

## No. 113.

## AN ACT

To continue in force the several acts relative to the District Court of the counties of Lancaster and York, and for other purposes.

SECT. 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 several acts of Assembly which are now in force, relative to the District Courts of the city and county of Lancaster, and the county of York, are hereby continued in force until the first day of May, one thousand eight hundred and forty, and shall have the same force and effect from and after the first day of May, one thousand eight hundred and thirty-three, until the first day of May one thousand eight hundred and forty, as if the said several acts had been set forth at length, and contained word for word in this act:

District courts in Lancaster and York continued until 1840.

*Provided,* That from and after the first day of May, one thousand eight hundred and thirty-three, the city and county of Lancaster shall form a separate district, and the county of York shall form a separate district.

Proviso. Counties made separate districts.

SECT. 2. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the Governor, on the first day of May, one thousand eight hundred and thirty-three, or immediately thereafter, to appoint and commission a judge of competent legal attainments, for the district composed of the city and county of Lancaster, who shall have jurisdiction in the district of York county, until the third Monday of December, one thousand eight hundred and thirty-three, and also to appoint and commission a judge for the district composed of the county of York, of competent legal attainments, on the third Monday of December, one thousand eight hundred and thirty-three, which said judges shall severally discharge the duties of their offices during the continuance of said courts, if they shall so long behave themselves well, and shall be entitled to the same compensation as the judges of the said District Courts now in commission receive.

Governor to appoint a judge for Lancaster dist. in May, with limited jurisdiction in York co.

Judge for York to be appointed in December.

SECT. 3. *And be it further enacted by the authority aforesaid,* That all causes now pending in the District Court for the city and county of Lancaster, and in the court of Common Pleas of said county, and in the county of York, where the sum in controversy exceeds the sum of one thousand dollars, may be removed into the Circuit Court at any time within six months from and after the passage of this act, in the manner authorized by the several acts of Assembly relative to the removal of causes into the said Circuit Court.

Of the removal of causes to Circuit c't.

**SECT. 4.** *And be it further enacted by the authority aforesaid,* That all process issued for selecting and summoning jurors by said District Court, for the term to be holden on the second Monday of May, one thousand eight hundred and thirty-three, are hereby validated and made as effective as though the commissions of the judges and the law authorizing said court had extended to a period beyond said term.

**SECT. 5.** *And be it further enacted by the authority aforesaid,* That the members of the select and common councils of the city of Pittsburg shall, on the second Tuesday of January next, and on the same day yearly thereafter, meet together and elect, *viva voce*, one of the freemen of said city qualified to serve as a member of the House of Representatives of this Commonwealth, to be the mayor of said city, whose duty shall be to preside in the Mayors' Court when present, to promulgate the by-laws, rules and ordinances of the corporation, and specially to attend to the due execution and fulfilment of the same, and who shall be entitled to receive, hold and enjoy all the emoluments, which by the by-laws and ordinances of the corporation, may then or hereafter be annexed and attached to the office of mayor, and the mayor elect shall take a solemn oath or affirmation, before the president or an associate judge of the court of Common Pleas of Allegheny county, or of the recorder of the said city for the time being, "well and faithfully to execute the office of mayor of said city," and shall thereupon enter upon and perform the duties of the said office, without any other or further commission, and shall continue in office until a successor shall be duly elected and qualified; and in case of the death, resignation or removal of the mayor, or other vacancy in the office, such vacancy shall be filled by a new election for the remainder of his term in office, by the said councils, within fifteen days thereafter; and at least ten days notice shall be given in the public newspapers of said city of the time of holding the same, and the mayor so elected, shall have all the other powers now vested by law in the mayor of said city, by virtue of his office, and be subject to the same duties: *Provided,* That no member, for the time being, of the select or common councils aforesaid, shall be eligible to the office of mayor.

**SECT. 6.** *And be it further enacted by the authority aforesaid,* That from and after the passage of this act, all that portion of the south ward of said city which lies north and east of Diamond alley, and is bounded by Grant street, Diamond alley, Market street, and Fifth street, be, and the same is hereby attached to the east ward; and all that portion of the north ward of said city which lies south and west of Marbury street, and is bounded by Marbury street, Liberty street, the Monongahela and Allegheny rivers, be, and the same is hereby attached to the west ward.

Process sum-  
moning ju-  
rors for May  
term made  
valid.

