

[No. 20.]

A N A C T

To establish a court for the trial of crimes and misdemeanors committed in the city and 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 there shall be established and holden within the city of Philadelphia, a court of record of the name and style of "The Court of General Sessions for the city and county of Philadelphia," which shall be composed of three judges, one of whom shall be president, and each of whom shall receive the same salary and compensation, as are now by law provided for the judges of the court of common pleas for the county of Philadelphia.

SECTION 2. The judges of the said court shall be nominated by the Governor, and shall be appointed by and with the advice and consent of the Senate, to serve for the term of ten years, if they shall so long behave themselves well, and if the said court shall be so long continued; but they shall be removable from office in the same manner as are the respective judges of the court of common pleas, oyer and terminer and general jail delivery and quarter sessions of the peace of the county of Philadelphia, and the several counties of the commonwealth.

SECTION 3. The said judges shall have power and authority to hold and keep a court of record, and shall hold six terms or sessions in the course of each year, which said terms or sessions shall commence on the first Mondays of January, March, May, July, September and November, respectively: It shall have a common seal, a clerk and other necessary officers, and shall have and exercise all the powers incident to a court of record, agreeably to the constitution and laws of this commonwealth.

SECTION 4. The jurisdiction of the court erected by this act shall extend over the whole city and county of Philadelphia: It shall have and exercise exclusive jurisdiction, and cognizance of all matters of which the court of criminal sessions for the city and county of Philadelphia now has jurisdiction and cognizance: And it shall also have and exercise exclusive jurisdiction and cognizance of all matters of which the court of

quarter sessions of the peace for the county of Philadelphia now has jurisdiction and cognizance, excepting the powers, privileges and jurisdiction conferred upon the said court of quarter sessions by the act of the first of April, eighteen hundred and thirty-four, entitled "an act to provide for the incorporation of boroughs;" and also, those which are conferred upon it by an act of the fifteenth of April, eighteen hundred and thirty-four, entitled "an act relative to counties and townships, and county and township officers;" and also, all those which are conferred upon it by the several acts of assembly, relating to the licensing of inns and taverns, which said powers, privileges and jurisdictions conferred upon the said court by the said acts respectively, are not extended to the court created by this act, but shall be and remain exclusively as heretofore, in the court of quarter sessions of the peace, for the county of Philadelphia.

Concurrent jurisdiction with oyer and terminer, &c.

SECTION 5. The court created by this act shall have *concurrent* jurisdiction with the court of oyer and terminer and general jail delivery for the county of Philadelphia, of all cases within the city and county of Philadelphia, which by the act of the sixteenth of June, eighteen hundred and thirty-six, entitled "an act relative to the powers and jurisdictions of courts," are exclusively vested in the courts of oyer and terminer and general jail delivery of the several counties of this commonwealth: And the judges of oyer and terminer and general jail delivery for the city and county of Philadelphia, shall hold courts of the same not oftener than once a year, and only when they shall deem necessary and proper; and if at any time recognizances or complaints are returned by any alderman or justice of the peace or other magistrate of the city and county of Philadelphia, to the judges of the said court of oyer and terminer and general jail delivery; they the said judges shall have power as often as they shall deem expedient and proper, to certify the same to the court hereby created to be proceeded upon therein in the same manner as if they had been originally returned to the said court.

Recognizance certified from oyer and terminer to criminal court.

Of homicide.

SECTION 6. It shall and may be lawful for the said judges of the said court for general sessions of the city and county of Philadelphia, or any two of them, at least twice a year, and oftener if necessary, to hold a court for the trial of cases of homicide; and all the powers, privileges and provisions now belonging to the court of oyer and terminer and general jail delivery of the several counties of this commonwealth, are hereby extended to the said court.

Powers of one judge.

SECTION 7. Any one of the judges of the court hereby created shall have full power and authority to hold the said court for the trial of all indictments (excepting as aforesaid, in cases of homicide, when as aforesaid there shall be two of the said

judges :) and also for the passing of sentences and for the adjudication of cases of breaches of the peace, master and apprentice, and such as may arise under the poor laws; and the trial or hearing of any case, may notwithstanding the expiration of the session in which it was commenced, be continued until finally determined: *Provided*, That whenever any defendant or defendants shall request the same, there shall be at least two of the judges of the said court present, at the passing of sentence upon the said defendant or defendants. Proviso.

