

or any three of them who act in said matter, do transfer and set over to the said Harrisburg and Sunbury Railroad company, all their right, title and interest in and to the said road hereby authorized to be constructed by them, with the appurtenances, the said Harrisburg and Sunbury Railroad company paying to them the reasonable costs and expenses of making said railroad.

SECTION 80. That the Harrisburg, Portsmouth, Mountjoy and Lancaster Railroad company, shall have authority to create an additional number of shares of stock, to the amount of four hundred thousand dollars, for the purpose of completing said road, and of adding an additional track, and shall have authority to negotiate a loan or loans, by pledging their capital stock, or the tolls and profits of the company, or in such way or manner as a meeting of the stockholders shall determine.

SECTION 81. The period heretofore granted to the Mount Carbon Railroad company for the completion of their road, according to the twelfth section of the act incorporating said company, be, and the same is hereby extended until the first day of April, Anno Domini one thousand eight hundred and forty-eight, and that so much of the act aforesaid as is hereby altered, be, and the same is hereby repealed.

LEWIS DEWART,

Speaker of the House of Representatives,

J. R. BURDEN,

Speaker of the Senate.

APPROVED—the seventeenth day of March, one thousand eight hundred and thirty-eight.

JOS. RITNER.

No. 34.

A Supplement

To the act entitled An act authorizing the Governor to incorporate a company for erecting a bridge over the Schuylkill river at Matson's ford, in the county of Montgomery, passed the seventh day of May, one thousand eight hundred and thirty-two, and for other purposes.

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 act to which this is a supplement, which authorizes the Governor to incorporate a company

Time for building bridge over Schuylkill at Matson's ford extended. for erecting a bridge over the river Schuylkill at Matson's ford, be and the same is hereby revived and re-enacted, and the said company is hereby allowed the further period of five years from the passing of this act, for commencing and completing the said bridge, anything in the said act contained to the contrary notwithstanding.

SECTION 2. Bethel Moore, William Davis, Robert T. Potts, William Moore, Joseph Crawford, (Lower Merion,) William B. Thomas, Charles Heebner, Isaac Dehaven, and James Wells, or any three of them, are hereby appointed commissioners to carry the said act into effect, in the room of Nathaniel M. Learnerd and Peter Dager, deceased.

SECTION 3. That when fifteen or more persons shall subscribe for one hundred and fifty shares of the stock of the aforesaid company, it shall be the duty of the Governor to issue his letters patent agreeably to the provisions of the act to which this is a supplement, and so soon as the piers and abutments of said bridge are completed, it shall be the duty of the Governor to subscribe on behalf of the commonwealth for one hundred and twenty shares of the stock of said company for erecting a permanent bridge over the river Schuylkill at Matson's ford, which said amount of stock, so subscribed, shall be paid by warrants drawn by the Governor on the Treasurer, in the usual manner, and for that purpose the Governor is hereby authorized to cause to be sold and transferred the stock held by the commonwealth in the stock of the company for erecting a permanent bridge over the river Schuylkill, opposite De Kalb street, in the borough of Norristown: *Provided*, That the subscriptions and payments authorized to be made by this act, shall, for every share subscribed and paid, vest in the commonwealth all the rights and emoluments appertaining to a share or shares held by individual stockholders: *And provided*, The said stock shall not be sold below par.

SECTION 4. That there shall be kept and holden in the city of Philadelphia, a Court of Record, to be composed of three Judges, learned in the law, one clerk, and such other officers as belong to the courts of Quarter Sessions of this Commonwealth, the name and style whereof shall be, the Court of Criminal Sessions for the city and county of Philadelphia. The said court shall have a seal, with the arms of the Commonwealth engraved thereon.

SECTION 5. The Governor shall appoint one of the said judges to be president, and two to be associate judges of the said court, who shall hold their office during good behaviour; and whose salaries shall be the same for each of them, as the salary of the president of the court of Common Pleas for the county of Philadelphia, for the time being.

SECTION 6. The said judges shall severally be ex-officio Powers of justices of the peace, within the city and county of Philadel- judges. phia, and visitors of the prisons within the same, and have the same power and authority to issue writs of habeas corpus, and exercise jurisdiction therein, as the judges of the Supreme Court have in the same; they shall have the power to take acknowledgments or probate of all deeds, conveyances, mortgages or other instruments, as the judges of the Supreme Court now have, and with like effect, and shall also have all the powers and jurisdictions which any judge of any court of Quarter Sessions now has, or may hereafter have given to him by law.

SECTION 7. Either of the said judges shall have power to hold the said court for jury trials, and have jurisdiction in all matters incident thereto, and for the purpose of receiving Two judges to be present if necessary, and also, unless the parties, or either of them, be requested by a shall request the presence of another judge, for the transac- tion of any business of the court; but when either party court. shall desire it in the case last mentioned, and in passing sentences, there shall be at least two judges present in order to transact such business.

SECTION 8. The said court so constituted shall have all the powers and exclusive jurisdiction within the city and county of Philadelphia, which is now exercised by the Mayor's Powers of the court. Court for the city of Philadelphia, within the said city, and all the jurisdiction within the said city and county which courts of Quarter Sessions now have or may hereafter have under the acts relating to roads, highways and bridges; and also the power of appointing three additional inspectors of the Philadelphia county prison.

