

instead of imprisonment in the county jail, undergo an imprisonment in the penitentiary for a period not less than six months.

When lot-holders
shall become
members.

SECTION 6. That as soon as the money received from the sale of lots, in said cemetery, shall be sufficient to pay the purchase money expended by the persons hereby incorporated, with interest, and the expenses that shall have been incurred by them in laying out, enclosing and improving the grounds, and other expenses respecting the said cemetery, then each lot-holder shall become a member of the corporation, and have a right to vote for the officers thereof; and at all elections held thereafter, under this act, each member of the corporation shall be entitled to one vote, and no more: *Provided*, That all the money raised thereafter from the sale of lots, shall be expended in improving, repairing and maintaining said cemetery.

Proviso.

Part to be used
as a public bury-
ing ground.

SECTION 7. That at least one-eighth of the ground purchased for the cemetery aforesaid, shall be appropriated by the managers for a public burying ground: *Provided*, That where persons are of sufficient ability to pay, and are desirous of burying on the ground appropriated by this section, they shall be charged by the managers such price as they may deem just and reasonable.

Proviso.

On failure of
election, former
board to act.

SECTION 8. That a failure to hold an election for president and managers as aforesaid, shall in no way impair this act of incorporation; but in such case, the concerns of said cemetery shall be managed as provided by the second section of this act.

WILLIAM F. PACKER,
Speaker of the House of Representatives.

WM. F. JOHNSTON,
Speaker of the Senate.

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

FRS. R. SHUNK.

No. 322.

AN ACT

Extending the chancery powers of, and to the jurisdiction and proceedings in, certain courts.

Chancery powers
granted to com-
mon pleas and
district court of
Lancaster.

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 the court of common pleas of the city and county of Lancaster, and county of York, shall have the jurisdiction and powers of a court of chancery within the said city and county, so far as the same are by existing laws vested in and exercised by the supreme court, sitting in banc in the city of Philadelphia, and by the court of common pleas of the city and county of Philadelphia, and under the like regulations and restrictions as are prescribed by law for the said courts; and in all cases

an appeal may be taken to the supreme court for the middle district, from the final decrees of the said courts in suits in equity, on the same terms and conditions as are provided in cases of appeal from the decrees of the court of common pleas of the city and county of Philadelphia.

SECTION 2. That a certain action of partition between Thomas M. Smith, plaintiff, and Samuel N. Richards and others, defendants, commenced in the court of common pleas of the county of Northampton, as of November term, one thousand eight hundred and forty-three, in respect of lands then lying in the county of Northampton, now in the county of Carbon, and which has been proceeded in to judgment quod partitio fiat, may be carried out and finally completed, as fully and effectually in all respects as though the said county of Carbon had not been erected; and all the usual and necessary process for the partition or sale of said lands, or for the completion of said proceedings, may be issued by the said court of common pleas; and the sheriff of the county of Northampton is hereby authorized to go into the county of Carbon, to serve and execute all such process, as fully and effectually as he might do in the county of Northampton; and any title which may be obtained to said lands by any allotment of the court of common pleas of Northampton county, or any sale under their authority, shall not be impeached, invalidated or affected by reason of the said lands being situate in the county of Carbon.

Thomas M. Smith vs. Samuel N. Richards, et al., venue changed from Northampton to Carbon county.

SECTION 3. That all sureties, mainpernors and bail, in criminal cases, whether bound in recognizance for a particular matter, or for all charges whatsoever, shall be entitled to have a bail-piece, duly certified by the proper officer or person before whom or in whose office the recognizance of such surety, mainpernors or bail shall be or remain, and upon such bail-piece, by themselves or their agents, to arrest and detain and surrender their principals, with the like effect as in cases of bail in civil actions; and such bail-piece shall be a sufficient warrant or authority for the proper sheriff or jailer to receive the said principal, and have him forthcoming, to answer the matter or matters alledged against him: *Provided*, That nothing herein contained shall prevent the person thus arrested and detained from giving new bail or sureties for his appearance, who shall have the same right of surrender hereinbefore provided.

Bail in criminal cases entitled to a bail-piece.

Proviso.

SECTION 4. The supreme court and the court of common pleas in the city and county of Philadelphia shall have the same jurisdiction and power in all suits now pending, or hereafter to be brought, for the discovery of facts, that are now possessed by courts of chancery.

Chancery powers of supreme and court of common pleas of Philadelphia.

