

No. 137.

AN ACT

To provide for the erection of an additional court within the county of Allegheny, 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 there shall be a court of record established in and for the county of Allegheny, by the name and style of "The District Court for the county of Allegheny," which shall consist of a president, who shall have power to try, hear and determine all civil pleas and actions, real, personal and mixed, and for the trial of all such pleas and actions shall have and exercise the same powers, authorities and jurisdictions as are now vested by law in the court of Common Pleas for the county of Allegheny. *Provided,* That the said court shall have no jurisdiction, either originally or on appeal, except when the sum in controversy shall exceed one hundred dollars.

Court esta. o' lished. Style. Power and jurisdiction. Proviso. None where sums in controversy are less than \$100

SECT. 2. *And be it further enacted by the authority aforesaid,* That the Governor shall be and he is hereby required, as soon as conveniently may be, to appoint a president of the said District Court, who shall receive a yearly compensation of sixteen hundred dollars, which shall be payable quarterly out of the state treasury.

Governor to appoint a judge. Salary \$1600.

SECT. 3. *And be it further enacted by the authority aforesaid,* That in all cases the final judgment of the said District court may be examined and affirmed or reversed on a writ of error from the Supreme Court, in a similar manner and subject to the same limitations and provisions under which writs of error are now issued from the Supreme court to the court of Common Pleas of the county of Allegheny.

Writs of error from Supreme court.

SECT. 4. *And be it further enacted by the authority aforesaid,* That the said District court shall hold four terms in the course of each year, to begin on the fourth Mondays of January, April, July and November respectively, and shall have full power and is hereby enjoined, to hold adjourned courts whenever the state of the business shall require it, and also to make such regulations of practice as may most facilitate the progress of justice: *Provided,* That the determination of no cause or action before the said court shall be delayed beyond the fourth term, including that to which the said action was instituted, if the parties be prepared for trial at the times appointed by the said court, and if the judge of the said court shall wilfully delay any cause, suit or action in

Stated courts to be held quarterly. Adjourned courts when necessary. Proviso. Suits not to be delayed beyond the fourth term. Wilful delay a misdemeanor.

readiness for trial as aforesaid, it shall constitute a misdemeanor in office.

Court to be opened for issue of mesne process on 1st Monday of May.

SECT. 5. *And be it further enacted by the authority aforesaid,* That the said court shall be opened for the purpose of issuing mesne process on the first Monday of May next, which shall be for that purpose a teste day of all process relative to the first term, on or before which day the president of the said court shall be appointed.

Prothonotary of Common Pleas to act as such for this court. Sheriff and coroner of Allegheny. Proviso.

SECT. 6. *And be it further enacted by the authority aforesaid,* That the prothonotary for the time being of the court of Common Pleas for the county of Allegheny shall perform all the duties of prothonotary of the said District Court, and the sheriff and coroner for the time being of the county of Allegheny shall obey all lawful orders of the said District Court, and all costs, taxes and fees now established by law in the courts of Common Pleas shall be charged and payable in similar instances in the District Court: *Provided,* That the said prothonotary shall be subject to all the provisions and penalties of an act entitled "An act taxing certain officers," passed the tenth day of March, one thousand eight hundred and ten.

Of the selection of jurors.

SECT. 7. *And be it further enacted by the authority aforesaid,* That the names of the jurors to serve at the said court shall be drawn from the wheels provided for jurors, agreeably to the directions of an act and its supplement entitled "An act directing the mode of selecting and returning jurors," passed the twenty-ninth day of March, one thousand eight hundred and five, and the sheriff and commissioners of the county of Allegheny shall forthwith, after the passing of this act, put into the said wheel the names of a competent number of jurors to serve at said District Court for the remainder of the present year, and shall annually afterwards at the time appointed by law for putting into the said wheel the names of the jurors for the said county, add a competent number to serve at the said District Court, agreeably to the provisions of the law in such case made and provided.

