

[No. 5.]

AN ACT

To abolish the Court of General Sessions of the city and county of Philadelphia; 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 authority of the same,* That from and after the first Monday of March next, the act of the twenty-fifth day of February, one thousand eight hundred and forty, entitled "An Act to establish a court for the trial of crimes and misdemeanors committed in the city and county of Philadelphia," is hereby repealed; and from and after the said first Monday in March, the court of general sessions for the city and county of Philadelphia, shall cease; and the commissions of the several judges of said court shall then expire and be of no effect: and all the powers, jurisdiction, and authority, given said court of oyer court by said act, shall be vested in the court of oyer and terminer, general jail delivery, and court of quarter sessions of the peace, in and for the city and county of Philadelphia.

Repeal

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SECTION 2. And the governor shall nominate, by and with the advice and consent of the Senate, appoint one additional associate judge of the court of common pleas, in and for the city and county of Philadelphia, who shall be learned in the law, to serve for the term of ten years, if he shall so long behave himself well; and to have all the power, authority and jurisdiction, of any of the associate judges of said county; and said judge, and all the other judges of said court, shall receive the same salary and compensation, as that provided for the judges of the court of common pleas, for the county of Philadelphia, by the act, entitled "An Act to incorporate the Easton iron company," passed sixteenth of July, one thousand eight hundred and thirty-nine, before its repeal.

SECTION 3. And the court of oyer and terminer, and general jail delivery, and quarter sessions of the peace, for the city and county of Philadelphia, shall hold six terms or sessions in the course of each year, which said terms or sessions shall commence on the first Mondays of March, May, July, September, November and January, respectively, and continue as long as the business may require.

SECTION 4. Any one of the judges of said court shall have

full power and authority to hold said court for the trial of all Who may indictments, except in cases of homicide, when there shall be hold court 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, for the punishment of all contempts, and to make such orders or decrees, and render all such judgments as he shall consider legal and equitable in such cases as he has jurisdiction, and if the business of the court shall at any time require it, each of the judges may hold separate sessions at the same time, for the trial of criminal cases over which the court has jurisdiction, under the constitution and laws of this commonwealth.

SECTION 5. The court shall at least ten days before the Court to de. term, or at the commencement of the year, decide which of side who the judges shall hold the courts of oyer and terminer, and shall hold et. general jail delivery, and quarter sessions of the peace, for the trial of indictments and other cases, of which one judge has jurisdiction, by this act; and in all cases, which, by the same, two judges are required to try a case, the judge holding the court shall select one of the others to hold the court with him, and also when he is unable to attend the business, and it is necessary that another judge try criminal cases at the same time, and in case of the inability of the judge assigned to hold the term, either of the other judges shall have full power to supply his place, without any previous order; and the said judge, who it has been decided shall hold the court, shall preside during the session; and in all cases where the judge, who tries the case, has suffered to be entered a rule to show cause why a new trial should not be granted, or the judgment arrested, the same shall, at the request of either party, be heard before the judges of the court.

SECTION 6. The jurisdiction extended to the court by this act, shall not give it authority to appoint any high constable for the city and county of Philadelphia, but it is authorized to appoint tip-staves or constables, who shall have power to Tip-staves execute its process.

SECTION 7. Such part of the duties incident to the court, repealed by this act, as is now performed by the clerk of the court of general sessions, for the city and county of Philadelphia, shall continue to be performed by the said clerk, until Clerk duties &c. the expiration of the term for which he was elected, and he shall be entitled to, and receive all the fees and emoluments appertaining to the performance of the said duties; and from and after the expiration of the term of office, for which the said clerk was elected in October, eighteen hundred and forty, the entire duties of the clerk of the court of general sessions shall be performed by the clerk of the court of quarter ses-

sions and oyer and terminer, for the city and county of Philadelphia.

SECTION 8. Two of the judges of the said court of common pleas shall have power to hold an orphans' court, or any other court, created by any former law, in the same manner as though an additional judge had not been appointed by this act; but each of said four judges shall have equal jurisdiction, in criminal or civil courts.

SECTION 9. All cases pending before the court of general sessions, and not finally decided on the first Monday of March next, shall be decided and determined by the court of oyer and terminer, and general jail delivery, and quarter sessions of the peace, and all process returnable to said court or recognizances, shall be returned to the court of oyer and terminer, and general jail delivery, and quarter sessions of the peace, in the same manner, as if the same had been made returnable to the last named court.

SECTION 10. The county commissioners of the county of Philadelphia, shall furnish convenient rooms and places for the holding of said court, under the direction of the said judge, of said court, and such as they shall consider necessary for its accommodation.

HENDRICK B. WRIGHT,

Speaker of the House of Representatives.

B. CRISPIN,

Speaker of the Senate.

APPROVED—The third day of February, eighteen hundred and forty-three.

DAVID R. PORTER.