

No. 118.

## AN ACT

Relating to the several Courts in the County of Allegheny.

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 district court for the county of Allegheny be, and the same is hereby continued from and after the time limited in the act establishing the same until it shall be duly abolished by law, and that the several acts of assembly now in force relative thereto, and not inconsistent with the provisions of this act, be and the same are hereby continued in force until duly altered or repealed.

SECTION 2. From and after the passage of this act, the said court shall consist of two judges learned in the law, viz: The president and one assistant judge, who shall possess the same power, authority and jurisdiction, and be subject to the same duties, provisions and penalties as the said president thereof, and shall receive a like compensation for his services, and the Governor shall immediately thereafter, with the consent of the senate, appoint and commission one assistant judge of said court of competent and legal attainments, who shall continue to exercise the duties of his appointment during the term prescribed by the constitution, and immediately after the expiration of the commission of the president of said court, by its own limitation or otherwise, the Governor shall in like manner appoint and commission a president of said court, who shall hold his office during the like period.

SECTION 3. From and after the first Monday of July next, all suits and causes depending in the court of common pleas of the county of Allegheny, where the sum in controversy exceeds one hundred dollars, shall be transferred to the said district court, there to be heard, tried and determined, and the original jurisdiction of the said court of common pleas in all civil actions where the sum in controversy exceeds one hundred dollars, shall thenceforth cease and determine, and the same is hereby vested in the said district court.

SECTION 4. The first Monday of each and every month, as well as the first day of each and every term of the said court, shall be a day for the return of all original and mesne process issuing from said court, except the summons in partition, and such process shall be directed to be returned to ei-

Court continued

To consist of two judges

Assistant Judge to be appointed

Transfer of suits from Common Pleas

Jurisdiction

Return day of process

ther of the said monthly return days which may happen before the next term, or to the first return day of the next term, at the option of the party taking out the same, or in case there shall not be ten days between the issuing thereof and the first day of the next term, the same may be made returnable on the next monthly return day thereafter; and in all suits instituted in said court, where returns of such process are directed to be made to a monthly return day, the party may after such returns, file declarations and other pleadings, put causes to issue and have them tried, and do all other matters and things in the prosecution of suits, that might be done, if the said writs were returned on the first return day of any term of said court; and the stay of execution allowed by the third and fourth sections of the act entitled "An act relating to executions," passed the sixteenth day of June, one thousand eight hundred and thirty-six, shall count from the return day to which the original process issued was returnable.

**SECTION 5.** Any one of the judges of the said court shall have power to try all civil pleas and actions, real, personal and mixed, and for these purposes shall have and exercise the same power, authority and jurisdiction as are hereby vested in the said court; and it shall be lawful for any one of the said judges, when he thinks it expedient to reserve questions of law which may arise on the trial of a cause for the consideration and judgment of both of the judges of the said court sitting together. *Provided*, That if the said judges shall disagree on any question reserved as aforesaid, the opinion of the judge before whom the cause was tried shall stand as the judgment of the court. *And provided also*, That either party shall have the right to a bill of exceptions to the opinion of the court, as if the point had been ruled and decided on the trial of the cause.

**SECTION 6.** 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.

**SECTION 7.** There shall be a prothonotary appointed by the governor for the said court, who shall perform all the duties of a prothonotary until the next general election, and until a successor shall be elected under the provisions of the amended constitution, who shall be entitled to receive like fees as other prothonotaries are by law entitled to receive, for similar services, and be subject to the like account to the commonwealth, and give the like security as the prothonotary of the court of common pleas for the county of Allegheny is required by law to give for the due performance of the duties of his office; and it shall and may be lawful for the prothonotary, or any one by him under the sanction of the

Declarations  
and pleadings

One Judge  
may try civil  
pleas &c

May reserve  
questions of  
law &c  
Proviso  
If Judges dis-  
agree ..

2nd Proviso

Bill of excep-  
tions

Venire

Prothonotary  
To be appoint-  
ed

To give Bond

His duties

court appointed, and he and they are hereby empowered to take, receive and approve recognizances of bail in any suit or action in the said court, under such rules and regulations as the said court may from time to time prescribe.

SECTION 8. The said court in addition to the powers and authorities already belonging thereto, shall have and exercise the jurisdiction and powers of a court of Chancery, so far as the same have been conferred on any of the courts of common pleas or district courts of this commonwealth, and under the like regulations and restrictions as are prescribed by the thirteenth section of the act entitled "An act relative to the jurisdiction and powers of the courts," passed the sixteenth day of June, one thousand eight hundred and thirty-six.

Of the chancery power of Court

SECTION 9. From and after the first day of July, one thousand eight hundred and thirty-nine, the Mayor's court for the city of Pittsburg shall cease and determine, and all the authority, power and jurisdiction of the said court shall be vested in the court of quarter sessions of the peace, in and for the county of Allegheny, and from thenceforth so much of any act or acts of the general assembly of this commonwealth as are inconsistent herewith, shall be and the same are hereby repealed, but nothing in this act contained shall prevent the recorder of said city from acting as a police magistrate, and hearing all questions of bail in criminal cases, and all questions on writs of habeas corpus, as fully as before the passage of this act.

Mayors court abolished in city of Pittsburg

Jurisdiction vested in court of quarter sessions

Recorder and his duties

SECTION 10. All bills, indictments, records and proceedings which shall be unfinished on the first day of July, one thousand eight hundred and thirty-nine in the Mayor's court for the city of Pittsburg, shall be certified to the court of quarter sessions of the peace for the county of Allegheny, and the said court shall proceed therein as if the said proceedings had been commenced in the same, and render judgment, sentence or decree thereon, and issue all process necessary to enforce the same.

Indictments to be certified to Quarter sessions

SECTION 11. Whenever any aldermen or justice of the peace shall have committed any person to any prison within the county of Allegheny, charged with any crime or misdemeanor, it shall be the duty of the keeper of such prison to place the name of such person so committed, on a calender, to be made as is 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 or more of the judges of the courts of oyer and terminer and general jail delivery and quarter sessions of the peace for the said county of Allegheny, on the Monday of every week, or oftener if required by the judges of the said courts, who shall act thereupon as if the

Duty of keepers of prisons Allegheny county with regard to prisoners charged with crime

prisoner had been brought before him or them by a writ of habeas corpus.

SECTION 12. All the necessary records of the said Mayor's Disposition of court for the city of Pittsburg shall be delivered to the clerk Records of of the court of quarter sessions of the peace for the county mayor's court of Allegheny, to be retained and kept in his office, and they shall be considered as if the same had originated in the said last mentioned court.

WM. HOPKINS,

*Speaker of the House of Representatives.*

CHARLES B. PENROSE,

*Speaker of the Senate.*

APPROVED—This twelfth day of June, Anno Domini eighteen hundred and thirty-nine.

DAVID. R. PORTER.

No. 119.

## AN ACT

Supplementary to an Act, entitled "An act to incorporate the Chester County Insurance Company," passed the first day of April, 1836.

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 addition to their former privileges granted to them by charter, the Chester County Insurance Company shall have full power and authority to make and effect insurance on the lives of horses, cattle, sheep, and other domestic animals at such rate of premium as may be agreed upon, and to make, execute, and perfect such contracts, bargains, agreements, policies, and other instruments as may be necessary therefor, under such rules and regulations as are prescribed in the charter of the said company.

Insurance on  
lives of ani-  
mals

WM. HOPKINS,

*Speaker of the House of Representatives.*

CHARLES B. PENROSE,

*Speaker of the Senate.*

APPROVED—The twelfth day of June, eighteen hundred and thirty-nine.

DAVID R. PORTER.