

CHAPTER C.

THE LAW ABOUT APPEALS TO THE PROVINCIAL COURTS.

[Section I.] Be it enacted by the Proprietary and Governor, by and with the advice and consent of the freemen of this Province and Territories in General Assembly met, and by the authority of the same, That all trials for titles for land, all actions of debt, accompt or slander, actions personal, and all actions civil and criminal whatsoever (excepting treason, murder, manslaughter, rape, sodomy, buggery, burglary and burning of houses) shall be first heard and tried in the proper county courts by the respective justices; which county courts shall be held and kept quarterly in every county of this province and counties annexed, and oftener if occasion be: which county courts shall be courts of equity, for the hearing and decreeing all matters and causes cognizable in the said courts, under the value of ten pounds. And in case either plaintiff or defendant shall apprehend themselves aggrieved with the verdict of the jury, or judgment of the court, they may appeal to have the cause of complaint heard over and determined by the then next provincial court to be held for the said county: which said appeal shall be granted, provided that the debt or damage in the said judgment be ten pounds or upwards, the appellant giving good and sufficient security to prosecute the said appeal and to pay all costs and damages that shall be awarded.

[Section II.] And it is further enacted, That there shall be five provincial judges appointed by the governor; which judges, or any three of them, shall be a provincial court, and sit twice every year at the town of Philadelphia, on the four-and-twentieth day of the Seventh month, and the tenth day of the Second month, and at least two of the five, every fall and spring yearly, shall go their circuit into every respective county in this government, and there hold a provincial court: on the twentieth day of the Seventh month and the fourteenth day of the Second month in the county of Bucks: and on the second day of

the Eighth month and on the eighteenth day of the Second month at Chester: on the fifth day of the Eighth month and the one-and-twentieth day of the Second month at Newcastle: and on the ninth day of the Eighth month and twenty-fifth day of the Second month in the county of Kent: and on the thirteenth day of the Eighth month and twenty-ninth day of the Second month at Lewes in the county of Sussex, when, where and as often as there shall be occasion; of which occasion notice shall be given by the respective clerks, where such appeals are so granted as aforesaid, under the county seal, directed to the governor for the time being, by the first opportunity after such appeals are granted. Which said circuit courts shall have the hearing and determining of all appeals from the respective county courts both in law and equity grantable by the said county courts. Which judges are also hereby authorized and empowered at the times and places aforesaid to hear and determine treason, murder, manslaughter, rape, sodomy, buggery, burglary and burning of houses in all and every the said respective counties. And that all justices and other officers shall yield due attendance to the said judges during the sitting and continuance of the said provincial court. And the sheriff of every respective county shall meet and attend the judges in and out of their respective bailiwicks, and take care to defray the charge of the said judges; which said judges shall be allowed out of the respective county rates, during their sitting and traveling in that service, ten shillings each for every day.

Passed November 27, 1700; repealed by the Acts of Assembly, passed October 28, 1701, Chapters 105 and 106. No copy of this act can be found in the possession of the Commonwealth; the text here given is from a copy a-cited in the transcript of the Acts of November, 1700, and October, 1701, attested by James Logan, and now in the collection of the Historical Society of Pennsylvania.