

Philadelphia County Court of Quarter Sessions and Common Pleas, 1695

THE founding of the province of Pennsylvania was not accomplished in any haphazard fashion. William Penn devoted months to preparing for the establishment of his government in the New World and called upon some of the best minds in England to assist him. His fellow Quakers, especially those who were to join him in the "holy experiment," were, of course, consulted. A constitution, the First Frame of Government, and a body of laws known as the Laws Agreed on in England were prepared and, after undergoing some modifications, were used in organizing the new government. Most institutions were defined carefully in these documents. Penn described in detail, for example, the composition, power, and purpose of his Council, and went to great lengths to explain the position of the Assembly.

On the other hand, Penn never properly defined the county courts, either in the documents written in England or in the new charter and the laws which were drawn up in the young settlement. There were probably two reasons for this omission. The settlers who came to Pennsylvania in the early years were largely from England, and the county court was a familiar institution to them. Secondly, there were in existence on the west bank of the Delaware, before Penn was granted the province in 1681, courts roughly corresponding to county courts, which were continued with some changes and alterations.¹

¹ James, Duke of York, maintained a governing power over the area even though it was not rightfully his, and his lieutenants at New York had created several courts. William H. Loyd, *The Early Courts of Pennsylvania* (Boston, 1910), is the best reference on this subject. See also Staughton George, et al., eds., *Charter to William Penn, and Laws of the Province of Pennsylvania . . . Preceded by Duke of York's Laws in Force from the Year 1676 to the Year 1682* (Harrisburg, 1879), hereafter cited as *Charter and Laws*; "The Record of the Court at Upland, Pennsylvania, 1676 to 1681," *Memoirs of The Historical Society of Pennsylvania*, VII (Philadelphia, 1860); *Records of the Court of New Castle on Delaware, 1676-1681* (published by the Colonial Society of Pennsylvania, 1904).

Penn was given wide privileges to establish courts of justice, for his letters patent from Charles II granted him the power "to doe all and every other thing and things which unto the compleate establishment of Justice unto Courts and Tribunals, formes of Judicature and manner of proceedings doe belong, altho' in these presents expresse mencon bee not made thereof."² In addition to the county courts, Penn and the General Assembly in 1684 established a Provincial Court to serve as a court of appeal and to go on circuit to try the most important cases. Although the panel of judges was to consist of five men, frequently only three were named.³

Little is known about the proceedings of the courts of Philadelphia County in the seventeenth century. On the other hand, court records are available for both Chester and Bucks counties in Pennsylvania, and for Burlington, New Jersey, and Newcastle, Delaware, for the years before 1700.⁴ Governor Samuel W. Pennypacker, in *Pennsylvania Colonial Cases*, published an abbreviated account of the court record of Philadelphia County for a part of the years 1685 and 1686.⁵ In the same volume, he reprinted a long description of the trial in 1692 of George Keith, a schismatic Quaker of the period.⁶ There are stray references to judicial matters in Philadelphia in the *Minutes of the Provincial Council of Pennsylvania*, but there is nothing to compare with the relatively complete records of neighboring counties.⁷ For that reason, the manuscript record of the Philadelphia County Court of Quarter Sessions and Common Pleas for the year 1695, which recently came into the possession of The Historical

² *Charter and Laws*, 83.

³ *Ibid.*, 168. W.R. Shepherd wrote, "It was not until after the passage of the law of 1701 that the provincial court and the other tribunals were firmly established, and their jurisdiction defined." *Proprietary Government in Pennsylvania* (New York, 1896), 373.

⁴ The Colonial Society of Pennsylvania published the following: *Records of the Courts of Chester County, Pennsylvania, 1681-1697* (1910); *Records of the Courts of Quarter Sessions and Common Pleas of Bucks County, Pennsylvania, 1684-1700* (1943); *Records of the Court of New Castle on Delaware, 1681-1699* (1935). The American Historical Association published in 1944 *The Burlington Court Book, 1680-1709*, H. Clay Reed and George J. Miller, eds.

⁵ (Philadelphia, 1892.) The manuscript source was entitled, "Philadelphia Court Record, 1685-1686," The Historical Society of Pennsylvania (HSP).

⁶ William Keith, *The Tryalls of Peter Boss, George Keith, Thomas Budd and William Bradford, Quakers, for several Great Misdemeanors, as was pretended by their Adversaries, before a Court of Quakers . . .* (London, 1693).

⁷ (Philadelphia, 1852), I, hereafter *Colonial Records*.

Society of Pennsylvania, is unique and will be of considerable value to scholars of the period.⁸

The Philadelphia County court of 1695 was operating under laws enacted during the previous two years when the colony was ruled by Royal Governor Benjamin Fletcher. After the Glorious Revolution, William Penn, as a friend of James II, was under suspicion. He was jailed three times and finally went into hiding, and was able to exercise little control over Pennsylvania. At this time, also, the War of the League of Augsburg began in Europe (called King William's War in North America). Pennsylvania's refusal to join in the defense effort against the French because of Quaker conscientious scruples, together with reports of great internal disorders in the colony, led the Crown in 1692 to seize the government of Pennsylvania. The province was placed under Fletcher, the Governor of New York.⁹ The new executive did not take over the reins of government in the Quaker commonwealth until April 26, 1693. As a matter of principle, Governor Fletcher repealed all the laws which had been passed since the founding of the colony, and then approved the enactment of eighty-six new ones, based upon the former laws, which were to serve as a basic law code for the province. Thirty additional laws were enacted in 1693, and six more the following year.¹⁰

While the form, duties, and schedule of the Provincial Court were carefully defined, the county courts were largely taken for granted, as they had been a decade earlier. One law did state that "all Trials of titles for Land, all actions of Debt, Accompt or Slander, Actions personal, and all actions Civil & Criminal whatsoever (Excepting Treason, Murder, Man Slaught, Rape[,] Sodomy, Buggery, Burglary, & Burning of Houses) Shall be first heard & tryed in the proper County Courts by the respective Justices, which County Courts shall be held & kept Quarterly in every County of this province & Counties annexed, & oftener if occasion be, Which County Courts shall be Courts of Equity, for the hearing & decreeing all matter &

⁸ This manuscript was presented to the Society by Mrs. Benjamin Rush in 1951. I am greatly indebted to Nicholas B. Wainwright for his assistance in transcribing the document.

