyer and Terminer, and Jail Delivery, of and for any county within this commonwealth, may or

can do, within any such county; and the justices of the court of general Quarter Sessions of the peace, of and for the county of Philadelphia, or any of them, or either of them, shall not in any matter or thing, have any further or other powers or jurisdictions within the said districts, than the said mayor, recorder and aldermen, may or can have in the said county of Philadelphia, and without the limits of the said districts.

SECTION 13. The Supreme court, and the several courts of Common Pleas, shall have the jurisdiction and powers of a court of Chancery, so far as relates to—

- I. The perpetuation of testimony:
- II. The obtaining of evidence from places not within the state:
- III. The care of the persons and estates of those who are non compos mentis:
- IV. The control, removal and discharge of trustees, and the appointment of trustees, and the settlement of their accounts:
- V. The supervision and control of all corporations other than those of a municipal character, and unincorporated societies or associations, and partnerships:
- VI. The care of trust monies and property, and other monies and property made liable to the control of the said courts.

And in such other cases, as the said courts have heretofore possessed such jurisdiction and powers, under the constitution and laws of this commonwealth.

And in every case in which any court as aforesaid, shall exercise any of the powers of a court of Chancery, the same shall be exercised according to the practice in equity, prescribed or adopted by the Supreme court of the United States, unless it be otherwise provided by act of assembly, or the same shall be altered by the Supreme court of this commonwealth, by general rules and regulations, made and published as is hereinbefore provided; and the Supreme court when sitting in bank, in the city of Philadelphia, and the court of Common Pleas for the said city and county, shall, besides the powers and jurisdiction aforesaid, have the power and jurisdiction of courts of Chancery, so far as relates to—

- I. The supervision and controul of partnerships, and corporations other than municipal corporations.
- II. The care of trust monies and property, and other monies and property made liable to the controul of the said courts.
- III. The discovery of facts material to a just determination of issues, and other questions arising or depending in the said courts.

- IV. The determination of rights to property or money claimed by two or more persons, in the hands or possession of a person claiming no right of property therein.
- V. The prevention or restraint of the commission or continuance of acts contrary to law, and prejudicial to the interests of the community, or the rights of individuals.
- VI. The affording specific relief, when a recovery in damages would be an inadequate remedy: *Provided*, That in relation to the discovery of facts material to a just determination of issues, and other questions, the District court for the city and county of Philadelphia, shall have the same power and authority, within its jurisdiction, as is hereby conferred on the court of Common Pleas for the said city and county: *And provided further*, That no process to be issued by the said courts of the city and county of Philadelphia, or the Supreme court, sitting therein, under the chancery powers herein specially granted, excepting such as have heretofore been exercised, shall at any time be executed beyond the limits of the city and county aforesaid.

SECTION 14. The courts of Oyer and Terminer, and General Jail delivery, shall have power:

- I. To inquire, by the oaths and affirmations of good and lawful men of the county, of all crimes committed, or triable in such county.
- II. To hear, determine, and punish the same, and to deliver the jails of such county of all prisoners therein, according to law.
- III. To try indictments found in the Quarter Sessions, and certified by the said court, according to law.

SECTION 15. The said courts shall have exclusive jurisdiction and power to try and punish all persons charged with any of the crimes herein enumerated, which shall be committed within the respective county, to wit:

- I. All persons charged with any murder, manslaughter, or other homicide, and all persons charged with being accessory to any such crime:
- II. All persons charged with treason against this commonwealth:
- III. All persons charged with sodomy, buggery, rape, or robbery, their counsellors, aiders, comforters and abettors:
- IV. All persons charged with arson, or with the crime of voluntarily and maliciously burning any building, or other thing, made punishable in the same manner as arson:
- V. All persons charged with mayhem, or with the crimes of cutting out or disabling the tongue, putting out an eye, slitting the nose, cutting off the nose, cutting off a lip, cutting off or disabling any limb or member of another person, by lying in wait, or with malice aforethought, and

with intention in so doing to maim or disfigure such person, and their aiders, abettors and counsellors:

