

# Purdon's Digest.

## A DIGEST

OF THE

# LAWS OF PENNSYLVANIA,

FROM THE

YEAR ONE THOUSAND SEVEN HUNDRED

TO THE

TWENTY-EIGHTH DAY OF MAY, ONE THOUSAND EIGHT HUNDRED AND FIFTY-THREE.

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THE FIRST FOUR EDITIONS BY THE LATE  
JOHN PURDON, ESQ.,

THE FIFTH, SIXTH AND SEVENTH BY THE  
HON. GEORGE M. STROUD.

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EIGHTH EDITION.

Revised, with Marginal References; Foot Notes to the Judicial Decisions; Analytical Contents;  
a Digested Syllabus of each Title; and a New, Full and Exhaustive Index.

BY

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1853.

**Common Pleas.—Concealed Weapons.**

any civil plea or action, when the sum or value in controversy shall exceed one hundred dollars, as heretofore.

Power to award process to levy fines, &c.

135. Each of said courts shall have power to award process, to levy and recover such fines, forfeitures and amercements as shall be imposed, taxed or adjudged by them respectively.

To establish rules of practice.

136. Each of the said courts shall have full power and authority to establish such rules for regulating the practice (*d*) thereof respectively, and for expediting the determination of suits, causes and proceedings therein, as in their discretion they shall judge necessary or proper: *Provided*, That such rules shall not be inconsistent with the constitution and laws of this commonwealth.

Power of courts of 16th and 17th districts to make rules enlarged.

137. The several courts of common pleas of the 16th and 17th judicial districts of this commonwealth shall have the same powers to make general rules and orders as are given to the district court for the city and county of Philadelphia, by the act of the 11th of March 1836, entitled "A supplement to the act, entitled 'An act to establish the district court for the city and county of Philadelphia,' (passed) the 28th day of March 1835." (*e*)

And of the courts of Fayette county.

138. The said court of common pleas of Fayette county shall have the same powers to make general rules and orders as are now exercised by the district court of the county of Allegheny. (*f*)

Power to compel the attendance of witnesses.

139. Each of the said courts is empowered to issue writs of subpoena, under their official seal, into any county of this commonwealth, (*g*) to summon and bring before the respective court any person to give testimony in any cause or matter depending before them, under the penalties (*h*) hitherto appointed and allowed in any such case by the laws of this commonwealth.

Power of the presidents to admit to bail in criminal cases.

140. The president judges of the courts of common pleas are hereby respectively empowered to admit to bail any person accused of felony or other criminal offence, as amply and effectually as any judge of the supreme court may or can. (*i*)

**Concealed Weapons.**

1. Punishment for carrying concealed weapons in Philadelphia.

2. And in the borough of York.

Punishment for carrying concealed weapons in Philadelphia.

1. Any person within the limits of the city and county of Philadelphia, who shall carry any fire-arms, slung-shot or other deadly weapon concealed upon his person, with the intent therewith unlawfully and maliciously to do injury to any other person, shall be deemed guilty of a misdemeanor, and upon the conviction thereof, shall be sentenced to undergo solitary confinement at hard labor in the prison of said county for a period of not less than one month, nor more than one year, at the discretion of the court; and the jury trying the case may infer such intent as aforesaid, from the fact of the said defendant carrying such weapons in the manner as aforesaid. (*k*)

And in the borough of York.

2. Any person who shall wilfully and maliciously carry any pistol, gun, dirk-knife, slung-shot or deadly weapon in said borough of York, shall be deemed guilty of felony, and being thereof convicted shall be sentenced to undergo an imprisonment at hard labor for a term not less than six months nor more than one year, and shall give security for future good behavior for such sum and for such time as the court before whom such conviction shall take place may fix; and any person or persons who shall otherwise offend against the provisions of this section shall be fined in a sum not exceeding one hundred dollars, for the use of the borough of York, or be imprisoned for a term not exceeding one year, or both, at the discretion of the court, or may be held to bail for future good behavior.

135. Act 16 June 1836, § 20. P. L. 792.  
136. *Ibid.*, § 21.  
137. Act 20 April 1846, § 5. P. L. 412.

138. Act 1 May 1852, § 8. P. L. 507.  
139. Act 16 June 1836, § 22. P. L. 793.  
140. Act 30 April 1832, § 1. P. L. 368.

1. Act 13 May 1850, § 14.  
2. Act 8 April 1851, § 4. P. L. 562.

(*d*) The power to make rules is inherent in every court. 7 W. 64. 3 B. 417. 1 J. 405. 1 H. 173. A mistake by a court below, in the construction of one of its rules, must be very obvious to induce the supreme court to reverse for that reason only. 3 H. 128.

(*e*) See "District Courts," 29, 60. And as to the power conferred, see 5 W. & S. 175. A similar power is conferred on the common pleas of Schuylkill county, by act 14 April 1851, § 14; P. L. 625; of Berks and Tioga counties by act 21 April 1852, § 1; P. L. 380; and of Fayette county by act 1 May 1852, § 8, *infra* 136.

(*f*) See "District Courts," 60, 29.

(*g*) See 2 S. & R. 349. 1 Y. 1, 2, 403. 2 Y. 200.

(*h*) By act 22 May 1722, § 23, under such pains and penalties as by the rules of the common law and course of practice in the king's courts at Westminster are usually appointed. 1 Sm. 143.

(*i*) See 2 Ash. 227, 237.

(*k*) By act 3 May 1850, § 22, establishing a police force for the city and incorporated districts of the county of Philadelphia, in case of a riot, "any person arrested upon whose person or in whose possession shall be found fire-arms, or any other deadly weapon, shall be deemed guilty of an intention to riot, whether said fire-arms, or deadly weapon, shall be used or not, unless the contrary can be satisfactorily established, and punished accordingly." See "Riot," 3.