⁹ Both Pennsylvania and Delaware were seized. They were ruled as one colony by Fletcher and his deputy, William Markham. After Penn regained control, Markham continued to govern the colony, but as Penn's deputy.

¹⁰ *Charter and Laws*, 192-244.

causes Cognizable in the sd. Courts under the value of ten pounds." In addition, there were several references to juries. One provision guaranteed the right of trial by twelve of one's peers; another set up fines for those who failed to appear for jury duty. Still another law stated that witnesses were to be fined for nonappearance, and one listed the fees to be paid by persons who appeared in court. These provisions were practically the same as those in force under the rule of Penn.¹¹

The cloud of disfavor which had hung over William Penn for five years was finally removed, and on August 9, 1694, the government of Pennsylvania was restored to his hands. News traveled slowly, and William Markham did not take the oath of office as governor under Penn until March 26, 1695. The sessions of the Philadelphia court earlier that same month thus met by royal rather than proprietary authority.

The justices of the peace in the county courts served in a number of different capacities, as was indicated in the quotation from the law of 1693. One of their activities was to serve as a court of common pleas to hear civil actions between two or more persons. Suits to force payment of an obligation to a plaintiff were the most frequent causes presented.

At times, the justices sat as a court of equity for cases involving less than £10. There were occasions when the justices changed a decision which had been reached in common pleas, when the same men were considering the facts in equity.¹² Most of the appeals from the county courts to the Provincial Court were in equity. A law of 1693 further required the justices to sit twice a year (the first Tuesday of March and October) as an orphan's court, "That Care may be taken for those, that are not able to take care for themselves."

The court of quarter sessions, which was also presided over by the justices of the peace, heard criminal actions, although the most im-

¹¹ Fletcher stated that persons who appeared in court might choose whether they would take an oath or affirm, and ordered the justices to administer oaths to those who wished to take them. Several Quakers refused to serve as justices of the peace under such conditions. Arthur Cook, who took office on May 7, 1695, was one who had refused to serve under royal regulations. *Colonial Records*, I, 370-375.

¹² This interesting practice has intrigued many writers. See, for example, Spencer R. Liverant and Walter H. Hitchler, "A History of Equity in Pennsylvania," *Dickinson Law Review*, XXXVII (1933), 156-183.

portant of such cases were reserved for the Provincial Court on circuit. The grand jury met with the court of quarter sessions and brought in indictments. It was this court which kept the peace. The court of quarter sessions also served as the local government. It was responsible for laying and collecting taxes for the support of the county, and supervised the building of roads, the construction of a jail, the care of the poor, and such minor details as the payment of bounties for wolves' heads.

Little is known about the procedure in the courts, although one group of judges did put down certain rules to be followed. The first of their four rules provided that whenever the court was in session, the sheriff (or his deputy), the clerk, the crier, and one constable were to be in attendance at all times, unless given permission to leave. The second stated that no person could speak unless given permission, under penalty of a fine. The third rule provided that the plaintiffs and defendants were to speak to the point, put their pleas in writing, and "forbear reflections and discriminations" on the court, jury, or one another, under penalty of a fine. The final point stipulated that fines were to be levied on the goods of those fined, and that executions were to be signed in open court while it was still in session.¹³

Justice did not always proceed smoothly in Pennsylvania. Sometimes the magistrates were at fault, and there were occasions when persons in court acted in a fashion that was highly irregular. For example, a freeman who had lost a civil suit might dispute the decision of the justices and appeal directly to the governor and his Council, in violation of the provision that all appeals should be taken to the Provincial Court, and then only with the permission of the lower court. Three of the persons who lost cases in March, 1695, in the Philadelphia court, came to the Council in April and May, with a plea for intercession by that august body.¹⁴ The grand jury, on September 3, 1695, indicted Griffith Jones of Maryland for various offensive actions against the court in a previous session. Such indictments were not infrequent.

¹³ Penn Letterbooks, I, American Philosophical Society (APS). No date is given, but Pennypacker, in *Pennsylvania Colonial Cases*, indicated that the rules may have been written in 1686.

¹⁴ *Colonial Records*, I, 476-478. The Council should not have entertained these appeals, and soon stopped doing so. In defense of the Council, it should be added that it was a new body which had just come into existence after the return of the colony to William Penn.

William Penn once wrote about the justices of the peace: "How can offenses be well punished by offenders? or the Exalted teach the people Subjection? or the Quarrelsome by reconcilers, as all true Justices of the Peace ought to be? If Magistrates draw themselves into Contempt by a mean Behaviour, they can never exercise Power honourably nor successfully."¹⁵ John Blackwell, who served as deputy governor in 1689, deplored the reluctance of the freemen to serve as justices of the peace. "Some have had the confidence with more than becoming heat to say openly in Councill to my face, without blushing that they will not act unlesse they be compelled by Law."¹⁶

To the Quakers of Pennsylvania, law courts were a necessary evil, largely created for the use of those who did not belong to their sect. Differences between members of the Society of Friends were usually settled by committees appointed by the Monthly Meeting, and this same gathering served as a disciplinary body in the Quaker community.¹⁷ In keeping with this Quakerly repugnance for courts of justice, the General Assembly of 1683 enacted a law which made provision for the appointment of "Common peacemakers," who would arbitrate difficulties between conflicting parties and render a decision. The law added that "The Judgement of the peacemakers, shall be as Conclusive, as a Sentence given by the County Court."¹⁸ This law had been dropped by 1695, but another statute, one against "Common Barrators," which had also been enacted in 1683, had been renewed under Governor Fletcher. It read in part: ". . . if any man be Indicted, proved, and Judged a Common Barrator, Vexing those with Unjust and frequent suits, it shall be in the power of the Court, both to reject his Cause, and punish him for his barratry, by fine or Imprisonment."¹⁹

A further indication of the diffident attitude of the colonists of Pennsylvania toward courts of justice is the fact that prior to 1700

¹⁵ Penn to Thomas Lloyd, Feb. 1, 1687, Penn Manuscripts, Domestic and Miscellaneous Letters, HSP.

