

upon the same terms and in the same manner as shall be practiced at their bank in the city of Philadelphia, and to commit the management of the said offices, and the making such discounts under such agreements and subject to such regulations as they shall deem proper, not being contrary to law or the constitution of said bank: Provided always, that no office of discount or deposit be opened in any town or borough of this state, without the previous consent of a majority of the taxable inhabitants of such town or borough: And that no office of discount and deposit be opened in any town or borough of this state, in which the bank of Pennsylvania, shall have previously established an office of discount and deposit: Provided nevertheless, that the bank of Pennsylvania, in like manner do not open an office of discount and deposit in any town or borough in which the bank of Philadelphia shall have previously established an office of discount and deposit: And provided also, that the president, directors and company aforesaid, shall have liberty to recall and annul the said offices of deposit and discount if found injurious to the interests of the institution: And provided also, that all notes or obligations bearing the signature of the president and cashier of the Philadelphia Bank, and issued at its branches, shall be payable at the said bank as well as at the branch where they issued, and no notes shall be issued at any of the said branches of less value than five dollars.

Approved March 3, 1809. Recorded in L. B. No. 11, p. 287.

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#### CHAPTER MMMXLIII.

A FURTHER SUPPLEMENT TO AN ACT, ENTITLED "AN ACT TO ALTER THE JUDICIARY SYSTEM OF THIS COMMONWEALTH." (1).

Section I. (Section I, P. L.) 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 the present districts of the supreme court, there shall be two districts, and the same are hereby established as follows: One thereof to be called the Lancaster district, which shall be composed of the counties of Lancaster, York, Berks and Dauphin, and the other thereof to be called the southern district, which shall be composed of the counties of Cumberland, Bedford, Franklin, Huntingdon and Adams, and there shall be a prothonotary appointed for each of the said districts, each of whom shall take and subscribe the like oath or affirmation, and give the like bonds as are by law required, to be taken and given by the present prothonotaries of the supreme courts, and shall perform the same duties in their respective districts, and be entitled to demand and receive similar fees as are allowed by law for the like services, to the present prothonotaries of the supreme courts, and in like manner be subject to account for the same, and it shall be the duty of the judges of the supreme court to hold one term annually in each of the said districts as follows: At Lancaster, for the Lancaster district, on the third Monday in May, and at Chambersburg, for the southern district, on the Monday week next following the end of the second week, of the term of the Western district, and each of the said terms shall continue two weeks if necessary to do the business thereof, and they shall hold adjourned courts in each of the said districts whenever the business therein depending may render it necessary; and instead of the time fixed by law for holding the term of the middle district, the said term shall, after this act shall go into operation, commence and be held on the Wednesday next following the end of the second week of the term of the Lancaster district.

Section II. (Section II, P. L.) And be it further enacted by the authority aforesaid, That the supreme courts hereby established, shall severally and respectively have, and exercise within the said districts respectively, the same powers, authority and jurisdiction in all cases and respects as are now vested in the supreme courts of the eastern, western and

middle districts; and as soon as this act shall go into operation, all actions pending and undertermined in the eastern, western or middle districts, appertaining to any of the districts herein established, shall be considered as pending in the supreme court of the proper district, and the judges thereof, in all respects, and in like manner, shall proceed to determine the same as though the said actions had originated in the said supreme courts respectively, and the prothonotaries of the respective districts hereby established, shall be accountable to the present prothonotaries respectively, and to all others who may have an interest therein, for all fees which shall have accrued upon the several actions in their respective courts, pending prior to this act taking effect, and pay the same over respectively, as they shall receive the same.

Section III. (Section III, P. L.) And be it further enacted by the authority aforesaid, That the prothonotaries of the eastern, western and middle districts, at least one month previous to the time fixed for this act to go into operation, shall respectively purchase blank books, and employ a clerk under their direction respectively, to make out a docket for each of the districts hereby established, containing a statement of all actions then pending and undetermined in their respective courts, appertaining to the said districts respectively, and shall have the said dockets, together with the records, declarations and other papers respecting all such actions then pending and undetermined as aforesaid, ready to be delivered to the prothonotary of the proper district, and shall deliver the same to such prothonotary, as soon as he shall be afterwards appointed and commissioned, and they shall be respectively paid for the said dockets, and the wages of the clerks employed as aforesaid, by warrant to be drawn by the governor, on the treasurer of this commonwealth.