SECTION 8. If the business of the court created by this act, shall at any time require the judges of the said court, may hold separate sessions for the trial of any case. Separate sessions.

SECTION 9. Such part of the duties incident to the court created by this act as is now performed by the clerk of the court of oyer and terminer and general quarter sessions of the county of Philadelphia, shall continue to be performed by the said clerk, and such portion thereof as is now performed by the clerk of the court of criminal sessions for the city and county of Philadelphia, shall continue to be performed by the said clerk, and the said clerks shall be respectively entitled to and receive all the fees and emoluments appertaining to the performance of the said duties: And if at any time previous to the expiration of the respective terms of office for which the aforesaid clerks were elected at the election held within the city and county of Philadelphia, on the ninth day of October, eighteen hundred and thirty-nine, either of them should die, resign or be removed from office, then the survivor of them shall perform all the duties which the said clerk so having died, resigned or been removed, would have been required to perform, and shall be entitled to and receive all the fees and emoluments which the said clerk would have been entitled to receive: And from and after the expiration of the terms of office for which the aforesaid clerks were respectively elected, the entire duties of the clerk of the court created by this act, and of the court of oyer and terminer and quarter sessions of the county of Philadelphia, shall be performed by a clerk elected for the court of general sessions for the city and county of Philadelphia, in the manner prescribed and provided for the election of prothonotaries and clerks of courts by the act of the second day of July, one thousand eight hundred and thirty-nine, entitled "an act to provide for the election of prothonotaries, clerks, recorders and registers:" *Provided*, That the clerk of the court of general sessions for the city and county of Philadelphia, so elected as aforesaid, shall enter into the same bonds and be subject to the same restrictions and liabilities, and pay the same tax on his fees received, to which the prothonotary of the district court of the city and county of Philadelphia is subject, by the existing laws of this commonwealth. Duties of clerk. oyer and terminer. Duties of clerk. crim. sessions. Fees. Vacancy, how supplied. Clerk, how elected.

SECTION 10. It shall be the duty of all magistrates and other

Magistrate's duties.

officers who are required by law to execute the process of or make returns to, and attend upon the respective courts of oyer and terminer and general jail delivery, quarter sessions of the peace and court of criminal sessions for the city and county of Philadelphia; to execute the process of the court hereby created, and to make returns to and attend upon the same, in the same manner that they are bound to execute the process of or make returns to, and attend upon the aforesaid courts or either of them, and they shall be allowed the same compensation for their services; and it shall be the duty of the judges of this court, and they are hereby directed to appoint four suitable persons for the term of one year respectively, (if they shall so long behave themselves faithfully and well,) and at the expiration of said respective terms of one year, again to appoint four suitable persons to officiate as high constables of the said court whose powers and duties shall be the same as those of the high constables now appointed by the mayor of the city of Philadelphia, and who shall attend upon and execute the process of the said court in such manner and under such regulations as the judges thereof may direct, and who shall receive the same compensation as is now received by the high constables appointed as aforesaid.

Court to appoint 4 high constables.

Duties of constables.

Compensation.

Rules of court

Writs of error

Bench warrants.

Contempts.

SECTION 11. The power and authority vested in the several courts of this commonwealth by the twenty-first section of the act of the sixteenth of June, one thousand eight hundred and thirty-six, entitled "an act relative to the jurisdiction and powers of the courts," to establish such rules for regulating the practice thereof respectively, and for expediting the determination of suits, causes and proceedings therein, as in their discretion they shall judge necessary or proper, are hereby extended to and vested in the court hereby created.

SECTION 12. Writs of error from the supreme court to the court of general sessions for the city and county of Philadelphia, shall be issued in the same manner and under the same rules and regulations, as are provided by law for issuing the same to the judges of the respective courts of oyer and terminer and general jail delivery and quarter sessions of the peace for the county of Philadelphia, and the several counties of this commonwealth.