SECTION 9. The said court shall sit monthly, each session to commence on the first Monday of every month, which shall be a general return day; all writs and process shall be turned out in the name of the president of the said court. General return day, &c.

SECTION 10. The grand and petit jurors shall be selected from among the qualified citizens of the said city and county, and their names kept in two wheels, one for the grand and one for the petit jurors, and grand and petit juries for each session shall be drawn and summoned as is now directed by law for the Major's Court for the city of Philadelphia: Provided, That the venire need not be issued more than fifteen days, nor the jurors summoned more than ten days before the meeting of the court, and the jurors shall not be compelled to serve more than one month in any one year, unless to finish a case commenced within the month. Selection of jurors. Proviso.

SECTION 11. The court hereby created shall hold its first session on the first Monday of April, eighteen hundred First ses- sion.

and thirty eight, and from thenceforth all laws and acts of assembly giving jurisdiction to the court of Quarter Sessions of the county of Philadelphia, and all laws and acts of assembly creating or giving jurisdiction to the Mayor's Court for the city of Philadelphia, and the Recorder's Court for the Northern Liberties, Kensington, and Spring Garden districts, and all other acts of assembly shall be, and they are hereby repealed, so far as they are inconsistent with this act.

Of the clerk.

SECTION 12. The clerk of the Court of Quarter Sessions of the peace for the county of Philadelphia, shall be *ex-officio* clerk for the said court, who shall receive the same fees and compensation to which the clerks of the Courts of Quarter Sessions are entitled; and be required to perform the duties, and liable to the same penalties to which such clerks are liable.

Duty of constables & other officers.

SECTION 13. It shall be the duty of all constables and other officers who are required by law to execute the process of, make returns to, and attend upon the Court of Quarter Sessions of the county of Philadelphia, and the said Mayor's Court & Recorder's Court, to execute the process of the court hereby created, and to make returns to, and attend upon the same, in the same manner that they are bound to execute, make returns to, and attend upon the said courts, or either of them, and they shall be allowed the same compensation for their services.

Of unfinished business in the court of Q. Ses., Mayor's court, and Recorder's court.

SECTION 14. All bills, indictments, records and proceedings which shall be unfinished when the court hereby created shall go into operation, in the Court of Quarter Sessions of the county of Philadelphia, aforesaid, and the said Mayor's Court and Recorder's Court, shall be certified to the Sessions Court for the city and county of Philadelphia, and the said court shall proceed therein as if the said proceedings had been commenced in the same, & render judgment, sentence or decree thereon, and issue all process necessary to enforce the same.

Duty of the keepers of the prison.

SECTION 15. Whenever any alderman or justice of the peace shall have committed any person to any prison within the city and county of Philadelphia, charged with any crime, misdemeanor or offence, it shall be the duty of the keepers of such prison to place the name of such person so committed on a calender, to be made as directed in other cases, and to bring the prisoner with the calender, which shall have the same effect as a writ of habeas corpus, before one of the judges of the said court, on the Monday of every week, or oftener if required by either of the judges of the said Sessions Court, who shall act thereupon as if the prisoner had been brought before him by a writ of habeas corpus.

SECTION 16. The grand juries for the months of January,

April, July and October in every year, shall visit all the prisons within the city and county of Philadelphia, except Duty of the Eastern Penitentiary, and they shall visit them at other grand juries. times if the judges shall require the same.

SECTION 17. The expenses of the said Sessions Court shall be paid as the expenses of the Criminal courts of the city and county of Philadelphia are now paid. Expenses of the court, how paid.

SECTION 18. All the necessary records of said Mayor's Court, Recorder's Court, and court of Quarter Sessions of the county of Philadelphia, shall be delivered to the clerk of the Sessions Court aforesaid, to be retained and kept in his office, and they shall be considered as if the same had originated in the said Sessions Court. Of the record of the criminal courts.

SECTION 19. That all applications for tavern licenses in the city and county of Philadelphia, shall be approved by a majority of the judges of the court of Quarter Sessions for the city and county of Philadelphia, who shall thereupon, if they think proper, grant the same, under the restrictions and conditions now imposed by law; and nothing in this act shall be so construed as to give to the court hereby created any power to grant tavern licenses, but exclusive jurisdiction in granting such licenses in and for the city and county of Philadelphia, is hereby given to the court of Quarter Sessions of the county of Philadelphia. Tavern licenses.

SECTION 20. Courts of Oyer and Terminer and General Jail delivery for the city and county of Philadelphia; shall be held by the judges of the court of Common Pleas, (the president being one,) from time to time, as the emergencies may require, and as they shall appoint, in pursuance of precepts by them previously issued for that purpose, in the mode either practised and allowed in this commonwealth, and so much of any law as requires such courts to be held by the said justices, be and the same is hereby repealed; and it shall be the duty of the Sheriff and county commissioners to draw petit jurors for the court of Oyer and Terminer of the city and county of Philadelphia, from the same wheel from which the grand jurors for the said court are drawn. Courts of Oyer & Terminer &c. in Philada. city and county.

SECTION 21. The power is hereby reserved at any time to abolish the court by this act created, whenever it shall be found to be injurious or inconsistent with public justice or the interests of the community. The power to abolish the court is reserved.

LEWIS DEWART,

Speaker of the House of Representatives,

J. R. BURDEN,

Speaker of the Senate.

APPROVED—The nineteenth day of March, one thousand eight hundred and thirty-eight.

JOS. RITNER.