VI. All persons charged with burglary:

VII. Every woman who shall be charged with having endeavored privately, either by herself, or the procurement of others, to conceal the death of any issue of her body, male or female, which, if it were born alive, would by the law, be a bastard, so that it may not be known whether such issue was born dead or alive, or whether it were murdered or not:

VIII. All persons charged with the second or any subsequent offence of receiving, harboring, or concealing any robber, burglar, felon, or thief, or with the crime of receiving or buying any goods or chattels, which shall have been feloniously taken or stolen, knowing the same to be stolen.

SECTION 16. The courts of Quarter Sessions of the peace, shall have jurisdiction and power within their respective counties—

I. To inquire, by the oaths or affirmations of good and lawful men of the county, of all crimes, misdemeanors, and offences whatever, against the laws of this commonwealth, which shall be triable in the respective county:

II. To inquire of, hear, determine and punish, in due form of law, all such crimes, misdemeanors and offences, whereof exclusive jurisdiction is not given, as aforesaid, to the courts of Oyer and Terminer of such county:

III. To take, in the name of the commonwealth, all manner of recognizances and obligations heretofore taken, and allowed to be taken, by justices of the peace, and they shall certify such as shall be taken in relation to any crime not triable therein, to the next court of Oyer and Terminer, having power to take cognizance thereof:

IV. To continue or discharge the recognizances and obligations of persons bound to keep the peace, or to be of good behaviour, taken as aforesaid, or certified into such court, by any justice of the peace of such county, and to inquire of, hear and determine, in the manner hitherto practised and allowed, all complaints which shall be founded thereon:

V. The courts of Quarter Sessions shall also have jurisdiction in cases of fine, penalties, or punishments imposed by any act of assembly, for offences, misdemeanors, or delinquencies, except where it shall be otherwise expressly provided and enacted: *Provided*, That nothing herein shall alter or affect the jurisdiction of any Mayor's court: *And provided also*, That the Mayor's court of the several cities of this commonwealth, shall have exclusive jurisdiction of all offences committed within the limits of their respective cities, which, by any existing law, or any law

hereafter to be passed, are or shall be indictable in the court of Quarter Session of the proper county, unless by the terms of the law, expressly deprived of such jurisdiction:

VI. The said courts shall also have and exercise such other jurisdiction and powers, not herein enumerated, as may have been heretofore given to them by law:

SECTION 17. Whenever any indictment shall be found in any court of Quarter Sessions, for any crime or offence not triable therein, it shall be the duty of such court to certify the same into the court of Oyer and Terminer next to be holden in such county, there to be heard and determined in due course of law.

SECTION 18. The judges of the county courts of Oyer and Terminer, and Quarter Sessions, and every of them, shall have power to direct their writs or precepts, to all or any of the sheriffs, or other officers of any of the counties, cities, boroughs, or towns corporate of this commonwealth, or arrest and bring before them, persons indicted for felonies or other offences, and amenable to the respective court.

SECTION 19. The jurisdiction of the several Orphans courts shall extend to and embrace—

I. The appointment, control, removal and discharge of the guardians of minors, and the settlement of their accounts.

II. The removal and discharge of executors and administrators, deriving their authority from the register of the respective county, and the settlement of their accounts.

III. The distribution of the assets and surplusage of the estates of decedents, after such settlement among creditors, and others interested:

IV. The sale of real estates of decedents :

V. The partition of the real estates of intestates among the heirs:

VI. The specific execution of contracts made by decedents, to sell and convey any real estate of which such decedent shall die seized:

VII. Proceedings for the recovery of legacies:

VIII. All cases within their respective counties, wherein executors, administrators, guardians or trustees may be possessed of, or are in any way accountable for, any real or personal estate of a decedent.