Judge authorized to take acknowledgment of deeds, &c.

SECT. 8. *And be it further enacted by the authority aforesaid,* That the president of the said court shall have full power, and he is hereby authorized, to take the probate and acknowledgment of all and every deed or deeds as fully and effectually as a judge of the Supreme Court or any president of the court of Common Pleas may or can do, which deed or deeds so proved or acknowledged shall be as effectual to all intents and purposes as if the same had been proved or acknowledged before a judge of the Supreme Court or any president of the court of Common Pleas, and it shall be lawful for the sheriff to acknowledge all deeds executed by him upon the sale of real estate, under process issued out of the said District Court in the said District Court, in the same

Sheriff's deeds.

manner as is required by law to be done in the court of Common Pleas upon process issued therefrom; and the president of the said court shall have power and it shall be his duty to issue writs of habeas corpus, either in term time or vacation, and give relief thereupon in the same manner and as fully as the president of any court of Common Pleas in this commonwealth at present may or can do.

Power to issue writs of Habeas Corpus, &c.

SECT. 9. *And be it further enacted by the authority aforesaid,* That any suit or cause depending in the court of Common Pleas of the county of Allegheny, on the fourth Monday of July next, where the sum in controversy exceeds one hundred dollars, may, at the election of either plaintiff or defendant, be transferred to the said District Court, there to be heard, tried and determined: *Provided,* That the said transfer be made within three months after the said fourth Monday of July next.

Transfer of suits from Common Pleas authorized.

Proviso. Time of transfer.

SECT. 10. *And be it further enacted by the authority aforesaid,* That if the president of the said District Court shall be interested in any suit or action, which shall be commenced in, or transferred to the said court, or shall have been of counsel for either of the parties in any such suit or action, or in any matter or thing touching the same, it shall be lawful for the said president to suggest such matter on the record thereof, and to direct such suit or action to be transferred forthwith to the court of Common Pleas, there to be tried and determined, in the same manner as if the same had been originally commenced in the said court of Common Pleas, or as if the same had not been transferred therefrom.

Suits in which Pres't. may have been interested to be tried in Common Pleas.

SECT. 11. *And be it further enacted by the authority aforesaid,* That in all suits or actions now pending, or which may be hereafter brought in the court of Common Pleas of said county, in which the president thereof may have been of counsel for either of the parties in any such suit or action, it shall be the duty of the president of said court of Common Pleas to suggest such matter on the record thereof, and to direct such suit or action to be transferred forthwith to the District Court for the county of Allegheny, there to be tried in the same manner as if the same had been originally commenced in said district court.

Suits in which Pres't. of Common Pleas may be interested to be tried in Dist. Court.

SECT. 12. *And be it further enacted by the authority aforesaid,* That the provisions of the twenty-fifth section of the act entitled "An act to alter the judiciary system of this Commonwealth," passed the twenty-fourth day of February, eighteen hundred and six, are hereby extended to the president of the District Court created by this act.

Provisions of 25th sect. of act of 24th February, 1806, extended to the Pres't. of this court.

SECT. 13. *And be it further enacted by the authority aforesaid,* That this act shall continue in force for the term of seven years, and no longer.

This act to continue in force 7 years.

SECT. 14. *And be it further enacted by the authority aforesaid,* That if by any accident or mistake, or neglect of any

General regulations relative to jurors. In cases of mistakes or neglect in jury wheel, court to direct new selections.

Cases where sustained challenges exhaust the panel, venire to be awarded returnable forthwith.

Proper officer neglecting or refusing to seal or take charge of jury wheel liable to a fine.

Of the number of petit jurors for Union county.

Courts of Common Pleas when requested by courts of other states, &c.

sheriff and commissioners, or either of them, the wheel containing the names of jurors selected for the year in any county, shall be open or unlocked or unsealed, it shall be the duty of the court, upon sustaining a challenge to the array for any such cause, to direct the names to be taken out of the wheel by the sheriff and commissioners, and a new selection of jurors to be made for the remaining part of the year, or if the wheel shall by any means be broken open or destroyed, so that no jury can be drawn from it, a new selection shall be made by the sheriff and commissioners, and put into the wheel for the residue of the year; thirty days before the court, at which any such jurors shall be summoned to serve.

SECT. 15. *And be it further enacted by the authority aforesaid,* That when in any civil case a challenge to the array by either party, or by the defendant in criminal case is sustained, so that there is no jury present legally qualified to try the cause, the court shall have the power, at the instance of either party to award a venire, returnable forthwith, directing the sheriff, coroner, or two clerks, as the case may require, to summon twenty-four jurors, for the trial thereof, unless the case be one in which the defendant is allowed twenty peremptory challenges, when the number shall be thirty-six, upon the return of which, with the panel of jurors summoned, the trial shall proceed with like effect as if the jurors had been summoned in the usual way.

SECT. 16. *And be it further enacted by the authority aforesaid,* That if the sheriff and commissioners of any county shall neglect or refuse to lock and seal any wheel containing the names of jurors selected for the year, or any part thereof, or if the sheriff shall neglect or refuse to take charge of the key thereof, or the commissioners shall neglect or refuse to take charge of the wheel, such sheriff or commissioners shall on conviction thereof in the court of Quarter Sessions of the county, pay a fine to the Commonwealth not less than one hundred dollars, and not more than one thousand dollars, at the discretion of the court.

SECT. 17. *And be it further enacted by the authority aforesaid,* That the number of petit jurors to be drawn, summoned and returned to serve at any court of Common Pleas, or court of Quarter Sessions of the peace, in and for the county of Union shall not be less than thirty nor more than thirty-six, any law to the contrary notwithstanding.

SECT. 18. *And be it further enacted by the authority aforesaid,* That in all cases where letters rogatory shall be issued out of any court of any one of the several states composing the United States, or out of any court of any territory of the said United States, requesting any court of Common Pleas in this Commonwealth to afford its aid in the examination of any witness or witnesses within the limits of the jurisdiction of such court of Common Pleas, it shall be competent for such

court of Common Pleas to issue subpoenas to such witnesses as may be required by any party concerned, requiring their attendance either before such court of Common Pleas, or before a commissioner or commissioners, to be by the said court of Common Pleas named, at a certain hour and place therein designated, having regard to the distance of such witness or witnesses, and under a penalty not exceeding one hundred dollars.

to issue subpoenas to witnesses for examination before court or comm'rs to be appointed for that purpose.

SECT. 19. *And be it further enacted by the authority aforesaid,* That in case of the non attendance of any such witness or witnesses, it shall and may be lawful for such court of Common Pleas, on due proof of the service of the subpoena, to issue process of attachment against the defaulting witness or witnesses, and thereupon the same proceedings shall be had, as are used and allowed in like cases in the courts of record in this Commonwealth.

In case of non attendance issue of attachment authorized.

SECT. 20. *And be it further enacted by the authority aforesaid,* That any party injured by such non attendance shall also be entitled to the same remedies at law, against the person subpoenaed, as are provided where a subpoena is issued from a court of record of this Commonwealth, in a cause pending therein.

Injured party entitled to same remedy as if the cause was pending in court.

SECT. 21. *And be it further enacted by the authority aforesaid,* That if any person subpoenaed under this act shall attend, but refuse to testify, he or she shall be subject and liable to the same proceedings on the part of the said courts of Common Pleas, as if he or she had refused to testify in a cause pending in any court of record of this Commonwealth.

Witnesses refusing to testify liable in same manner.

SAM'L. ANDERSON,

Speaker of the House of Representatives.

THO'S. RINGLAND,

Speaker of the Senate.

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

GEO. WOLF.

No. 138.

AN ACT

For the relief of sundry widows of soldiers of the revolutionary war.

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 State Treasurer be and he is hereby author-