¹⁶ John Blackwell to William Penn, Jan. 25, 1689, Society Miscellaneous Collection, HSP.

¹⁷ The local congregation met once a month for business in a session called the Monthly Meeting.

¹⁸ *Charter and Laws*, 128.

¹⁹ *Ibid.*, 205. The dictionary defines "barratry" as "The offense of exciting lawsuits; the stirring up of quarrels, spreading false rumors."

none of the judges either of the county courts or of the Provincial Court were trained in the law. William Penn, who had studied at Lincoln's Inn, deplored this ignorance of the law, and in 1687 anonymously published a small book in Philadelphia "for the information and understanding (what is their native Right and Inheritance) of such who may not have leizure from their Plantations to read large Volumns; And besides, I know this Country is not furnished with Law-Books. . . ." ²⁰ In addition to his own observations concerning the fundamental rights of Englishmen, Penn printed Magna Charta, with comments; the Confirmation of the Charters of the Liberties of England and of the Forest, from the reign of Edward I; the statute of Edward I, *De Tallageo non Concedendo*, with comments; an abstract of the letters patent granted Penn by Charles II; and the Charter of Liberties of 1683.

Fortunately, David Lloyd, who arrived in 1686, was a trained lawyer, and John Moore, who came into the colony just before 1695, had also received legal training. ²¹ Lloyd served many years as attorney general of the province, and Moore, who held the same office for a short time after Penn's return in 1699, gained prominence as advocate for the Crown in the vice-admiralty court for the Delaware Valley. These two trained lawyers, however, appeared in less than a third of the cases reported in the manuscript record of the Philadelphia County court. They participated in but ten of the thirty-five civil suits before the Philadelphia court during 1695, and in only one of these trials were they both present.

The law of 1693 implied that individuals would generally plead their own cause, or they might ask "their friends" to plead for them. ²² In seventeen suits, or approximately half of the cases in 1695, the men or women involved appeared in person. In the remaining eight cases, six men appeared as attorneys: Samuel Stacy, Griffith Jones, Thomas Curtis, John Duponys, Patrick Robinson and Thomas Duckett. Jones and Robinson had been prominent in the govern-

²⁰ *The Excellent Priviledge of Liberty & Property Being the Birth-Right of the Free-born Subjects of England*. Quaker Collection, Haverford College.

²¹ Lloyd probably wrote the laws in regard to the courts which were enacted in 1693. H. Frank Eshleman, "The Constructive Genius of David Lloyd in Early Colonial Pennsylvania Legislation and Jurisprudence, 1686 to 1731," *Pennsylvania Bar Association Reports*, XVI (1910), 406-461.

²² *Charter and Laws*, 204.

ment for a number of years, and Duckett had served on the Council.²³

Most of the cases on the docket of the court of common pleas involved property disputes or failure to pay debts and judgments. The minutes are full of repetition and long, involved sentences written in an archaic style. For that reason, in printing the manuscript of the Philadelphia County Court of Quarter Sessions and Common Pleas, 1695, the records of the court of common pleas have been omitted. To indicate the nature of the common pleas cases, however, several will be considered as examples.

In the case of *Spikman v. Robeson*, Spikman had previously obtained a judgment of £9 against Robeson and his wife, of which the defendants still owed £8 18s. 4d. The jury awarded the plaintiff £5 5s. 2d. and costs. However, when the justices considered the case in equity, they said that Robeson and his wife were to pay Spikman only £3 and costs.

Randolph Spikman, Pltf	}	In an Action upon the Case
George Robeson & Wife Defts		

The Pltf being Called, appears by his Attorny David Lloyd; the Defts., by their Attorny Grif: Jones. The Pltf. declares agt. the Defts: for the Sum of Eight pounds Eighteen Shillings & Four pence wch the Defts. refuseth to pay, to the Pltfs. damage of Nine pounds, And thereof he brings Suite, etc. The Deft saith he did not Assume in manner and Form, etc. Whereupon a Jury being called and Attested, Say, Wee the Jury do find for the Pltf. Five pounds Five Shillings and Two pence, with Cost of Suite, p. William Carter, Foreman. The Court gives Judgmt. according to Verdict. The Defts. Appeals to this Court in Equity, wch was granted, they paying down the Cost and charges in Law. The Court in Equity having heard the Alegations and evidences on boath sides, and duly weighing and considering thereof, Decree that the said Georg Robeson & his Wife shall pay unto the said Randolph Spikman the Sum of Three pounds with Cost of Suite, boath in Law and Equity.

Another common pleas controversy centered around a horse. The plaintiff, James Stanfeild, claimed that Hire Hall had borrowed his horse, and "the said Gelding So inordinately and immoderately did ride and Labour that the said Geldings Greece was melted and

²³ Presumably they were all better educated than the justice of the peace in Kent County, Del., who was compelled to sign a letter from the magistrates to the governor (Aug. 4, 1694) with his mark. Penn Letterbooks, II, APS.

foundered in his Fore Feet and thereby rendered useless and un-serviceable." He asked £30 damages.

John Beacham appeared against George Robeson and claimed that the defendant had said "That John the Butcher (meaning the sd Pltf) is a West Country Rouge and his Father meaning the Said Pltfs Father are boath Sharp Stealing Beggars and Dogs." Beacham asked for £100 damages, but a jury awarded him only twelve pence and costs.

Thomas Smith brought suit against Thomas Harris, who had taken eight quarters of mutton from Smith's wife, in partial payment of a debt owed the defendant. The plaintiff complained that this had disquieted, oppressed, and hurt his "Libertys and Free Customs" to the value of £40. A jury found for Smith to the value of five shillings and costs.

Instead of the present practice of turning to a person who makes a profession of producing bonds to guarantee appearance, in the colonial period a man called upon his friends to join him in putting up security. Widow Ann Cox, a tavern keeper, who had offered security for the appearance of Francis Demeroe and then became solely liable when the accused man failed to appear in court, brought suit to force Demeroe to repay her for the loss. The court gave Widow Cox a judgment against the property of the defendant. There were several examples of tavern keepers joining in the posting of bonds.

