

CHAPTER MDCI.

A SUPPLEMENT TO THE ACT, ENTITLED "AN ACT TO ESTABLISH THE JUDICIAL COURTS OF THIS COMMONWEALTH IN CONFORMITY TO THE ALTERATIONS AND AMENDMENTS IN THE CONSTITUTION."¹

Whereas by the act to which this is a supplement, the high court of errors and appeals under the new constitution cannot legally be held for the first time until the second Monday in July next, which delay may be attended with inconveniences to the present suitors in the said court; to prevent which, as well as to remove any doubts which may arise concerning the power of the said court to issue writs of error and receive appeals before the actual sitting of the court.

[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 the justices of the said high court of errors and appeals be empowered, and they are hereby authorized and required, to hold the said court for the first time on the first day of November next, and to adjourn from time to time, as the business depending in the said court may require, and afterwards to sit at the stated times prescribed by the said act of assembly.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That from all acts and decisions of the several registers for the probate of wills and granting letters of administration, appeals shall lie to the respective registers courts, provided such appeals be made within the term of two years. Provided nevertheless, That if any person or persons who is, are, or shall be entitled to such appeal shall, at the time when entitled thereto, be within the age of twenty-one years, covert, non compos or non compotes mentis, in prison or out of the limits of the United States of America, then such person or persons, his, her or their heirs, executors or administrators (notwithstanding the said two years be expired) shall and may enter his, her or their appeal from the

¹Passed April 13, 1791. Chapter 1575.

judgment of the said register, so as the same be done within five years after his, her or their full age, discovery, coming to sound mind, enlargement out of prison, or return into some one of the United States, but not afterwards nor otherwise.

[Section III.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That writs of error issuing from, and appeals made to, the said high court of errors and appeals, shall extend to decisions heretofore given, provided the same have been made within seven years next before the passing of this act, and that the governor shall have power, and he is hereby authorized to appoint and commissionate one of the members of the said high court of errors and appeals, to be the president thereof.

(Section IV, P.L.) And whereas the times directed by law for holding the several courts of common pleas and general quarter sessions of the peace are in many respects inconvenient.

[Section IV.] Be it enacted by the authority aforesaid, That the court of common pleas and the court of general quarter sessions of the peace for the county of Philadelphia, shall be held at the city of Philadelphia, for the said county, on the first Mondays in the months of March and June, the third Monday in September and the first Monday in December in every year; that the courts of common pleas and general quarter sessions of the peace for the county of Delaware, shall be held on the last Mondays in the months of January, April, July and October; that the said courts for the county of Bucks, shall be held on the first Mondays in February, May, August and November; that the said courts for the county of Montgomery, shall be held on the second Mondays in the same months; that the said courts for the county of Chester, shall be held on the third Mondays in the months of February, May, August and November; that the said courts for the county of Lancaster shall be held on the last Mondays in the months of February, May, August and November; that the said courts for the county of York, shall be held on the first Mondays in the months of March, June, September and December; that the said courts for the county of Dauphin, shall be held on the second Mondays in

the same months; that the said courts for the county of Berks, shall be held on the first Mondays in the months of January, April, August and November; that the said courts for the county of Northampton, shall be held on the second Mondays in the months of January, April, August and November; that the said courts for the county of Luzerne, shall be held on the third Mondays in the months of January, April, August and November; that the said courts for the county of Northumberland, shall be held on the fourth Mondays in the same months; that the said courts for the county of Cumberland, shall be held on the first Mondays in the months of January, April and August, and the last Monday in October; that the said courts for the county of Mifflin, shall be held on the second Mondays in the months of January, April and August, and the first Monday in November; that the said courts for the county of Huntingdon, shall be held on the third Mondays in the months of January, April and August, and the second Monday in November; that the said courts for the county of Bedford, shall be held on the fourth Mondays in the months of January, April and August, and the third Monday in November; that the said courts for the county of Franklin, shall be held on the Mondays next following the said courts to be held for the county of Bedford; that the said courts for the county of Allegheny, shall be held on the second Mondays in the months of March, June, September and December; that the said courts for the county of Westmoreland, shall be held on the third Mondays in the same months; that the said courts for the county of Fayette, shall be held on the fourth Mondays in the same months; and that the said courts for the county of Washington, shall be held on the Mondays next following the said courts held for the county of Fayette.

[Section V.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That the times for holding and continuing the courts of general quarter sessions of the peace in each of the said counties shall not exceed four days in every sessions.

[Section VI] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That the said several courts of

common pleas and general quarter sessions of the peace, shall be held in and for the said several counties for the first time after the passing of this act, on the same several days and times as they are now held under the subsisting laws of this commonwealth, and that all subsequent courts shall be held agreeably to the directions of this act.

[Section VII.] (Section VII, P. L.) And be it further enacted, That where any sheriff hath executed or hereafter shall execute, by order of the proper court, a deed for any lands, tenements or hereditaments sold by his predecessor in office, the execution of such deed may be acknowledged in the county where the lands lie, in the same manner as by the eleventh section of the act to which this is a supplement, is permitted to be done by the sheriff who sells and conveys such lands, tenements and hereditaments.

[Section VIII.] (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That the prothonotaries and clerks of the several courts of record in this commonwealth shall, respectively, have full power and authority to take the acknowledgment of satisfaction of judgments or decrees entered on the records of the said courts, in their respective offices, as any judge or justice of the said courts might or could do.

[Section IX] (Section IX, P. L.) And be it enacted by the authority aforesaid, That the mayor and recorder of the city of Philadelphia, the master of the rolls, and the justices of the peace of this commonwealth, shall have power to receive the proof or acknowledgment of all instruments of writing, in the same manner as the justices of the peace might or could have done under the act, entitled "An act for acknowledging and recording of deeds,"² passed the twenty-eighth day of May, one thousand seven hundred and fifteen, or as the justices of the common pleas might or could have done by one other act, entitled "A supplement to the act entitled an act for acknowledging and recording of deeds,"³ passed the eighteenth day of March, one thousand seven hundred and seventy-five,

²Chapter 208.

³Chapter 706.

and that they shall also have power to take the acknowledgment of all deeds of conveyance, whereby the husband and wife do convey the estate or right in or to any lands, tenements or hereditaments, whatsoever, as fully, in like manner and for the like purposes as the justices of the county courts of common pleas may or can do by the act, entitled "An act for the better confirmation of the estates of persons holding or claiming under feme coverts, and for establishing a mode by which husband and wife may hereafter convey their estates,"⁴ passed the twenty-fourth day of February, one thousand seven hundred and seventy.

(Section X, P. L.) Whereas doubts have arisen whether sheriffs are obliged to serve declarations in ejectment:

[Section X.] Be it therefore enacted by the authority aforesaid, That from and after the passing of this act, it shall be the duty of the sheriffs of the several and respective counties of this commonwealth, and they are hereby required to serve all declarations in ejectment delivered to them, and they shall be allowed the same fees for service and mileage as in cases of summons against freeholders.

Passed Sept. 30, 1791. Recorded L. B. No. 4, p. 270.

CHAPTER MDCII.

AN ACT TO PROVIDE FOR THE IMMEDIATE DEFENSE OF THE FRONTIERS OF THE COMMONWEALTH.

Whereas it appears necessary at this time to make some effectual provision, in aid of the measures of the federal government, for the protection of the frontiers of this commonwealth, which are exposed to imminent danger from the Indians now at war with the United States; and that it is expedient that a portion of the militia of the state should be called into service, in order to afford prompt and effectual assistance to the distressed settlers on the frontiers.

⁴Chapter 605.