And such jurisdiction shall be exercised under the limitations, and in the manner provided by law.

SECTION 20. Each of said courts shall have power to award process, to levy and recover such fines, forfeitures, and amercements as shall be imposed, taxed, or adjudged by them, respectively.

SECTION 21. Each of the said courts shall have full power and authority to establish such rules for regulating the practice thereof respectively, and for expediting the determination of suits, causes, and proceedings therein, as in their

discretion they shall judge necessary or proper: *Provided*, That such rules shall not be inconsistent with the constitution and laws of this commonwealth.

SECTION 22. Each of the said courts is empowered to issue writs of subpœna, under their official seal, into any county of this commonwealth, to summon and bring before the respective court, any person, to give testimony in any cause or matter depending before them, under the penalties hitherto appointed and allowed in any such case by the laws of this commonwealth.

SECTION 23. The power of the several courts of this commonwealth to issue attachments, and to inflict summary punishments for contempts of court, shall be restricted to the following cases, to wit:

- I. To the official misconduct of the officers of such courts, respectively:
- II. To disobedience or neglect by officers, parties, jurors or witnesses of or to the lawful process of the court:
- III. To the misbehaviour of any person in the presence of the court, thereby obstructing the administration of justice.

SECTION 24. The punishment of imprisonment for contempt, as aforesaid, shall extend only to such contempts as shall be committed in open court, and all other contempts shall be punished by fine only.

SECTION 25. *Provided*, That the court may order the sheriff, or other proper officer, to take into custody, and commit to jail, any person fined for a contempt, until such fine shall be paid or discharged; but if such person shall be unable to pay such fine, he may be committed to prison by the court, for any time not exceeding three months.

SECTION 26. No publication out of court, respecting the conduct of the judges, officers of the court, jurors, witnesses, parties, or any of them, of, in, or concerning any cause depending in such court, shall be construed into a contempt of the said court, so as to render the author, printer, publisher, or either of them, liable to attachment, and summary punishment for the same.

SECTION 27. If any such publication shall improperly tend to bias the minds of the public, or of the court, the officers, jurors, witnesses, or any of them, on a question depending before the court, it shall be lawful for any person who shall feel himself aggrieved thereby, to proceed against the author, printer, and publisher thereof, or either of them, by indictment, or he may bring an action at law against them, or either of them, and recover such damages as a jury may think fit to award.

SECTION 28. *Provided*, That notwithstanding any thing hereinbefore contained, the several courts aforesaid, shall have power to make rules on sheriffs and coroners, for the return of all process in their hands, and for the payment of

money, or delivery of any article of value in their possession, according to their respective duties, and also, to make rules upon attorneys for the payment of money, and the delivery of deeds, and other papers in their hands, belonging to their clients, and in every such case to enforce obedience to such rules, by attachment; and the courts shall have the same power against former sheriffs and coroners, if application be made for the purpose, within two years after the termination of their offices respectively.

SECTION 29. This act shall go into effect on and after the first day of September next.

NER MIDDLESWARTH,
Speaker of the House of Representatives.
THOMAS S. CUNNINGHAM,
Speaker of the Senate.

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

JOS: RITNER.



No. 193.

An Act

To fix the number of Senators and Representatives, and form the state into districts, in pursuance of the provisions of the constitution.

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 until the next enumeration of the taxable inhabitants and an apportionment thereon, the Senate, at a ratio of nine thousand two hundred and fifty-six, shall consist of thirty-three members, and be apportioned as follows, viz:

Senatorial ratio, 9,256.
31 members.

Senatorial districts.

First district, viz: The city of Philadelphia shall be a district, and elect two:

Second, The county of Philadelphia shall be a district, and elect three:

Third, The counties of Montgomery, Chester and Delaware shall be a district, and elect three:

Fourth, The county of Bucks shall be a district, and elect one:

Fifth, The county of Berks shall be a district, and elect one: