

[No. 125.]

A N A C T

To Incorporate the Liberty Fire Company, of Holmesburg, in the county of Philadelphia.

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 all and every the persons that shall

Com incorpo-
rated

Name

Liberties &
franchises

at the time of passing this act, be members of the association called the Liberty Fire Company, of Holmesburg, shall be and they are hereby declared to be one body politic and corporate in law, by the name, style and title, of "The Liberty Fire Company, of Holmesburg," and by the same name, shall have perpetual succession, and shall be able to sue and be sued, implead and be impleaded in all courts of record, or elsewhere, and to take, receive and hold all and all manner of lands, tenements, rents, annuities, liberties, franchises and other hereditaments, which may at any time or times heretofore have been granted, bargained, sold, enfeoffed, released, devised or otherwise conveyed to the said Liberty Fire Company, of Holmesburg, or to any person or persons for their use or in trust for them, and the same lands and tenements, rents, annuities, liberties, franchises and other hereditaments are hereby vested and established in the said corporation and their successors forever, and the said corporation and their successors are hereby declared to be seized and possessed of such estate or estates therein, as in and by the respective grants, bargains, sales, enfeoffments, releases, devises or other conveyances thereof, is or are declared limited and expressed, and also that the said corporation and their successors at all times hereafter, shall be able to purchase, receive, have, hold and enjoy to them and their successors, all and all manner of lands, tenements, rents, annuities, liberties, franchises and other hereditaments, goods and chattels, of what nature, kind or quality soever, real, personal or mixed, or choses in action, and the same from time to time, to sell, grant, demise, alien and dispose of: *Provided*, That the clear yearly value of the messuages, houses, lands and tenements, rents, annuities or other hereditaments, and the real estate of the said corporation, and the interest on money by them lent, shall not exceed the sum

Proviso

of two thousand dollars, and also to make and have a com-
 mon seal, and the same to break, alter and renew at their plea-
 sure, and also to ordain, establish and put in execution such
 by-laws, ordinances and regulations as shall appear necessary
 and convenient for the government of the said corporation,
 not being contrary to the constitution and laws of the United
 States or of this Commonwealth, and generally to do all and
 singular the matters and things which to them it shall lawfully
 appertain to do for the well being of the said corporation,
 and the due management and ordering of the affairs thereof.

Income limi-
 ted
 Seal
 By-laws

SECTION 2. Nothing in this act contained, shall be deemed
 to authorize the said company to engage either directly or in-
 directly in any banking, monied, commercial, mining or manu-
 facturing concern, or to act in any other way than as a fire
 company.

Banking pro-
 hibited

SECTION 3. The Legislature reserves the right to amend,
 alter or annul the chartered privileges granted by this act.

Legislative
 reservation

SECTION 4. That it shall be the duty of one of the judges
 of the Supreme Court of Pennsylvania, to hold jury trials in
 all cases now pending or hereafter to be brought in said court,
 in the city and county of Philadelphia, on original process,
 and for that purpose to hold four sessions per year, commenc-
 ing on the first Mondays of September, November, January
 and March in each and every year, to continue two months
 if necessary, with power to direct the issuing of all the neces-
 sary precepts and venires, for the drawing, returning and sum-
 moning of juries according to the laws now in force, in the
 said supreme court relating to jurors, to make all such rules of
 court as may be necessary for the speedy administration of
 justice within his jurisdiction, to hear and decide all motions
 relating to said process and cases, and to grant new trials
 when in his discretion it may be just.

Nisi
 Prius court
 established

Rules

SECTION 5. That each of the said sessions shall be devided
 into two periods for jury trials of at least three weeks each or
 longer, at the discretion of the said judge, and the remainder
 of the said sessions shall be appropriated to arguments. And
 it shall be the duty of the said supreme court, and it is
 hereby required to assign one of their number alternately
 to hold the said court of Nisi Prius as aforesaid, and the re-
 maining judges of the said supreme court are authorized and re-
 quired to hold courts in bank, in the several districts during
 the time occupied by one of the judges holding said Nisi
 Prius court.