Section IV. (Section IV, P. L.) And be it further enacted by the authority aforesaid, That as soon as the judges of the supreme court of the proper district, shall have finally determined and rendered judgment in any cause, action, matter or thing which shall have been transferred to, or which may

be brought therein by appeal, or writ of error, they shall order records thereof with their decision and determination thereon written, and duly certified to be remitted to the appropriate court of the proper county, which decision, determination or judgment, such court shall duly carry into execution and effect: And provided also, that upon the abolition of the circuit courts, all the proceedings which otherwise would have been remitted to such courts, shall be remitted to the appropriate court of the county, in which court they shall have originated prior to the removal, to the circuit court, and by such county court duly carried into execution and effect.

Section V. (Section V, P. L.) And be it further enacted by the authority aforesaid, That the judges of the supreme court shall not issue any writ of certiorari, or habeas corpus to remove any cause from any county court, the city and county of Philadelphia excepted, and all causes, indictments, or prosecutions in the circuit court, of the supreme court in any county, which shall remain untried, on the fourth Monday of October next, shall be transferred to the appropriate county court, from which it was removed, there to be tried and determined, and all the pleas, entries and proceedings in each case, and all recognizances of bail shall be, and remain in the state in which they were, and shall have the same force and effect which they would have had in the circuit court, and from thence the said circuit courts shall be abolished: And all cases of appeal or error in such circuit court from any county court then pending, shall be transferred to the supreme court of the proper district for final determination therein, and shall be afterwards proceeded in, as is directed in the preceding section of this act: Provided nevertheless, the judges may hold courts of nisi prius, in, and for the city and county of Philadelphia as heretofore.

Section VI. (Section VI, L. P.) And be it further enacted by the authority aforesaid, That appeals and writs of error may be had, and may issue to, and from the supreme court of the proper district, from, and to the courts of the several

counties, and any party appealing or purchasing any writ of error, shall make oath or affirmation to be filed with the record, that the same is not intended for delay, and where the facts in any special verdict, may be insufficiently or uncertainly found, the judges may remand the record, and direct another trial, to ascertain the facts, and that every party may have sufficient opportunity to take out a writ of error, no execution shall issue upon any judgment, on any special verdict, demurrer or case stated, unless by leave of the court, in special cases for security of the demand, within three weeks from the day on which such judgment shall be pronounced.

Section VII. (Section VII, P. L.) And be it further enacted by the authority aforesaid, That all recognizance of bail or other surety or security by law required to be entered into, or given for the prosecution of any appeal or writ of error, may be entered into, or taken by, or before any of the judges of the court, from or upon whose judgment or decree the same shall be taken or issued, and shall be duly certified and transmitted with the record, and any suit or suits may be brought upon any such recognizance or bond in the court of common pleas of the proper county or elsewhere, if the defendant or defendants shall not reside in such county, any law or usage to the contrary notwithstanding.

Section VIII. (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That in case of a vacancy hereafter happening in the office of a judge of the supreme court, the governor shall not supply such vacancy, unless the number of judges shall be reduced to fewer than three, in which case he shall commission so many as shall complete that number, and no more.

Section IX. (Section IX, P. L.) And be it further enacted by the authority aforesaid, That where any person or persons may or shall be indicted, prosecuted or charged with any criminal offense in the mayor's court of the city of Philadelphia, the defendant or defendants, traverser or traversers, in addition to his, her or their right or power to remove the same into the supreme court, as heretofore may forthwith, but not

at any after session, of right, demand that such indictment, prosecution or charge with all the records and proceedings, touching the same, be transferred or remitted to the court of quarter sessions of the peace of the county of Philadelphia, and the same shall be there proceeded in, tried and determined, in the same manner, and to all intents and purposes according to law, as if the same had been found, prosecuted or instituted in the said court of sessions, any law or usage to the contrary notwithstanding.

Section X. (Section X, P. L.) And be it further enacted by the authority aforesaid, That this act shall be in full force and effect from and after the fourth Monday of October next, and not before.

Section XI. (Section XI, P. L.) And be it further enacted by the authority aforesaid, That so much of the original act, and of any other act or acts as is hereby altered or supplied, and no more, as soon as this act shall go into operation and not before, shall be, and is hereby repealed.

Approved March 11, 1809. Recorded in L. B. No. 11, p. 288.  
Note (\*). Chapter 2646; Supra this volume, p. 61.

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## CHAPTER MMMXLIV.

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### AN ACT TO REGULATE THE ISSUING OF PATENTS FOR DONATION LAND.

Section I. (Section I, P. L.) 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 no patent for a donation tract of land shall issue on any application which may be made after the passing of this act, to any heirs of the officers and privates who died or were slain in the service of the United States, and entitled to receive donation land, under the laws