On one occasion the court met in special session to hear a single case. William Trent had brought suit against Edward Randolph in an involved matter. A servant of the King, Randolph, Surveyor General of Customs for the English colonies of North America, was under attack for performing his duty.²⁴ The two most prominent lawyers of the colony were present: John Moore, as well as Griffith Jones, for the prosecution, and David Lloyd, in his capacity as attorney general of Pennsylvania, to defend Randolph. Lloyd convinced the court that his client was not liable under the Elizabethan law cited by the opposition, and the royal official was acquitted. Later Lloyd was one of Randolph's most vigorous opponents.

The minutes of the court of quarter sessions are of far more human interest than the minutes of the court of common pleas. They give the reader an insight into life in seventeenth-century Philadelphia,

²⁴ See Robert N. Toppan, *Edward Randolph* (Boston, 1898).

and are printed below in full. Just as one would not accept the transcript of the court of quarter sessions today as an accurate portrayal of the city in 1953, it is not proper to think of the City of Brotherly Love in 1695 solely in terms of the description left by a court clerk. There is an abundance of positive testimony available on early Philadelphia society, however, and this manuscript may be useful in helping students to view the period in a broader perspective. The minutes of the court of quarter sessions remain substantially as they were written. Some punctuation has been added to help the reader understand certain involved passages.

Temple University

EDWIN B. BRONNER

Philadelphia County Court of Quarter Sessions, 1695

By their Majesties Authority

At a Court of Quarter Sessions held at Philadelphia
the Fifth day of March 1694/5²⁵

Justices present

Griffith Jones	Jacob Hall
Antho Morris	Joshua Carpenter
Joseph Willcox	John Farmer ²⁶

The Court being Called in due form etc

The Sheriff Returns the persons for Jurors as followeth

Tobias Leach, Fore	Giles Knight
John King	Lacy Bore
Charles Reed	Peter Rambo
Richard Whitfeild	Erick Nellson
John Moon	Yoomans Gillingham
Philip England	Thomas Harding
Daniell Pegg	John Dinsy
John Miflin	Thomas Sisam
Jonathan Levesly	

²⁵ The English, both at home and in the colonies, still used the Julian calendar in which the new year began Mar. 25 (the Continent had adopted the Gregorian calendar, which begins Jan. 1). In the interval between Jan. 1 and Mar. 25, both the date of the old year and the

The Grand Jury having been Attested, recd their charg in Writing, wch was kept from the Files of the Court etc. After their going together they brought in these presentmts: following—

1. Wee the Jurors present Georg Tomson for abusing Georg Robeson in his own House some time in January last past, contrary to the Peace of Our Lord and Lady the King & Queen their Crown and Dignity.

2. We the Jurors present the said Georg Tomson & Georg Robinson for Swearing profane at the same time.

3. Wee Jurors present Charles Goss of this Town, Marriner, for that some time in January last at the House of Richard Kees he did then and there abuse the person of John Wilkinson boath by words and blows contrary to the [Peace of our Lord and Lady etc]

4. Wee the Jurors present Thomas Parsons and Samuel Carpenter for not keeping the Highway near the Mill in repair which was broaken upon the accot of the Water Courses belonging to the said Mill.

5. Wee present Benjamin Chambers for not clearing and making good the Road towards German Town and also for not keeping the Bridg near Robert Turners Plantation, the Frankford Road

new year were indicated, as 1694/5. The above date should be read Mar. 5, 1695; however, that ignores the fact that there was a ten-day difference between the two calendars as of that date.

²⁶ Griffith Jones, a Philadelphia merchant, was presumably the person sitting on the bench. He had served in the Council in 1683, and had supported George Keith. (There are three men by the name of Griffith Jones mentioned in this short court record: Griffith Jones, the Philadelphia merchant; Griffith Jones, Kent County lawyer; and Griffith Jones, "late of Maryland." The last of these is clearly identified in the indictments against him by the September grand jury. Griffith Jones, Kent County lawyer, may have been in Delaware before the arrival of William Penn. Charles P. Keith, *Chronicles of Pennsylvania . . . 1688-1748* [Philadelphia, 1917], I, 142. He first appeared in the records of the government under Penn in 1687, as a councilor to replace William Frampton, deceased. He has never been ranked alongside David Lloyd and John Moore as a trained lawyer, except by Keith.)

Anthony Morris became notorious three years later when, in his capacity as justice of the peace, he issued a writ of replevin which interfered with the operation of the vice-admiralty court of the Delaware Valley. See W. T. Root, *Relations of Pennsylvania with the British Government, 1696-1765* (New York, 1912). Joseph Willcox was active in the Keithian schism. He had rejected an earlier appointment as justice of the peace. *Colonial Records*, I, 370-375. Jacob Hall, Joshua Carpenter, and John Farmer were probably appointed because they were non-Quakers. Carpenter, who later became prominent in Christ Church, bitterly opposed Gov. Markham.

6. Wee the Jurors present Gertea the Daughter of Lacy Bore for being brought to Bedd of a Bastard Child

Signed in behalf of my Self & fellows

Toby Leech Forem

7. The Grand Jury present Mary Hopkins for having been begotten of a Bastard Child

Wee the Jurors present the Cellar digged by the Shop of Georg the Butchers supposed to be at the disposall of Samuel Carpenter & Alexander Beardsly as prejudiciall to the Neighbourhood and into which Some have allready fallen.

Wee the Grand Jurors present the want of a pair of Stocks and a Cage wch wee think necessary for the Suppressing of Vice.²⁷

Wee the Grand Jury present, That wee are Credibly Informed that Mary Lugger of this Town is now with Child near to be delivered and it is not known that she has any Husband at least not Inhabiting with her. Therefore wee Judg the Child to be Illegitimate and her Actions to be contrary to ye Laws in that Case made and provided.²⁸

Samuel Holt being presented the last Quarter Sessions for abusing the Constable James Coate etc., The said Samuel Holt being Called appeared and Pleaded not Guilty and for Tryall put himself upon the Country. Whereupon a Jury being Called and Attested Say upon their Attestations: Wee the Jury do find Samuel Holt Guilty of the within presentmt. William Carter Foreman.²⁹ Whereupon the said Samuel Holt was fined Tenn Shillings and so discharged, paying his Fees.

Mary Hopkins on her presentmt. for having been gotten of a Bastard Child Confesses the Fact and Submitts to the Court, Whereupon it is Ordered, that the said Mary Hopkins receive on her bare

²⁷ Gov. William Markham and the Council received a petition at about the same time (May 25, 1695), which called for the building of a cage for drunkards, among other things. Penn Letterbooks, III, APS.

²⁸ This report from the grand jury may be surprising to some who have always thought of seventeenth-century Philadelphia in terms of the "holy experiment." However, William Penn wrote shortly afterward (Sept. 5, 1697): "The Reports are & a nameless letter is come to me besides from Philadelphia, to ye same purpose, that there is no place more over run with wickedness sinns so very scandalous, openly Committed, in defiance of law & virtue [,] facts so foul, I am forbid [by] my common modesty to relate them." Dreer Collection, Penn Letters, HSP.

²⁹ One petit jury was available for all cases, both in quarter sessions and common pleas. William Carter served as foreman in the March sessions; Joseph Knight, in June; and Samuel Buckley, in September.

back, in the Markett place Twenty One Stripes well laid on wch was accordingly don.

Georg Tomson being presented for abusing George Robeson in his own house some time in January last etc., The said Georg Tomson being Called appeared and Pleaded not Guilty And for Tryal put himself upon the Country whereupon a Jury being Called Tryed and Attested Say upon their Attestation: Wee the Jury find Georg Tomson Guilty of the within presentmt. William Carter Foreman, Whereupon the Court Fine the said Georg Tomson 1/8 And discharg him paying his Fine & Fees.

Georg Tomson & Georg Robson being presented for Swearing profanely being called Appeared and no Evidence appearing agt. them they were discharged by Proclamation paying their Fees.

Charles Goss being presented for abusing John Willkeson boath by Words and Blows being Called appeared and refusing to give Security to Answer the said presentmt. was Committed to the Sheriffs Custody After wch he bringeth John Duplony for his Security. Whereupon the said Charles Goss Recogn himself in Thirty pounds and the said Dupony in Twenty pounds etc., Conditioned that the said Charles Goss shall personally appear at this Court in the Morning and not depart thence without leave of the said Court etc. At which time he appearing, Submitted to the Court aledging that he was much in Drink and was not Sensible of what he did. The Court Considering thereof Fine him Five Shillings and that he stand Committed to the Sheriffs Custody untill he pay his said Fine & Fees.

Upon the presentmt of the Celler digged by the Shopp of Georg the Butcher Supposed to be at the disposall of Samuel Carpenter & Alexander Beardsly, they being sent for appered and being acquainted with the danger, Severall people having fallen into it, they promised to Bail it in and so were discharged paying the Fees.

Ordered that the rest of the presentmts not determined this Sessions, Legal process goe out agt. those persons for their appearance next Sessions.

Ordered on the presentmt. of Gartrett, Daughter of Lace Bore, that Two Justices inquire into the matter and cause the reputed Father to give Security for keeping the Child And that She likewise give Security for apperance at next Sessions.

Elizabeth White being bound by Recogn for her apperance at this Court was Called & Appeared And being charged with with [*sic*] receiving Severall Sums of money from John Maclebray who had Stolen the same from the House of Samuel Rowland She confessed she had recd Money from him and Submitted to the Court, but the said Maclebray not being in Court, John White & Daniel Lunt Recogn themselves & Each of them in Twenty Pounds to be Levied on their Lands, goods, and Chatles to their Majesties Use Conditional that Elizabeth White Wife of the said James [*sic*] White shall personally appear at the next Court of Quarter Sessions to answer the same, and not to depart without license from the said Court.

Mary Jerom being brought into Court likewise for receiving Stolen Money from the sd Maclebray Submitted to the Court who ordered that She goe and find Security for her apperance at the next Quarter Sessions to answer the same.

Mary Duke being brought into Court, was examined who it was that had gott her with Child, and whether She was Married or no, She Answered She was not Married, but that the Child She went with was gott by Peter Goit, the last Fall in John Whitpains House, and that she was concerned with no body else, She was Committed to the Sheriffs Custody After which being brought into Court she found Security: Viz Mary Duke, Dorothy More, Francis Jarvis & Christo: Davis did acknowledge themselves to owe and stand Indebted to the King & Queen each of them in the Sum of Twenty pounds Curr. Money to be levied upon their goods and Chatles, lands and Tenements to their Majesties Use.

Under Condition that the said Mary Duke shall personally appear at the next Quarter Sessions to answer to such matters as above writen etc & to abide the Judgmt: of the said Court etc.

Georg Robeson refusing to give Security for his apperance at next Sessions, & in the meantime to keep the Peace and be of the Good behaviour, was Committed to the Sheriffs Custody.

After which the said Georg Robeson proposed Richard James to be his Security, Whereupon the said Georg Robeson & Richard James Recogn themselves joyntly and Severally in the Sum of Twenty pounds to be Levied on their or either of their Lands, good, and Chatles to their Majesties Use.

Conditioned that the said George Robeson shall personally appear at the next Quarter Sess: to answer to such matters as shall be ob-

jected agt. him on their Majesties behalf, and in the mean time keep the King and Queens Peace and to be of the good behaviour etc.

Ordered that John Wilkeson be Bound by Recog: to appear at next Quarter Sessions etc or that a Venire goe agt. him for Apperance etc.

Ordered that a Warrt. be drawn for the keeping the Watch, And that Negroes & loose people be taken up that are playing about the Streets on the First day.³⁰

Martha Rowland being sent for to Court was reproved for her Loose and Idle Life, She said she intended to leave this Province and goe into Maryland or else enter into Service here

Ordered that an Attachmt: be directed to the Sheriff to Attach Peter Goit by his goods and Chatles to the Value of One Hundred Pounds if so much he can find in this County towards the maintenance & indemnifying the County from a Bastard Child when Born, which Mary Duke saith she goeth with and was begott by the said Peter Goit.

Ordered that John Claypoole, Sheriff, pay Twenty Four Shillings for the entertainmt. of the Constables this Sessions and that he keep So much in his hands out of this County Tax, wch shall be allowed of unto him.³¹

Georg Robeson Confessing in Open Court that he was Drunke when he abused Becham was Fined Five Shillings and being convicted of Swearing Three Oaths was fined Fifteen Shillings and so was [discharged] paying his Fine & Fees

At a County Court held at Philadelphia the Seventh day of May 1695

Justices present

Samll Richardson
Edward Shippen
Anthony Morris

Francis Rawles
John Farmer

³⁰ Another petition to Gov. Markham and his Council protested that Indians were also troublesome, for they became drunk and went "Reeling and bauling in the streets, Especially by night." Samuel Hazard, ed., *The Register of Pennsylvania*, V, 8.

³¹ That is, Claypoole could subtract twenty-four shillings from the tax which he owed the county and pay that sum to the constables.

Proclamation being made & Silence Commanded, the Governrs: Commission for Justices of the Peace for this County was read wherein was appointed Justices Arthur Cook, Samuel Richardson, Lawrence Cock, Edward Shippen, Anthony Morris, Francis Rawle, Charles Sanders, Joshua Carpenter, John Farmer & Robert Owen who were by the said Commission Assigned Justices to keep their Majesties Peace And any Three or more of them Justices of the County Court & Court of Quarter Sessions And Orphans Court; the said Commission Dated the 29th day of Aprill 1695³²

By their Majesties Authority etc.

At a Court of Quarter Sessions held at Philadelphia
the Fourth day of June 1695.

Samuel Richardson	Francis Rawles
Edward Shippen	Edward Farmer
Anth: Morris	

The Court being called in Common form etc

The Grand Jury being Called there appeared Viz

Joseph Paul, Foreman	William Fisher
Benja Duffield	Gabriel Cox
Evered Bolton	Neels Jones
John Harper, Junr.	Andrew Jones
Richard Hall	Peter Boon
Georg Scotson	Daniel Cook
Thomas Marle	Andrew Rambo
Thomas Parsons	
Francis Cook	

³² Arthur Cook, who was shortly named one of two assistants to Gov. Markham, had long been active in the Council and had served as Speaker of the Assembly. Samuel Richardson was a stalwart Quaker who had opposed Gov. Blackwell and who had just been elected to the Council from Philadelphia County. Lawrence Cock, a Swede, was one of the oldest settlers in the colony. He knew the Indian languages, and sometimes served as interpreter. Edward Shippen was soon elected Speaker of the Assembly. He was a wealthy Quaker who had recently come from Boston. Francis Rawle was shortly engaged in opposition to Markham's Frame, along with Joshua Carpenter. Charles Sanders had been in Gov. Fletcher's Council. Robert Owen was a member of the Assembly in 1695.

The Grand Jury having been Attested and receiving their charg went together, After which they bring in these presentmts: following

Wee of the Grand Inquest being Impanelled for the Body of this County the Fifth day of the Fourth Month, June, 1695³³

1. Whereas it doth appear by these Accots: here in Court Exhibited that there are Sundry persons as hath not paid their said Tax, Wee of the Jury doe present all such persons as hath not paid their said Tax

2. Wee present James Trervilly for Swearing twice in Our hearing

3. Wee doe present the Town of Philadelphia for want of a Convenient way and wharf at the end of High Street on the Bank

4. Wee doe present the Bridg in the Kings Road on this side of Robert Turners Plantation it not being Sufficient for Horses to pass.

5. Wee present the want of a Cage & Stocks in Philadelphia

6. Wee present the Bridg at Claytons Mill at Schoolkill as not being Sufficient for Horses to pass

7. Wee present the Half way Runn between German Town & Philadelphia as not being Sufficient for Horse & Cart to pass

8. Wee present Francis Jones of Philadelphia, Mercht., for Committing Fornication with Elisabeth Hunney

9. Wee present William Rakestraw, Thomas Andrew & Owen Foulk for Incroaching upon the Street of Philadelphia³⁴

Signed in behalf of the rest Joseph Paul Foreman

As to the First presentmt. Its Ordered that the Collector of the County Tax have a Warrant to bring before some one Justice of the Peace those that have not paid their County Tax so that they may be sumoned to answer the same at Court

Second presentmt: Ordred that James Trervilly be Apprehended & brought before this Court to Answer for his Swearing as aforesaid

³³ The Quakers used numerical names instead of "heathen" names for both the months of the year and the days of the week. Thus, March was First Month, and Wednesday, Fourth Day.

³⁴ Several months later (Mar. 3, 1695/6), the grand jury received a petition which protested that the young people of the town were guilty of "gaming" in the streets, and called for the authorities to enforce the laws against such activities upon both the parents of children and the masters of apprentices. The petitioners promised that such action "will be an honour & great Credit to ye Government, And ye way to Bring a Blessing from ye God of heaven upon all." Of particular interest is the fact that among the nineteen signers were two women, Elizabeth Ransted and Hannah Emlen. Penn Letterbooks, II, APS.

As to the Fifth presentmt. Ordered that Edward Shippen, Anthony Morris & John Farmer or any Two of them Sett Men to work about building a Cage & a pair of Stocks And that they draw Bills on the Treasurer for paymt. of the same

As to the Eighth presentmt. Ordered that Francis Jones give Sufficient Security for his Apperance at next Court of Quarter Sessions to answer the said presentmt. etc.

As to the 9th presentmt. Ordered that process goe out agt. the said persons for their Appearance at next Court of Quarter Sessions to answer their said presentmt.

The Constables returns persons to Serve in their Stead for this ensuing Year Viz

John Prichard
Thomas Griffe
Joshua Tittery
Randl Spikman
Tho: Achely, Dead³⁵
Nehemiah Allen
John Busby
Ralph Jackson

Ellis Jones
Thomas Morris
Evan Morris
John Heath Sadler
Wm Wells
The afore named Constables
being all Attested in Court
William Rutledg Attested
Constable for Cheltenham
Appointed³⁶

Richard Hall Appointed overseer of the High Way for Cheltenham and Gunner Rambo for Northern Liberty

Upon the presentmt. of Thomas Parsons and Samuel Carpenter for not keeping the High way near the Mill Race in repair etc.