SECTION 13. Whenever the court of general sessions for the city and county of Philadelphia shall direct attachments or bench warrants to be issued against parties or witnesses, not in proper attendance to the judges or judge thereof, by whom said process was directed to be issued, shall have power to direct that the party or witness brought in on such process, if in default, shall pay the costs of the same, and be otherwise proceeded against for contempt of court, as may be deemed necessary and proper, in such manner as is provided for by the provisions of law relating to contempts, contained in the act of

the sixteenth of June, one thousand eight hundred and thirty-six, entitled "an act relative to the jurisdiction and powers of the courts," and if such party or witness be not in default, then the said judges or judge shall direct the expense of said process to be paid by the county.

SECTION 14. All records and proceedings unfinished or un-Of unfinished disposed of, when the court of general sessions for the city and proceedings. county of Philadelphia, goes into operation, and which are within the jurisdiction of the said court, shall be transferred and certified to the said court, and considered and be disposed of, as if they had originated therein.

SECTION 15. Jurors and grand jurors for the transaction of Selection of the business of the court hereby created, shall be selected, jurors. summoned, drawn and returned in like manner, as is by law provided for the selection, summoning, drawing and returning of the same in the court of oyer and terminer and general goal delivery for the county of Philadelphia, and of the several counties of this commonwealth and of the court of quarter sessions of the peace for the county of Philadelphia, and for the several counties of this commonwealth.

SECTION 16. The commissioners of the county of Philadel-Comm'rs. to phia shall from and after the passage of this act, provide pro- provide suitable, suitable and convenient accommodations for the sessions ble accommo- of the court created by this act, and for the jurors and grand dation. jurors of the same, in like manner, as is provided by law for other courts within the county of Philadelphia.

SECTION 17. This act shall go into effect and operation on When to take the twenty-ninth day of February, one thousand eight hun- effect. dred and forty, at which time so much of an act passed on the nineteenth day of March, one thousand eight hundred and thir- Repeal of act ty-eight, as provides for the creation of the court of criminal 19th March, sessions for the city and county of Philadelphia, shall cease 1838. and be repealed, and the commissions of the several judges of the said court, shall then expire and be of no effect.

SECTION 18. The first session of the court of general sessions for the city and county of Philadelphia, shall commence on the first Monday of March, one thousand eight hundred and forty: *Provided however*, That the judges may be appointed at any time prior to the twenty-ninth day of February, one thousand eight hundred and forty; their appointment to take effect and be considered, as if made on the said last mentioned day.

SECTION 19. So much of any act or acts of assembly as is hereby altered or supplied, or as is inconsistent with the pro- Repealing visions of this act, is hereby repealed. clause.

SECTION 20. The expenses of the court of general sessions Expenses of for the city and county of Philadelphia, shall be paid as the ex- court, how penses of the criminal courts of the city and county of Phila- paid. delphia are now paid.

Power to an- SECTION 21. The power is hereby reserved at any time to
 nul. abolish the court by this act created, whenever it shall be found
 to be injurious or inconsistent with public justice or the inter-
 ests of the community.

WM. HOPKINS,
Speaker of the House of Representatives.

W. T. ROGERS,
Speaker of the Senate.

APPROVED—The twenty-fifth day of February, eighteen
 hundred and forty.

DAVID R. PORTER.

[No. 21.]

“ A N A C T

To divide the township of Germantown, into two distinct wards, and for
 other purposes.”

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 au-
 thority of the same:* That after the passage of this act, the
 township of Germantown, in the county of Philadelphia, shall
 be divided into two separate wards, to be called “ Upper and
 Lower Ward :” the Upper ward shall embrace and comprise
 the citizens north-west of Washington lane, in said township,
 who shall hereafter hold their elections at the public house,
 known by the name of the Golden Swan, now occupied by
 Joseph Priece : The Lower ward shall embrace and comprise
 the citizens residing south-east of said Washington lane, who
 shall hereafter hold their elections at the Union school house,
 in School-house lane : And it shall be the duty of the judges of
 the election of the Upper and Lower wards, to meet at ten
 o'clock in the forenoon, on the day succeeding any election,,at
 the Washington tavern, in Germantown, and there add together
 all the votes given in the respective wards for the several of-
 ficers voted for, and shall certify the persons elected officers
 of the township, and make out returns of the general election,
 as is prescribed by the act regulating the general election of
 this commonwealth, passed the second day of July, eighteen
 hundred and thirty-nine.

Township of
 Germantown
 divided into 2
 wards.

Elections,
 where held.