

north sixty-seven degrees east seven hundred and eighty-one perches to a corner in the line of Branch township; thence along the line of Branch and Barry townships north fifty degrees west to the south-east corner of the new school district in said township; thence along the south boundary of the said district westward to the south-west corner; thence northwardly to the north-west corner; thence eastward so as to include the farm of John Kessler; thence northwardly to the division line between Upper and Lower Mahantongo townships; thence along said division line to the Dauphin county line; thence along said county line to Porter township, in Schuylkill county; and thence along the line of said Porter township to the place of beginning, be and the same is hereby erected into a separate school district, to be called Coal and Pine school district.

Farm of Haberacker.

SECTION 2. That the farm of George Haberacker be attached to the Lower Mahantongo school district, in Lower Mahantongo township, Schuylkill county, to be considered as a part of said district for all common school purposes.

Power of school directors, of the borough of Lewistown, increased.

SECTION 3. That the school directors of the borough of Lewistown, in the county of Mifflin, are hereby authorized to permit David Hough to send his children to the borough school.

FINDLEY PATTERSON,

Speaker of the House of Representatives.

DANIEL L. SHERWOOD,

Speaker of the Senate.

APPROVED—The thirteenth day of April, one thousand eight hundred and forty-six.

FRS. R. SHUNK.

No. 266.

AN ACT

Relative to certain courts in the city and county of Philadelphia.

Entry of judgments.

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 so much of the several acts of assembly, authorizing the district court for the city and county of Philadelphia, to enter judgments for want of an affidavit of defence, as relates to judgments for want of affidavits of defence, be and they are hereby extended to all actions brought, and appeals filed in the court of common pleas, for the county of Philadelphia, wherever the cause of action would, in a like case, have authorized the entry of such judgment in said district court: *Provided,* That the writing or affidavit to be filed by the plaintiff, to entitle him to such judgment, shall be filed within two weeks after the return day of the suit, or the first day of the term to which an appeal may be entered; and the affidavit of defence shall be made before the third Saturday succeeding such return day, or term day, as the case may require; and all

Proviso.

writs of execution issued out of said court of common pleas, shall be returnable to the first Monday of the next month, or the first day of the term, at the option of the party issuing the same.

SECTION 2. That from and after the first Monday in December next, it shall and may be lawful for the several courts in the city and county of Philadelphia, whenever a cause is reached in its order, on the trial list, and the plaintiff or his counsel does not appear, or if he appear, does not proceed to the trial of the cause, and does not assign and prove a sufficient legal cause for the continuance thereof, to enter a nonsuit without motion; and no nonsuit shall be taken off by agreement, nor any cause continued by agreement, without the payment of four dollars to the prothonotary of the said court, for the use of the county of Philadelphia; said payment not to be taxed as part of the costs of the cause, unless so agreed by writing filed: *Provided nevertheless*, That the parties may, by agreement, at any time before the issuing of the venire, for any period, withdraw any case from the trial list, but the same shall not be entitled to be put down for trial at any subsequent period of the same term, without a special order of the court. Relative to cases on trial list.
Proviso.

SECTION 3. That the judges of the district court for the city and county of Philadelphia, are hereby authorized to appoint a commissioner, with authority to take depositions, to be read in the trial of causes in said court, or upon motions, rules, petitions, and other matters that may be brought before said court; and the judges thereof shall provide such regulations as they shall deem expedient, setting forth the conditions upon which depositions taken, as aforesaid, may be read in evidence. And they shall have authority to supersede any commissioner to be appointed by them, by appointing another in his place. District court to appoint commissioners to take depositions.

SECTION 4. The commissioner thus appointed, shall have authority to administer oaths and affirmations to the witnesses, where depositions may be taken, under the provisions of this act, and shall receive such compensation for his services as the court shall direct, which shall be taxed among the costs of the suit, in which depositions shall be taken, in the same manner as depositions taken under the existing laws. Power of commissioners.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

DANIEL L. SHERWOOD,
Speaker of the Senate.

APPROVED—The fourteenth day of April, one thousand eight hundred and forty-six

FRS. R. SHUNK.