Whereupon Thomas Parsons Recogn himself in Twenty pounds Lawfull Money to be levied on his Lands goods & Chatles to the Use of the publick Conditional That the said Samuel Carpenter & Thomas Parsons shall proceed at next Quarter Sessions to Travers the said presentmt

Georg Robeson being bound last Quarter Sessions for his Appearance at this Court and to be of the good behaviour being called ap-

³⁵The word "Dead" is in a different handwriting. Apparently Achely died after his appointment. A Widow Ashly was mentioned in the presentments of the September grand jury.

³⁶ Another example of the way in which the court of quarter sessions served as the governing body of the county. Cheltenham was a part of Philadelphia County at that time.

peared and no person appearing agt. him he was discharged by Proclamation, paying his Fees.

Gertea the Daughter of Lace Bore being presented the last Sessions for being brought to Bed of a Bastard Child, the Court being informed that the reputed or supposed Father of the said Child had married her etc the Court Ordered no farther process agt. her

Upon the presentmt. of Mary Lugger the last Sessions being Supposed to be with Child and that the Child was Illegitimate etc No person appearing agt. her And the Court being informed that she was gon out of this County, there was no farther process Ordered agt. her etc

Mary Duke being called upon her Recogn for her Appearance at this Court Confesseth that she was lately brought to Bedd of a Feamale Bastard Child And upon her Attestation as well as at her Delivery She Declared the said Child was gott by Peter Goit and [that] she had to doe only with him etc

Ordered that the said Mary Duke be whipped on her Bare back in the Markett place with Fifteen Stripes upon the Twenty Sixth day of this Instant Month.

Mary Duke & Dorithy More Recogn themselves Joyntly and Severally in the Sum of Twenty pounds to be levied on their goods & Chatles etc Conditioned that the said Mary Duke shall personally appear before any Two or more of the Justices within One Month from the Date hereof when they shall send for her to abide the Judgmt. of this Court

Elisabeth Hunny & Hannah Beedle being boath bound by their Recogn for their apperance at this Court, being Called and not appearing And the Court being informed that they were not as Yett brought to Bedd their said Recogn were Continued to the next Court of Quarter Sessions

The Sheriff returns that he had Attached the goods & Chatles of Peter Goits in the hands of Charles Reed Whereupon Charles Reed coming into Court promised the Court that he would not part with any of the Effects of Peter Goits in his hands but by the Justices Ordr.

Ordered that the Sheriff be allowed out of the Treasury for entertainmt. of the Constables this Sessions, Six Shillings, And that he pay for Constables Staves: Viz Thomas Achesly's Thomas Morris,

Joshua Titterys, John Heath, Ralph Jacksons, John Busbys & Randolph Spikmans, in all Eleven Shillings and that he be Allowed the same in the Treasury³⁷

Ordered that Silas Crispin & Peter Rambo be Overseers of the High ways of Dublin Township

By the Kings Authority in the Proprietarys Name etc
At a Court of Quarter Sessions held at Philadelphia the Third day
of Sept 1695

Justices present

Edward Shippen	John Farmer
Anthony Morris	

The Court being Called in Common form etc

The Grand Jury being called there appeared Viz

Joseph Fisher, Forem	John Stacy
Charles Reed	Wm Preston
Joseph Phipps	Philip Price
Richard Whitfeild	William Sneed
Philip England	
John Russell	
Henry Flower	
John Fletcher	
Robert Hanks	
John Harper	

Margrett Longshore being bound by Recogn for her appearance at this Court her Security Paul Sanders Appearing acquainted the Court that she was incapable of coming by reason of Sickness & he being willing to continue bound for her till the next Court of quarter Sessions the said Recogn: was continued accordingly

The Grand Jury bring in Sundry presentmts in these words

³⁷ These staves were six feet in length, with the King's arms inscribed thereon. Loyd, 19.

Wee the Grand Jury for the Body of this County present the persons under Written for Selling Strong Liquors without Licence³⁸

Hector Dicks
Abraham Hooper
Georg Robinson
Widdow Johnson
Emanuel Dawson
Owen Macdonell

John White
Richard Keys
Widdow Ashly
Thomas Prickett
Thomas Stapleford

Likewise wee present Francis Jones, Samll Perry, Samuel Stacy, James Metcalf, Tho: Merriott As persons that are frequently found in Alehouses at unseasonable times of the Night and giving great abuses to the Watch, especially to Thomas Morris who on the Tenth of the Sixth Month last past at Night in the House of the Widdow Cox received very abusive Language from them, As Rascall Curr, Beast, Impudent Dog etc³⁹

Allso Wee present the Widdow Cox for keeping a disorderly house⁴⁰

Likewise wee present Gunner Rambo for Negligence in his Office as Over Seer of the Highways

Joseph Fisher, Forem

Upon the above presentmt of the Ordinary keepers they were sent for, And Hector Dix, Georg Robeson & Richard Kees were fined Five pounds each and soe were dismissed they paying there Fine & Fees etc

Abraham Hooper allowed to Sell drink till after the Generall Meeting,⁴¹ Widdow Johnson, Emanuel Dawson & John White it was Ordered that they sell no more strong drink without Licence

³⁸ This was a problem which had plagued Philadelphia for many years. William Markham, while serving as secretary to the Council in 1688, had written (Sept. 5, 1688): "These are to certify, that notwithstanding several within this County of Philadelphia keep Ordinaries, & sell strong Liquors, by Retail, yet not one of them hath any Licence for their so doing." Par-rish Collection, Robert Proud Papers, HSP.

³⁹ Robert Turner wrote a few years later (Dec. 9, 1697): "wickedness growes—& wine to much Raignes in ye grocest manner to ye sorrow & Reproach of gods people . . . to many scandolas Tipling houses ye sinks of sinn." Dreer Collection, Penn Letters, HSP.

⁴⁰ The term "disorderly house" meant exactly that—the patrons behaved in a disorderly fashion. The use of the expression as a synonym for brothel was a later development.

⁴¹ The term "Generall Meeting" referred to the annual gathering of the Quakers of Pennsylvania, Delaware, and New Jersey, which was always held in September. The expression "Yearly Meeting" came into more general use later. Friends did not yet have a testimony against the moderate use of intoxicating beverages.