Sessions divi-
 ded

Arguments

SECTION 6. And it shall be lawful for either party to take
 a bill of exceptions to any opinion or charge of the said judge,
 as is now practised and allowed in the courts of common pleas

Bill of excep-
 tions

Certify re-
cord

of this state, and whenever the said judge shall refuse to grant a new trial on points of law, or whenever either party shall tender a bill of exceptions as aforesaid, or in any case in said court where a writ of error is now allowed in a like case, to any court of common pleas, or district court, it shall be lawful for the party aggrieved to require the said judge to grant an order to certify the record and bill of exceptions or either, as the case may be to the judges of the supreme court in bank, for a hearing at the next term thereof, upon such party, his agent or attorney, making an affidavit that said order is not sought by him for the purpose of delay, and upon giving absolute security, with two sureties by recognizance for the payment of all damages and costs, in case the proceedings shall not be affirmed in the manner now practised and allowed in cases of writs of error, to the courts of common pleas of this state: *Provided* That such order shall not be a supersedeas to an execution, unless taken and perfected within twenty-one days after judgment shall be rendered and before said judge: *And provided* That nothing herein contained shall be construed to prevent the said judge from granting a new trial in any case as provided in the fourth section.

Proviso

Return days
Provisions

SECTION 7. That the return days of all original process and final writs of execution, shall be monthly in the said court, and the provisions of the second section of an act, passed twenty-eighth March, one thousand eight hundred and thirty-five, entitled "An act to establish the district court for the city and county of Philadelphia," and the provisions of the fourth, fifth, seventh, eleventh and fourteenth sections of the supplement to the said act, passed eleventh March, one thousand eight hundred and thirty-six, and the provisions of the supplement thereto, passed the twelfth day of March, one thousand eight hundred and forty-two, and the provisions of the first, second and third sections of the act, of the twenty-second March, one thousand eight hundred and twenty-five, entitled "An act to prevent the failure of trusts," and the first, second, third, fourth and fifth sections of the act, passed fourteenth April, one thousand eight hundred and twenty-eight, entitled "An act to prevent the failure of trusts, to provide for the settlement of accounts of trustees, and for other purposes," and the fifteenth, sixteenth, seventeenth, eighteenth and nineteenth sections of the act passed the fourteenth of June, one thousand eight hundred and thirty-six, entitled "An act relating to assignees for the benefit of creditors and other trustees," and the provisions of the second section of the act of the seventeenth March, one thousand eight hundred and thirty-eight, entitled "An act to empower the court of common pleas for the city and county of Philadelphia, to appoint assignees or trustees in the place of the deceased assignees or trustees of John

Vaughn, and for other purposes," shall be and the same are hereby extended to all original actions brought or to be brought in the supreme court of Pennsylvania, in the city and county of Philadelphia, and all the cases of trusts therein referred to, shall be and hereby are added to the jurisdiction of the said Nisi Prius judge, and all the powers, jurisdictions and duties of the several courts therein prescribed and set forth, are hereby vested in the said Nisi Prius judge, in all such original actions brought or to be brought in the said supreme court, in the said city and county, and to all such cases of trustees and trust estates : *Provided*, That any party who may intend to move for judgment, for want of an affidavit of defence in any original action now pending in said court, shall file a copy of the instrument of writing, or affidavit of loan, upon which such action was brought, within one month from the passage of this act, and give two weeks notice thereof to the opposite party, or to his, or her, or to their attorney : *Provided further*, That no such motion for judgment, for want of an affidavit of defence shall be made, until the expiration of one month from the time of filing the copy of the instrument of writing or affidavit of loan.

Proviso

2d proviso

SECTION 8. That the said judge holding courts of Nisi Prius, shall have full power and authority to enter judgment in all cases brought or to be brought in said supreme court, on original process, and to make all orders and decrees in such cases as fully as any court of record could or might make, and all trials of contested facts in equity or otherwise, which the supreme court in bank may order and direct shall be tried before the said judge.