SECTION 5. The district courts of the counties of Philadelphia, Lancaster and Allegheny, shall have jurisdiction of all joint claims against two or more buildings owned by the same person or persons, now filed, or that may be filed in said respective counties, in accordance with the provisions of an act, entitled "An Act relating to the liens of mechanics and others, upon buildings," passed June sixteenth, one thousand eight hundred and thirty-six, wherein such mechanics and others claim a sum equal to that of which said courts have respectively jurisdiction, according to several acts heretofore passed, constituting and regulating them, notwithstanding the several apportioned claims therein be less than the sum of which said courts have jurisdiction as aforesaid: *Provided*, That nothing herein contained shall prevent or impair the issuing and executing of separate writs of execution as heretofore, against all or any of such several apportionments.

District courts of Philadelphia, Lancaster and Allegheny, to have jurisdiction in cases of mechanics' lien.

Effect of judgment, execution and sale of property.

SECTION 6. Every judgment heretofore obtained in any of said courts, upon any apportioned claim filed in accordance with the above section,

and those to which such section is a supplement, in cases where the amount of such judgment is less than that of which such court has usual jurisdiction, and all writs of execution thereon had, shall be deemed good and valid; and any person or persons purchasing at any sale held in pursuance thereof, such property taken in execution, shall be and hereby is or are declared to have as full and indisputable title to such property so purchased, as he or they would have if the judgment on which execution and sale was had, had amounted to the sum of which such court has usual jurisdiction.

Mutual fire insurance company of Erie county, part of act repealed.

SECTION 7. That so much of the seventh section of the act of the twenty-sixth March, one thousand eight hundred and thirty-nine, entitled "An Act incorporating the Mutual fire insurance company of Erie county," as requires the prothonotary of Erie county to "enter without tax or fee upon his judgment docket," the names of individuals and memorandum of property insured by the Mutual insurance company, of the said county of Erie, be and the same is hereby repealed.

Writs of error on feigned issues in orphans' court, allowed.

SECTION 8. That in all cases where a feigned issue has been or hereafter may be directed by the orphans' court, a writ of error shall be in the same manner as in cases where feigned issues are directed by the court of common pleas, and shall embrace all causes now pending on writ of error, in the supreme court or otherwise.

Preamble.

Proceedings to ascertain the title to personal property taken in execution in Philadelphia city and county, and Luzerne county.

SECTION 9. WHEREAS, difficulties often arise in the execution of process against goods and chattels issued by or under the authority of the courts in the city and county of Philadelphia, and the county of Luzerne, by reason of claims made to such goods and chattels, by persons not being the parties against whom such process has issued, whereby sheriffs and other officers are exposed to the hazard and expense of actions; and it is reasonable to afford relief and protection in such cases to such sheriffs and other officers; therefore, when any such claim has been or shall be made to any goods or chattels taken, or entitled to be taken in execution under any such process, or to the proceeds of the value thereof, it shall and may be lawful to and for said courts from which such process issued, upon application of such sheriff or other officer, made before or after the return of such process, and as well before as after any action brought against such sheriff or other officer, to call before them by rule of said court, as well the party issuing such process, as the party making such claim, and thereupon to exercise for the adjustment of such claim, and the relief and protection of the sheriff or other officer, all the powers and authorities necessary, and make such rules and decisions as shall appear to be just, under the circumstances of the case; and the costs of all such proceedings shall be in the discretion of the court: *Provided*, It shall be lawful for the court to direct an issue for the trial of questions of fact, whenever the circumstances of the case require it.

Proviso.

Defects in sheriffs' deeds in Allegheny county, remedied.

SECTION 10. That no grant, bargain, sale or deed of conveyance, of any lands, tenements or hereditaments whatsoever, heretofore made and executed by the sheriff of Allegheny county, upon any judicial proceeding, out of any of the courts of said county, to any bona fide purchaser, and acknowledged in open court, shall be deemed, held or adjudged invalid or defective, or insufficient in law, by reason of any informality in setting forth the particulars of such acknowledgment, or by reason of any omission of the proper prothonotary duly to certify the same according to law; but all and every such grant, bargain, sale or deed of conveyance, as heretofore defectively acknowledged and certified, shall be good and valid, and effectual in law to transfer the interest of

the defendant in such process of, in and to such lands, tenements or hereditaments so sold.

WILLIAM F. PACKER,
Speaker of the House of Representatives.
WM. F. JOHNSTON,
Speaker of the Senate.

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

FRS. R. SHUNK.

No. 323.

A N A C T

To annul the marriage contract between Amelia S. Brisben and James C. Brisben.

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 the marriage contract entered into between Amelia S. Brisben and James C. Brisben, be and the same is hereby annulled and made void, and the parties released and discharged from said contract, and from all duties and obligations arising therefrom, as fully, effectually and absolutely, as if they had never been joined in marriage.*

WILLIAM F. PACKER,
Speaker of the House of Representatives.
WM. WILLIAMSON,
Speaker of the Senate.

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

FRS. R. SHUNK.