

in bills of credit aforesaid into the hands of the committees of assembly who shall be yearly appointed to settle the public accounts, which bills of credit the said committees are hereby authorized, enjoined and required to burn, sink and destroy, unless the same shall be otherwise disposed of by act of assembly.

[Section III.] And be it further enacted by the authority aforesaid, That the said Benjamin Franklin, Esquire, shall have and receive for his care and trouble in receiving and depositing the said sum of money in the bank as aforesaid the sum of one-half *per centum*; and the said trustees, for drawing and negotiating the said bills and for paying the sums of money thereby arising into the hands of the said committees of assembly, the sum of one-quarter *per centum* and no more.

Passed September 29, 1759. Referred for consideration by the King in Council, February 16, 1760, and allowed to become a law by lapse of time in accordance with the proprietary charter. See Appendix XXIII, Section I, and the Act of Assembly passed September, 26, 1761, Chapter 470.

CHAPTER CCCCL.

A SUPPLEMENT TO THE ACT, ENTITLED "AN ACT FOR ESTABLISHING COURTS OF JUDICATURE IN THIS PROVINCE."¹

For the further advancement of justice and more certain administration thereof:

[Section I.] Be it enacted by the Honorable William Denny, Esquire, Lieutenant-Governor under the Honorable Thomas Penn and Richard Penn, Esquires, true and absolute Proprietaries of the Province of Pennsylvania and counties of Newcastle, Kent and Sussex upon Delaware, by and with the advice and consent of the representatives of the freemen of the said Province in General Assembly met and by the authority of the same, That as soon as conveniently may be after the publication

¹Passed May 22, 1722, Chapter 255.

of this act there shall be in every county within this province five persons of the best discretion, capacity, judgment and integrity that may be found and no more duly appointed and commissioned by the governor or commander-in-chief for the time being under the broad seal of this government, who or any three of them shall and they are hereby authorized and required to hold and keep within their respective counties the court of record styled and called "The County Court of Common Pleas," at the same times in the year and at the same places as the said courts respectively have been heretofore used and accustomed to be held by the judges of the same; which said judges or any three of them shall hold pleas of assizes, *scire facias*, *replevins*, and hear and determine all manner of actions, suits and causes, civil, personal, real and mixed, according to the laws and constitutions of this province; and shall have, hold and exercise all and every other power, authority, jurisdiction and privilege given and granted to the judges of the said county court of common pleas in and by the act of assembly aforesaid, entitled "An act for establishing courts of judicature in this province," or any other law of this government whatsoever; and that each and every person so appointed and commissioned and each and every of the judges of the court called and styled "The Supreme Court of Pennsylvania," shall have, hold, enjoy and exercise their several and respective commissions and offices aforesaid, *Quamdiu se bene gesserit*, and that their respective commissions shall be granted to them accordingly.

Provided always, nevertheless, That it shall and may be lawful for the governor or commander-in-chief for the time being to remove them the said judges of the supreme court and county court of common pleas aforesaid or any of them from their said respective offices and commissions upon the address of the representatives of the people in assembly met.

[Section II.] And be it further enacted by the authority aforesaid, That the judges of the court of common pleas or any three of them in each respective county of this province to be appointed and commissioned by virtue of this act and no other persons whatsoever, after the publication hereof shall and they are hereby authorized, empowered and required to hold and

keep the court of record in each of the said counties called and styled, "The Orphans' Court," instituted and established in and by an act, entitled "An act for establishing Orphans' courts,"¹ as fully and effectually to all intents and purposes as the justices of the peace of each county heretofore have, ought, might or could do; and that the said judges of the common pleas shall have, use, exercise and enjoy all and every the powers, authorities, jurisdictions and privileges which are given and granted to the justices of the Orphans' court in and by the said act of assembly or any other law of this province whatsoever, anything in the said-recited act or any other act of assembly of this province to the contrary notwithstanding.

[Section III.] And be it further enacted by the authority aforesaid, That the chief justice of the said supreme court shall have and receive for discharging the duties of his office the sum of two hundred pounds and each of the other judges of the said court the sum of one hundred pounds yearly and every year during their continuance in their respective offices, to be paid out of such moneys as shall from time to time be raised for defraying the charges and exigencies of government; and that each of the said judges of the county court of common pleas shall have and receive for every day he shall sit in the said court the sum of twenty shillings, to be paid by an order from the commissioners of each respective county for which the said judges shall be commissioned, drawn on the treasurer thereof, out of such moneys as shall be raised from time to time for the payment and discharge of the county debts in pursuance of an act, entitled "An act for raising of county rates and levies."²

[Section IV.] And be it further enacted and provided by the authority aforesaid, That no justice of the county court of quarter-sessions shall have, hold or enjoy the office or commission of a judge of the county court of common pleas aforesaid, but every such justice is hereby disabled from holding, enjoying or executing the said office and commission for and during and at the same time he shall be justice of the quarter-sessions aforesaid.

[Section V.] And be it further enacted by the authority

¹ Passed March 27, 1712-13, Chapter 197.

² Passed March 20, 1724-25, Chapter 284.

aforesaid, That if any action, bill, plaint, suit or cause not concerning freehold or inheritance or title of land, lease or rent which shall be brought, commenced or depending in any of the said courts of common pleas, wherein [the] debt, damages or things demanded and recovered shall not amount to or exceed the sum of twenty pounds lawful money of Pennsylvania, shall be removed into the said supreme court by the plaintiff, in case a verdict shall be given in his favor he shall not recover any costs of suit; but if the verdict shall be against him, he shall pay double costs of suit to the defendant; and in case any such suit, bill, plaint or cause shall be removed by the defendant, he shall pay double costs to the plaintiff.

And whereas the times limited for holding the courts of quarter-sessions in the counties of Bucks and Chester are too short for the transaction of the business there often happening:

[Section VI.] Be it therefore enacted by the authority aforesaid, That it shall and may be lawful to and for the justices of the said courts of Bucks and Chester respectively to hold the same for and during the space of three days and to adjourn for that purpose over to the day next following the days heretofore appointed by law for holding the same, anything in the law hereinbefore mentioned to the contrary notwithstanding.

Passed September 29, 1759. Repealed by the King in Council, September 2, 1760. See Appendix XXIII, Section I.

CHAPTER CCCCLI.

AN ACT TO CONTINUE AN ACT, ENTITLED "AN ACT FOR DIRECTING THE CHOICE OF INSPECTORS IN THE COUNTIES OF CHESTER, LANCASTER, YORK, CUMBERLAND, BERKS AND NORTHAMPTON."¹

Whereas the act, entitled "An act for directing the choice of inspectors in the counties of Chester, Lancaster, York, Cumberland, Berks and Northampton," passed in the twenty-fifth year of this present reign hath been found by experience to be of good

¹ Passed March 11, 1752, Chapter 396.