

## CHAPTER CCII.

## AN ACT FOR ESTABLISHING THE COURTS OF GENERAL QUARTER-SESSIONS IN THIS PROVINCE.

[Section I.] Be it enacted by Charles Gookin, Esquire, by the royal approbation Lieutenant-Governor, under William Penn, Esquire, Proprietary and Governor-in-Chief of the Province of Pennsylvania, by and with the advice and consent of the freemen of the said Province in General Assembly met, and by the authority of the same, That there shall be a court styled the general quarter-sessions of the peace and gaol delivery, holden and kept four times in every year, in each county of this province, viz., at Philadelphia, for the county of Philadelphia, on the first second day of the week called Monday, in the months called March, June, September and December; at Bristol, for the county of Bucks on the eleventh day following inclusive, in every of the same months; and at Chester, for the county of Chester, on the last third day of the week, called Tuesday, in the months called May, August, November and February.

And that there shall be a competent number of justices in every of the said counties, nominated and authorized by the governor or lieutenant-governor for the time being, by commission under the broad seal of this province, which said justices, or any three of them, according to the tenor and directions of their commission, shall and may hold the said general sessions of the peace and gaol delivery.

And each of them shall keep and cause to be kept the peace of our Lord the King, his heirs and successors, and all acts and statutes made and to be made for the conservation of the peace, and for the quiet rule and government in the respective counties where they shall be commissioned as aforesaid. And according as those acts do or shall direct, to chastise and punish all persons offending against the common law or the form of those acts [and statutes]—(excepting in cases of treasons, mur-

ders and such other crimes as are or shall by the laws of this province be made felonies of death), by fines, ransoms, ameracements, forfeitures or otherwise. And to commit to prison, let to bail, and discharge offenders of or for offenses or crimes cognizable before them the said justices. And to take recognizances and obligations in such cases as the law doth or shall direct. And to grant and issue forth all and all manner of writs, precepts and process, which by law are or ought to be awarded or issued in or upon the procedure of any of the offenses, matters, causes and things hereby made cognizable in the said courts of general quarter-sessions and gaol delivery. And generally to [ad]minister common justice, and to exercise, hear, determine and execute all things within the said respective counties and limits of their commissions and authorities, as near as conveniently may be to the laws of Great Britain and according to the laws of this province, as fully and effectually as any justices of assize, justices of oyer and terminer, or of gaol delivery, or justices of the peace may or can do.

Provided always, That if any [presentments] shall be made in the said sessions of the peace, for or concerning any crimes or offenses which by law may be inquired of but not heard and determined in the said sessions of the peace, then and in every such case all such presentments or inquisitions of those offenses shall be set down in writing, indented and sealed by the grand inquest, one part to remain with them, and the other part with the justices of the peace, in order to be delivered by one of them to the justices of the supreme court of oyer and terminer, at their next succeeding court, there to be proceeded upon as the law, in such cases, shall direct.

[Section II.] And be it further enacted, That the said justices of the peace or any three of them may, pursuant to their said commissions, hold special and private sessions, when and as often as occasion shall require. And that the said justices and every of them shall have full power and authority in or out of sessions, to take all manner of recognizances and obligations, as any justices of the peace of Great Britain may, can or usually do; all which said recognizances and obligations shall be made to the King and his successors; and all recognizances for the peace, behavior or for appearance, which shall

be taken by any of the said justices out of sessions, shall be certified into their said general sessions of the peace, to be holden next after the taking thereof; where the justices may, by virtue of this act, discharge and cancel any of those recognizances and obligations as they shall see meet. And every recognizance taken before any of them for suspicions of any manner of felony or other crime not triable in the said court of general quarter-sessions of the peace and gaol delivery, shall be certified before the said justices of the supreme court of oyer and terminer, at [their] next succeeding court to be holden next after the taking thereof, without concealment, detaining or embezzling of the same. But in case any person or persons shall forfeit his or their recognizances of the peace, behavior or appearance, for any cause whatsoever, then the said recognizances so forfeited, with the record of the default or cause of forfeiture, shall be sent and certified without delay by the justices of the peace into the said supreme court as the case may require; that thence process may issue out against the parties according to law; all which forfeitures shall be levied by the proper officer, and go to the governor.

