

the seats of the first class, shall be vacated at the expiration of the first year, the seats of the second class, shall be vacated at the expiration of the second year, and the seats of the third class, shall be vacated at the expiration of the third year, and annually thereafter, the select and common councils, and the commissioners of the incorporated districts, shall elect one third of the whole number of directors in their respective sections, to serve for a term of three years; and so much of any previous act, as is hereby altered or supplied, be and the same is hereby repealed.

**SECTION 5.** That the comptrollers of public schools, of the first school district, be and they are hereby authorized and directed to cause such of the public schools in the said district, as they may deem necessary, to be opened at night, during the months of January, February, March, October, November, and December, of each and every year, for the instruction of male adults.

**JAMES ROSS SNOWDEN,**  
*Speaker of the House of Representatives.*

**JOHN STROHM,**  
*Speaker of the Senate.*

**APPROVED—**The twelfth day of March, one thousand eight hundred and forty-two.

**DAVID R. PORTER.**

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[No. 39.]

## A FURTHER SUPPLEMENT

To the act entitled "An act to establish the District Court of the city and county of Philadelphia," passed the twenty-eighth day of March, one thousand eight hundred and thirty-five, 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 second section of the act to which this act is a supplement, shall be construed to embrace actions of scira facias on liens of mechanics and material men, under the act of the sixteenth of June, one thousand eight hundred and thirty-six, entitled "Act relating to the lien of mechanics and others upon buildings," and under any other act extending the provisions of the said last mentioned act, and

Actions of  
scira facias on  
mech's liens

all former proceedings in said court, so far as they are founded on such construction, are hereby confirmed.

SECTION 2. That the second section of the act to which this act is a supplement, is hereby declared to embrace all actions brought in said court, on bonds or recognizances of bail in error, or bonds of sureties for stay of execution, and is hereby extended to all actions brought in the said court, on bonds or recognizances of special bail, or bonds given by debtors, and their sureties with the condition prescribed in the sixth section of the act of the sixteenth of June, one thousand eight hundred and thirty-six, entitled "An act relating to insolvent debtors."

Bonds and recognizances

SECTION 3. In any action of scira facias upon mortgage, it shall not be deemed necessary for the plaintiff to file in the office of the prothonotary of said court, a copy of the mortgage to entitle him to enter judgment under the second section of the act to which this act is a supplement: *Provided*, That the writ of scira facias shall contain a statement of the date of the recording of said mortgage: *And provided also*, That the plaintiff shall have complied with the other requisitions of the said act.

Judgment on mortgages

Proviso

SECTION 4. Where the plaintiff in any action brought in said court, sues as assignee in fact or in law, of an instrument of writing for the payment of money, it shall not be deemed necessary for him to file in the office of the prothonotary of said court, a copy of any assignment of said instrument, in order to entitle him to enter judgment under the second section of the act to which this act is a supplement: *Provided*, That the plaintiff shall, within two weeks after the return day of the original process, have filed in the office of the prothonotary a sufficient declaration setting forth the grounds of the plaintiff's claim, and of the defendant's liability: *And provided also*, That the plaintiff shall have complied with the other requisitions of the said act.

Judgt on assignment

Proviso

SECTION 5. So much of the sixth section of the act relating to register and register's courts, passed the fifteenth day of March, one thousand eight hundred and thirty-two, as provides that no letters testamentary, or of administration or otherwise, purporting to authorize any person to intermeddle with the estate of a decedent which may be granted out of this Commonwealth, shall confer upon such person any of the powers and authorities possessed by an executor or administrator, under letters granted within this state, and so much of the seventh section of the act relating to orphans' courts, passed the twenty-ninth day of March, one thousand eight hundred and thirty-two, as provides that no appointment of a guardian made or granted by any authority out of this state, shall authorize the person so appointed to interfere with the estate of a minor in

Letters testamentary granted out of the state

this state, are hereby declared and enacted not to apply to the stock or loan of the city of Philadelphia or the county of Philadelphia, but such stock or loan shall pass and be transferrable, and the interest thereon accrued and to accrue, be receivable in like manner in all respects, and under the same, and no other regulations, powers and authorities as were used and practised before the said recited acts were passed.

**JAMES ROSS SNOWDEN,**  
*Speaker of the House of Representatives.*

**JOHN STROHM,**  
*Speaker of the Senate.*

APPROVED—The twelfth day of March, one thousand eight hundred and forty-two.

**DAVID R. PORTER.**

[No. 40.]

## AN ACT

To provide for the Resumption of Specie Payments by the Banks of this Commonwealth, 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 banks of this commonwealth, from and after the passage of this act, shall redeem their notes and deposits, and other liabilities, in gold and silver coin, upon demand being made at their banking houses during banking hours, and a refusal or failure to pay in gold and silver, as aforesaid, shall be deemed and taken to be an absolute forfeiture of their respective charters: *Provided,* That no contract previously made, as to the payment of deposits, shall be affected by the provisions of this section.

**SECTION 2.** Upon application to any court of common pleas or district court of the proper county, or a single judge thereof in vacation, on the oath or affirmation of any person setting forth, that he or she had presented to the proper officer or officers of any banking institution, within said county, a note or notes, or certificates of deposit, or other liabilities, issued by the same, except the notes issued by authority of the act of the 4th of May, one thousand eight hundred and forty-one, and demanded the payment thereof in gold or silver

Immediate re-  
sumption

Proviso

Proceedings  
on refusal to  
redeem liabilities