Powers

SECTION 9. That the said Nisi Prius judge shall take cognizance in all cases in equity now pending or hereafter to be instituted in the said supreme court, in the city and county of Philadelphia, under all existing and future acts of assembly vesting equity jurisdiction in the said supreme court, in the city and county aforesaid, and shall hear and decide the same, and make all necessary decrees, as fully as the said supreme court in bank might or could do, and all subpoenas in equity shall be returnable on monthly return days, and it shall be the duty of the said judge to make and establish rules of court for speedy administration of justice, in such cases and upon any final decree in any case in equity which may be made by the said judge to grant an order to certify the records of such cases to the judges of the said supreme court in bank for revision upon the party aggrieved, his agent, solicitor or attorney making affidavit, and on entering security as required by the second section of this act in cases commenced in said court

Cognizance
of certain
cases

Proviso by original process: *And provided*, That such order to certify the record shall not supersede any attachment or other process to enforce a final decree in equity unless taken and perfected within twenty-one days after such final decree, and the said Nisi Prius judge shall, in all cases in equity, fix the amount of security to be entered by the aggrieved party, after final decree made by him, and it shall be the duty of the said judge to make and establish a tariff of fees and costs in such equity cases, and in all other cases in said court, for services not provided for by the existing acts of assembly.

Repeal SECTION 10. That so much of any law as is altered or supplied by this act is hereby repealed.

Usury laws not applied to rail road or canal cos SECTION 11. That whenever any railroad or canal company has borrowed money and given to the lender thereof a bond or other evidence of indebtedness in a larger sum than the amount actually received, such transactions shall not be deemed usurious or in violation of any law of this Commonwealth prohibiting the taking of more than six per cent. interest.

Duty of Auditor General to destroy notes of 4th May is - sue in certain cases SECTION 12. That whenever any of the notes of any of the banks of this Commonwealth, issued under the provisions of the act passed fourth May, eighteen hundred and forty-one, entitled "An act to provide revenue to meet the demands on the treasury and for other purposes," shall be presented to the Auditor General to be destroyed, as directed by the third section of said act, it shall be the duty of the Auditor General to destroy the same forthwith in the presence of such person or persons as may be designated by the bank whose notes are to be destroyed, and the Auditor General, together with the person or persons designated by the bank, shall certify, under their hands and seals, the amount of notes destroyed, specifying the denominations, which certificates shall be filed in the office of the Auditor General, and a copy thereof shall be furnished to the bank, without charge, and the Auditor General is hereby authorized to re-transfer any stock placed upon the books of his department by any bank upon which no issues of notes have been made.

Canal co to examine bank on Shamokin dam SECTION 13. That the canal commissioners be and are hereby authorized to examine the eastern bank of the river along the pool of the Shamokin dam, on the Susquehanna division of the canal, and if they deem it necessary for the security of the said dam, and to prevent the destruction of property by the high water caused by the erection of the said dam, that the said bank should be secured and protected from further injury, they are hereby authorized and required to secure and protect the same in such manner as they may deem

most expedient, and pay for the same out of the fund appropriated for repairs.

SECTION 14. That so much of the act entitled "An act for the regulation of the militia of this commonwealth," passed the second day of April, one thousand eight hundred and twenty-two, as requires the militia to be trained in companies on the first Mondays of May of each year, be and the same is hereby repealed. Militia company trainings in May abolished

SECTION 15. That the seventeenth section of an act passed the eleventh day of July, Anno Domini eighteen hundred and forty-two, entitled "An act regulating election districts, and for other purposes," be and it is hereby so far amended as to make "Hartz" read "Wertz," where it occurs in said section. Hartz read Wertz

SECTION 16. That the provisions of the forty-first and forty-second sections of the act of the general assembly, passed the fourth day of March, eighteen hundred and forty-two, entitled "An act regulating election districts, and for other purposes," are hereby suspended until the next election for supervisors and overseers of the poor in Luzerne county, except so far as the provisions of the same were carried into effect at the last election. Luzerne co supervisors &c

SECTION 17. That Sarah McCreery, widow and executrix of William McCreery, late of the county of Washington, deceased, be and she is hereby authorized and empowered to sell and convey by deed or deeds to the purchaser or purchasers such parts of the real estate of which the said William McCreery died seized, situate in the county of Washington or elsewhere, as shall be found necessary to pay and discharge the debts now due from the said estate: *Provided*, That before the said Sarah, executrix as aforesaid, shall sell or convey any part of said estate as aforesaid, she shall give bond in such sum and with such sureties as the orphan's court of the county of Washington shall direct, conditioned for the faithful and proper application of the purchase money of said real estate. Sarah McCreery empowered to sell real estate

JAMES ROSS SNOWDEN,
Speaker of the House of Representatives.

JOHN STROHM,
Speaker of the Senate.

APPROVED—The twenty-sixth day of July, Anno Domini eighteen hundred and forty-two.

DAVID R. PORTER.