The Widdow Cox appearing upon her presentmt for keeping a disorderly house, She acknowledged that she could not rule people in her House, Ordered that her Licence be Suppressed and that shee keep no longer an Ordinary then till the Fifteenth of Octobr Next

Ordered that Daniel Jones sell no more Strong drink or wine by retail after the Fifteenth day of October within which time he is allowed to sell and dispose such Liquors he hath by him

Griffith Jones, late of Maryland, being Convicted of telling a Lie in Open Court was Fined Two Shillings and Six pence.

A Bill being found by the Grand Jury agt Griffith Jones of Maryland for Speaking & Acting things at Philadelphia tending to Sedition & disturbance of the Peace agt the Law in that case made and provided

Ralph Jackson being Attested in Court Saith that the said Griffith Jones late of Maryland as soon as he had ended his discours to the Bench about a Petition agt this Governmt turned his back and Satt down & Said lett them be burned if they will, for which words and other contemptuous behaviour he was committed to Goal till he give Security for his good behaviour & apperance at next Court of Quarter Sessions

And the said Jurors doe further present the said Griffith Jones that he did Slanderously and Malitiously report, defame and Spread false News agt. the Magistrates in this Governmt and allso did Speak in derogation of the Sentence and Judgmts of the Courts of Judicature within this Province & Territories agt the Kings peace etc

The Jurors etc likewise present the s'd Griffith Jones for Swearing two Oaths in his Conversation by the Name of God etc And the sd Jurors further present That the said Griffith Jones did Speak Slightly of the Magistrates of this County agt. the Laws etc

Griffith Jones late of Maryland Gent. Recognises himself in the Sum of Forty pounds and John Godfrey in Twenty pounds to be Levied on their Lands, goods & Chatles to the Kings Use Conditioned that the said Griffith Jones shall be of the good behaviour towards all the Kings Subjects And personally appear at the next Court of Quarter Sessions to be held the Third day of Decembr. next to answer to such matters as shall be there objected agt. him

Ordered that Mary Duke pay Three pounds Fine for having a Bastard Child and that she be Committed to the Sheriffs Custody untill She pay the same & Fees etc

Hanah Beedle being brought into Court on Suspition of having a Bastard Child on her Examination She aledging that the Child was her Husbands the Court required Security for her apperance at the next Quarter Sessions to answer the same, Whereupon the said Hanah Beedle Recogn herself in Forty pounds and Daniel Jones in Twenty pounds Lawfull Money to be levied on their Lands goods & Chatles to the Kings Us, Conditional that the said Hanah Beedle shall personally appear at the next Court of Quarter Sessions to be held the Third day of Decembr. next & answer to such matters as shall be there objected agt. her.

Whereas Some of the Grand Jury having agreed to make application to the Governr & Councill for laying out a New Road by Franckford Mill, Its ordered that Samuel Carpenter & Thomas Parsons be discharged from their presentmt. for the Highways about Franckford, paying their Fees etc

Ordered that Samuel Carpenter (in respect of the Money the County is indebted to him) be allowed his Own County Rate out of the Treasury and likewise the Widdow Eckleys, John Philpotts & Arthur Holstons amounting in all to Twelve pounds Two Shillings & Four pence⁴²

Patrick Robinson producing his Accot. of Money due to him from the County, It was Ordered by consent of the Grand Jury that he be allowed his own Levie, being Six pounds Thirteen Shillings & Four pence, & Wm. Salways Levy, being Two pounds Tenn Shillings, And Edw. Claypools, Capt. Billops & Jno. Tisicks, being Two pounds Tenn Shillings, being in all Eleven pounds Thirteen Shillings & Four pence and that a Note be drawn on the Treasurer for paymt of the Same, And the sd Robinson consenting to accept of Tenn pounds in full for the remaining Sum due to Balla. it was Ordered that the Treasurer should pay him the same & take his receipt in full etc

Benjamin Chambers & William Carter Appointed overseers of the Streets in Philadelphia and that they cause the Inhabitants to keep good the Streets before their respective Lotts and remove the nusances in the Street before their respective grounds

Ann Atkins being brought into Court for her breaking Samuel Atkins his Windows and other abuses to him done She promised if

⁴² Apparently Carpenter was to be repaid what the county owed him by canceling out his own county tax and collecting from Widow Eckly, John Philpots, and Arthur Holston what they owed the county. In the following paragraph, Robinson accepted a similar arrangement.

he would forgive her this action that then she would remove her self out of this County and for the future She would no ways hurt or molest him or his, upon which he forgiving her She was discharged, he paying her Fees etc

Ordered that Charles Reed pay unto Mary Duke, or Ordr, Five Pounds out of the Moneys in his hands belonging to the Estate of Petr. Goit

Ordered that the Grand Jury be dismissed at present and that they attend the Justices the Fifteenth day of Octobr. next In ordr. to agree about the remainder of the County Tax that is not paid into the Treasury And to raise Money to build a County Goal.

Benjamin Chambers brings into Court an Accot. of Sundrey disbursmts. on Accot. of Prison Rents and makeing the Prison more Sure, the Said Accot amounting to Seven pounds was allowed of by the Court as a Just and true Accot. but consented not to pay it out of this last County Tax etc.⁴³

At a Spetial Court of Quarter Sessions held at Philadelphia
the 15th day of Octobr 1695

Justices presen

Samuel Richardson
Edward Shippen

Antho: Morris
Fran: Rawles
John Farmer

The Court being called in Common form etc The Grand Jury being called appear etc and request that Edward Shippy [Shippen] and Anthony Morris may take what Money is in the Treasurers hands, and lay it out for Materials towards building of a Prison for this County and as Money shall be further received and paid into the Treasury the said persons shall receive the same and lay it out for the use aforesaid (excepting for Wolves heads & the poore wch is to be allowed off) and no other debts shall be contracted for the Future to be allowed off, which was agreed unto by the Court and a Coppy of the same was sent to Robert Turner Treasurer with an Ordr to pay the said Mony as above.

⁴³ In other words, the court recognized the validity of Chambers' claim, but refused to appropriate the money to satisfy it.