

“91. That if on the trial of any indictment heretofore had in any court in this state, for any crime or misdemeanor included within the provisions of the next preceding section of this act, any exception hath been taken or had to any decision of the court during the trial of such indictment, to the prejudice or injury of any defendant in the same indictment, it shall be the duty of the judge to settle a bill of the said exceptions, and to sign and seal the same bill, when two counsellors at law shall have certified the said exceptions to have been well taken, to the end that the same be returned with a writ of error to the court having cognizance thereof, and to the end that speedy justice may be done,” shall be and the same is hereby amended so that it shall be enacted and read as follows:

91. That if on the trial of any indictment in any court of this state, for any crime or misdemeanor, any exception shall be taken to any decision of the court during the trial of such indictment, to the prejudice or injury of any defendant in the same indictment, it shall be the duty of the judge to settle a bill of such exceptions, and to sign and seal the same bill, to the end that the same be returned with a writ of error to the court having cognizance thereof, and to the end that speedy justice may be done.

4. SEC. 3. That when such exceptions shall have been taken and the judge or judges of the court aforesaid shall have died without having sealed the same, the cause shall be heard in the court to which the writ of error is returnable, upon such exceptions being stated and agreed to in writing by the attorney-general or prosecutor of the pleas on the one side, and the attorney of the defendant on the other; or if such attorneys cannot agree thereto, the said exceptions shall be settled and sealed on five days' notice by any justice of the supreme court, as the same shall be found by him to have been in fact taken, and shall be returned with the writ of error.

5. SEC. 4. That the bill of exceptions taken under this act shall contain only so much of the evidence as may be necessary to present the questions of law upon which exceptions were taken at the trial, and it shall be the duty of the court or judge upon the settlement of the bill to strike out of the same all the evidence and other matters which shall not have been necessarily inserted.

## Descent.

**A supplement to an act directing the descent of real estate, approved April sixteenth, one thousand eight hundred and forty-six.**

Approved March 9, 1877. P. L. 1877, p. 191.

1. That when any illegitimate person shall die seized of any lands, tenements or hereditaments, in his or her own right, in fee simple, without devising the same in due form of law, and without leaving lawful issue, (and leaving a mother), then the inheritance shall go to the mother of the said person so seized; *provided, always*, that nothing contained in this act shall be construed or taken to bar or injure the rights or estate of a husband, as a tenant by the curtesy, or a widow's right of dower, or to make void or in any way affect any marriage settlement.

## Disorderly Persons.

**A supplement to the act entitled “An act concerning disorderly persons,” approved April ninth, one thousand eight hundred and seventy-five.**

Approved March 9, 1877. P. L. 1877, p. 186.

1. That in all cities in this state having a population of over fifteen thousand inhabitants and less than thirty-five thousand inhabitants, and having police courts or police justices, paid by a fixed salary, all persons

taken for a hearing before police court. arrested for any violation of the provisions of the act entitled "An act concerning disorderly persons," approved April ninth, eighteen hundred and seventy-five, or for any violation of the provisions of the act entitled "An act to define and suppress tramps," approved April nineteenth, eighteen hundred and seventy-six, shall be taken for a hearing before such police court or police justice, and that in all such cases no justice of the peace residing or holding his court in such city shall have power to hear, try, or determine such cases, any law, custom or usage to the contrary notwithstanding.

## District Courts.

### I. JURISDICTION.

1. Establishment of district courts.
2. In what cities to be established.
3. Shall be courts of record.
4. Judges, how appointed.
5. Clerks, &c., how appointed.
6. Extent of jurisdiction.
7. In case of penalty.
8. When recovery bar to recovery of residue.
9. Limiting jurisdiction.
10. Suits to amount of \$200 cognizable.
11. Parties may agree to waive process.
12. Suits by and against corporation and attorneys.
13. Judge whose term has expired may conclude case.
14. Territorial jurisdiction.

### II. PROCESS.

15. Process, how issued.
16. Penalty for signing blank summons or warrant.
17. Proceeding void if founded on summons issued in blank.
18. Process to compel appearance. Warrant.
19. When judge shall order warrant to issue.
20. Defendant may apply to set aside order.
21. Order to set aside warrant must be filed.
22. Summons when returnable, how served.
23. How served on corporation.
24. Sum demanded to be endorsed.
25. Proceedings upon warrant.
26. Recognizance, form of.

### III. PLEADING.

27. Name and style of actions.
28. When demand and plea to be filed.
29. Defendant when precluded.
30. Title to lands pleaded.
31. Effect of plea.
32. Bond required in such case.

### IV. TRIAL.

33. Proceeding if defendant does not appear.
34. When cause shall be heard.
35. Trial, when and how adjourned.
36. Hour of adjournment.
37. Adjournment in case set-off filed.
38. Jury demanded, and when.
39. Jurors' oath. Witness' oath.
40. Fines of jurors and witnesses.
41. If defendant has filed set-off, plaintiff not to withdraw suit.
42. Proof by affidavit of book account.
43. Affidavit of partnership.
44. Proof by affidavit of notes.
45. Proceedings when proof made by affidavit.
46. Disagreement of jury.

### V. JUDGMENTS.

47. When judgment against plaintiff.
48. Judgment by confession.

49. When case is submitted to a jury.
50. Form of judgment in case of action on bond with penalty.

### VI. EXECUTION.

51. Execution, when granted.
52. When execution against body may issue.
53. Order of justice.
54. Application to set aside.
55. Judge to file orders and give copy.
56. Effect of order to set aside.
57. When constable, &c., to incur no liability.
58. Service of order.
59. Judge to furnish copy of order.
60. When second application allowable.
61. Confession of judgment and stay of execution.
62. Suit on judgment, no stay of execution.
63. Sale under execution.
64. Proceedings on claim of property.
65. Effect of and proceedings after verdict.
66. Of taking the body on execution.
67. Execution may issue without revival of judgment.
68. Notice to issue execution.
69. Execution in force one year.
70. Alias and pluries executions.
71. Priority of executions.
72. Property levied on to be inventoried.
73. Constable liable for neglect.
74. Execution against corporation.

### VII. DOCKETING JUDGMENTS.

75. Judgments, how docketed.
76. Clerk of pleas to keep docket.
77. Mode of docketing judgments.
78. Operation of docketed judgments.
79. No proceedings in district court thereafter.
80. Revival of docketed judgments.
81. Clerk shall make index to docket.
82. Appeal on certiorari. Stay of execution.
83. Clerk to enter determination on certiorari or appeal.
84. Entry of rule necessary to make judgment lien on land.
85. Clerk of pleas to record judgment.

### VIII. CERTIORARI.

86. Judgment, &c., removed by certiorari only.
87. No certiorari allowed when appeal lies.
88. Proceedings to obtain certiorari.
89. When adjudicated.
90. Costs on affirmance but not on reversal.
91. Jurisdiction of circuit court.
92. Error or mistake will not reverse judgment.
93. Costs.
94. Judgments not reversed for mere irregularity.
95. When re-hearing of cause may be ordered.

### IX. COSTS.

96. Fees. Items of.
97. Fees on appeal.