

[No. 45.]

## A N A C T

To re-establish the District Court for the city and county of Lancaster.

**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 from and after the first day of May, one thousand eight hundred and forty, the district court for the city and county of Lancaster shall be re-established, and by the same name, style and title, shall be continued with all the authority, power and jurisdiction, conferred upon it by the act of assembly relating thereto, and now in force; the said court shall consist of a president learned in the law, who shall have and exercise the same authority, power and jurisdiction, be subject to the same duties, and governed by the same provisions as the present judge of the existing court, under the several acts of assembly referred to; and that such parts of the act entitled an act to provide for the erection of an additional court, within the city and county of Lancaster, passed the tenth day of March, one thousand eight hundred and twenty-three; and of the act entitled an act re-organizing the district court for the city and county of Lancaster, passed the tenth day of April, one thousand eight hundred and twenty-six; and of the act entitled a supplement to the act to alter the judiciary system of this commonwealth, so far as the same relates to the district court in the counties of Lancaster and York, passed the fourteenth day of April, one thousand eight hundred and twenty-eight; and of the second and third sections of the act, entitled a supplement to an act entitled an act authorizing the governor to incorporate the Allegheny and Conewago canal company, and for other purposes, passed the eighth day of April, one thousand eight hundred and twenty-nine; and of the supplement to the last mentioned act, passed the twenty-third day of April, one thousand eight hundred and twenty-nine; and of the act entitled an act to continue in force the several acts relative to the district court for the counties of Lancaster and York, and for other purposes, passed the eighth day of April, Anno Domini, one thousand eight hundred and thirty-three, as are now in force, and relate to the district court of the city and county of Lancaster, and are not inconsistent with this act, are hereby revived, and

District court  
re-established.

Style.

President to  
be appointed.

Power and  
authority.

Former acts  
relating to  
courts, &c.  
declared in  
full force.

continued in force from and after the said first day of May, one thousand eight hundred and forty, in relation to the court re-established by this act, and shall have the same effect as if the said several enactments had been set forth at length, and contained herein word for word.

SECTION 2. From and after the first day of May, one thousand eight hundred and forty, all actions, motions, rules, matters and things, depending in the present district court for the city and county of Lancaster, and all process issued from and returnable thereto, shall be proceeded in by the court re-established by this act, and shall have the same effect in law, as if there had been no limitation to the present court. <sup>Power and jurisdiction of court.</sup>

SECTION 3. The district court for the city and county of Lancaster, re-established by this act, shall exercise and perform all the powers and duties, which by the act entitled an act relating to domestic attachments, passed the thirteenth day of June, one thousand eight hundred and thirty-six; by the act entitled an act relating to writs of quo warranto and mandamus, passed the fourteenth day of June, one thousand eight hundred and thirty-six, and by the act entitled an act relating to assignees, for the benefit of creditors and other trustees, passed the fourteenth day of June, one thousand eight hundred and thirty-six, are conferred and enjoined upon the courts of common pleas. <sup>Certain powers of Com'n. Pleas vested in district court.</sup>

SECTION 4. A person learned in the law, shall on or before the first day of May, one thousand eight hundred and forty, be nominated by the Governor, and by and with the advice and consent of the Senate appointed and commissioned by him, as president of the said district court, for the city and county of Lancaster, who shall receive the same yearly compensation, to commence from the said first day of May, one thousand eight hundred and forty, payable quarterly by the State Treasurer, as is now received by the several judges of the district court for the county of Allegheny. <sup>President: how appointed.</sup>

SECTION 5. In all actions instituted in the said court, on bills notes, bonds or other instruments of writing for the payment of money and for the recovery of book debts, in all actions of scire facias on judgments, and on liens of mechanics and material men, under the act of the seventeenth of March, one thousand eight hundred and six, and the various supplements thereto, it shall be lawful for the plaintiff, on or at any time after the third Saturday succeeding the several return days of said court, on motion, to enter a judgment by default, notwithstanding an appearance by attorney, unless the defendant shall previously have filed an affidavit of defence, stating therein the nature and character of the same: *Provided*, That in all such cases no judgment shall be entered by virtue of this section, unless the said plaintiff shall, within two weeks after the return of the original process, file in the office of prothono- <sup>Judgments: how entered in certain cases.</sup> <sup>Proviso.</sup>

tary of the court hereby erected, a copy of the instrument of writing, book, entries, record or claim, on which action has been brought.

President to  
preside in  
court of Com.  
Pleas, &c., in  
certain cases.

SECTION 6. It shall be the duty of the President of the district court for the city and county of Lancaster, after the passing of this act, and he is hereby authorized to preside in the court of common pleas and the orphans court of the said county, in all cases in which the president of the said court of common pleas may be interested, or may have been concerned as counsel, and the prothonotary of the said county, ten days before the commencement of each term, or adjourned court of the common pleas, and of the orphans court, shall furnish the said president of the district court with a list of such of those cases as shall, have been set down for trial or argument.

Duration of  
court

SECTION 7. This act shall continue and remain in force for the term of ten years from the first day of May, Anno Domini, one thousand eight hundred and forty, and no longer.

WM. HOPKINS,

*Speaker of the House of Representatives.*

W. T. ROGERS,

*Speaker of the Senate.*

APPROVED—The eleventh day of March, eighteen hundred and forty.

DAVID R. PORTER.

[No. 46.]

## A N A C T

Repealing the act authorizing the laying out of a state road leading from a point on the turnpike from York Haven, and to intersect the turnpike leading from York to Wrightsville, in York county, 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 sixteenth, seventeenth, eighteenth, nineteenth, twentieth, and twenty-first sections of an act of assembly, passed the thirtieth day of March, Anno Domini, one thousand eight hundred and thirty-eight, entitled an act autho-