[Section III.] And be it further enacted, That all fines and amercements, which shall be laid before the justices of the said courts of general quarter-sessions of the peace and gaol delivery, shall be taxed, affeered and set truly and duly, according to the quality of the offense, without partiality or affection; and shall be yearly estreated by the clerks of the said courts respectively, into the said supreme court, to the intent that process from thence may be awarded to the sheriff of every county as the case may require, for levying such of their fines and amercements as shall be unpaid, to the uses for which they are or shall be appropriated.

Provided always, That the said courts of the general quarter-sessions of the peace may be kept and continued for the space of three days in the county of Philadelphia, at any of the times hereinbefore appointed to hold and keep the same courts and sessions there; and for the space of two days, in either of the said counties of Bucks and Chester, respectively, at any

of the said times hereinbefore appointed to hold and keep the said courts and sessions there in manner aforesaid.

Provided also, That nothing herein contained shall deprive or abridge the mayor, recorder or aldermen of the city of Philadelphia of any powers, privileges, jurisdictions or franchises, granted them by charter or the laws of this province.

And to the end that persons indicted or outlawed for felonies or other offenses in one county or town corporate, who dwell, remove or be received in another county or town corporate may be brought to justice:

[Section IV.] Be it further enacted, That the said justices [or] any of them shall and may direct their writs or precepts to all or any the sheriffs or other officers of the said counties or towns corporate within this province, where need shall be to take such persons indicted or outlawed. And that it shall and may be lawful to and for the said justices and every of them to issue forth subpoenas and other warrants, under their respective hands and seal of the county, into any county or place of this province, for summoning or bringing any person or persons to give evidence in and upon any matter or cause whatsoever, now or hereafter examinable or in anywise triable by or before them or any of them, under such pains and penalties as subpoenas or warrants of that kind usually are or shall be granted or awarded.

[Section V.] And be it further enacted by the authority aforesaid, That if any person or persons shall find him or themselves aggrieved with the judgment of any of the said courts of general quarter-sessions of the peace and gaol delivery, or any other courts of record within this province, it shall and may be lawful to and for the party or parties so aggrieved to have his or their writ or writs of error, which shall be granted them of course in manner as other writs of error are to be granted, and made returnable to the said supreme court of this province.

Provided always, That when any writ of error shall be granted upon any judgment given or to be given for the said city of Philadelphia, the mayor, recorder and aldermen of the said city of Philadelphia and their successors, or any of them,

shall not be compelled upon any of the said writs, or any other writ or writs directed to them, or any of them, to remove, send or certify into the said supreme court or elsewhere any of the indictments or presentments taken or to be taken before them, or the record of the judgments and proceedings upon any [such] indictments or presentments, but only the tenors or transcripts of the said records, under their common seal. And after such judgments are reversed or affirmed, or causes lawfully removed from the said city courts are tried in the said supreme court, it shall be lawful for the mayor, recorder and alderman, and their successors, to proceed to execution or otherwise as shall appertain according to law and the direction of the judges.

[Section VI.] And be it further enacted by the authority aforesaid, That the said justices shall have power in their respective courts of quarter-sessions in the said city and counties respectively, to set such reasonable prices on all liquors retailed in public houses and provender for horses in public stables, from time to time, as they shall see fit, under the like penalties as in such cases are enacted by the laws and statutes of Great Britain.

Passed May 28, 1715. Repealed by the Lords Justices in Council July 21, 1719. See Appendix IV, Section II.

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## CHAPTER CCIII.

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AN ACT FOR EMPOWERING [RELIGIOUS] SOCIETIES TO BUY, HOLD AND ENJOY LANDS, TENEMENTS AND HEREDITAMENTS.

[Section I.] Be it enacted by Charles Gookin, Esquire, by the royal approbation Lieutenant-Governor, under William Penn, Esquire, Proprietary and Governor-in-Chief of the Province of Pennsylvania, by and with the advice and consent of the freemen of the said Province in General Assembly met, and by the authority of the same, That it shall and may be lawful to and