Pittsburg.  
Election of  
Mayor by ci-  
ty councils.

His duties,  
emoluments,  
&c.

Oath of office.

Vacancies,  
how filled

Proviso.  
Council-men  
ineligible.

New arrange-  
ment of  
wards.

SECT. 7. *And be it further enacted by the authority aforesaid,* That the select and common councils of said city are hereby authorized and required, within three months after the passage of this act, to fix the places of holding all general and city elections for the said wards, at such houses within the bounds of the respective wards, and not elsewhere, as they may designate, and to change the same as public convenience may require, and it shall not be lawful for any inhabitant of said city to vote at any of said elections, except within the ward where he may reside.

Councils to fix places of holding elections, &c.

SECT. 8. *And be it further enacted by the authority aforesaid,* That the freemen of each ward of said city, qualified to vote for members of the select and common councils of said city, shall meet together in their respective wards on the first Tuesday of January next, and yearly thereafter, and elect by ballot one person in each and every ward, qualified to serve as a member of the House of Representatives of this Commonwealth, to be a member of the select council, who shall hold his office for the term of three years; and five persons qualified as aforesaid, in each and every ward, to be members of the common council, who shall hold their offices for the term of one year; and the said elections of select and common council men shall be held by the recorder and aldermen of said city, or any one of them, who shall take the usual oaths or affirmations, as prescribed by the general election laws of this Commonwealth, to be taken by the judges and inspectors of the general elections, and shall have power to appoint clerks of such elections, and administer the necessary oaths to such clerks; and the said elections shall be conducted in all other respects as is now provided by the existing laws of this Commonwealth, and it shall be the duty of the mayor of said city, to give at least ten days previous notice in the public newspapers of Pittsburg, of the time and place for holding said elections.

Annual election of select and common council-men.

Under direction of Recorder and aldermen.

SECT. 9. *And be it further enacted by the authority aforesaid,* That so much of the existing laws of this Commonwealth as are hereby altered, be, and the same, and no more, are hereby repealed.

Repealing clause.

SECT. 10. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the clerk of the Mayor's Court of the city of Pittsburg, as soon as convenient after the passage of this act, to purchase a book or books, and make, or cause to be made therein, at least two indexes to all the proceedings in the said court since its organization, contained in the several court dockets in the said clerk's office, one of which said indexes shall, among other things, contain the names of plaintiffs, and the other the names of the defendants, so arranged as to afford an easy and ready reference to said matters.

Clerk of Mayor's court directed to index proceedings.

**SECT. 11.** *And be it further enacted by the authority aforesaid,* That the expense of purchasing such book or books for such indexes, and the expense of making such indexes, shall be paid for out of the funds of the county of Allegheny, on warrants to be drawn on the county treasurer by the commissioners of the said county; and it shall hereafter be the duty of the said clerk to keep up at his own proper cost and charges the indexes provided for in the foregoing section of this act, and deliver the same over to his successor in office, in the same manner he is required to deliver over the other records of his office.

County to bear expense.

Clerk to keep up index at his own expense.

Clerk liable to a fine for neglect.

**SECT. 12.** *And be it further enacted by the authority aforesaid,* That in case the clerk of the Mayor's Court aforesaid, shall neglect or refuse to make, prepare, and keep in his public office either of the indexes by this act directed to be made, prepared and kept, and shall be thereof convicted at the suit of the Commonwealth in the court of Quarter Sessions of Allegheny county, the said court shall impose upon said clerk a fine of not less than ten, nor more than fifty dollars, for the use of said county, the payment of which fine shall be enforced, as the payment of other fines imposed by said courts are now enforced.

SAM'L. ANDERSON,

*Speaker of the House of Representatives.*

THO'S. RINGLAND,

*Speaker of the Senate.*

APPROVED— April, eighth A. D. one thousand eight hundred and thirty-three.

GEO. WOLF.

No. 114.

AN ACT

To incorporate the Theological Seminary at Canonsburg, in the county of Washington, belonging to the Synod of the Associate Presbyterian Church.

**SECT. 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 Thomas Beveridge, Findley W. M'Naughten, Robert Steel, Robert Bruce, Joseph Scroggs, William Bell, James Ramsay, Thomas Allison, David French, Samuel Murdock, Alexander Murray, and David Scott, and their

Trustees incorporated.