

1767. *ment of justice, and more certain administration thereof,* as is*
 herein and hereby altered and supplied, be, and the same is hereby,
 * Chap. 236. repealed, and made null and void.

Passed 21st February, 1767.—Recorded A. vol. V. page 153.

CHAPTER DLVIII.

An ACT to appoint certain persons, therein named, Supervisors and Directors of the road and bridge over Hollander's creek, leading to the west district of Greenwich Island, and to enable them to lay such rates and assessments, from time to time, on all lands in the said district, accommodated by the road and bridge aforesaid, as may be found necessary, for supporting, maintaining and keeping the same in good repair.

Passed 21st February, 1767.—Recorded A. vol. V. page 169.

CHAPTER DLX.

An ACT to amend the act, entitled an Act for establishing Courts of Judicature within this province. (s)

[WHEREAS it has been found inconvenient for the Judges of the Supreme Court of this province to ride the circuit, and to try the issues joined in the said Court, in causes removed from the respective counties of Chester and Bucks, on the days and times appointed for that purpose, in and by the act of General Assembly of this province, passed in the eighth year of his Majesty George the first, entitled *An Act for establishing Courts of Judicature within this province*, whereby a practice has been introduced of trying all issues in fact, joined in causes which have been removed from the several counties thereof into the said court, at the city of Philadelphia, which has often obliged the parties, jurymen and witnesses, to attend from the most remote parts of the province at the said city, to their very great, and unnecessary expense and grievance: For remedy whereof, we the Representatives of the freemen of the province of Pennsylvania, do pray that it may be enacted, *And be it enacted*, That so much of the said recited act of General Assembly, as relates to the Governor's appointing and commissionating three Supreme Judges only, and to the nomination and appointment of the days and times for riding to and holding the Circuit and Nisi Prius Courts in the said counties of Chester and Bucks respectively, shall be and is hereby declared to be, repealed, null and void; and that there shall be four persons of known integrity and ability commissioned by the Governor of this province for the time being, by several distinct patents or commissions,

Repeal of parts of a former law.

Four Judges of the Supreme Court to be commissioned

(s) For a general reference to all the acts respecting the Judiciary Department, see ante. chap. 255, and respecting the penal law, see ante. chap. 236. (*Note to former edition.*)

under the great seal of this province, to be Judges of the Supreme Court, one of whom shall be distinguished in his commission by the name of the Chief Justice; and every of the said Judges shall have all the powers, rights, authorities, jurisdictions and privileges, as are given to the Supreme Judges by the above recited act of assembly; and that the said Judges of the Supreme Court of this province shall, and they are hereby enjoined, if occasion require, to go the circuit twice in every year, into the several counties within this province, on such days and times as they shall nominate and appoint; when and where they, or any one of them, shall try all such issues in fact, as shall be depending in the said Court, and removed out of any of the counties; and generally do, execute and perform, all and every such acts, matters and things, and exercise, use and put in practice all such powers, authorities, jurisdictions and privileges, as are enjoined and required of them, or given and granted unto them, in and by the said recited act of General Assembly. (t)

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by the Governor, who shall have all the powers given by a former law; and shall ride the circuit twice in every year if occasion require.

[II. *And be it enacted*, That the charges and expenses of the Judges and Clerk of the said Supreme Court, with their servants, in their said circuit, shall be paid in manner following; that is to say, all such expenses as shall happen in their circuit through any of the counties, where they shall not hold their said court, shall be paid by the province; and that all such expenses which shall accrue from the time of their coming into, and during their continuance in the county, where they shall hold their said court, by the Treasurer of the same county, out of the county stock. And that they, the said Judges and Clerk, with their servants, shall pass and repass, and shall be conveyed by the ferrymen over all the several ferries within this province, without paying any ferriage, fee or reward for the same.] (u)

Expenses of the Judges how to be paid.

III. *Provided always nevertheless*, That if, after the publication of this act, any plaintiff or defendant in any cause, depending in any County Court of Common Pleas, shall remove any such cause into the Supreme Court aforesaid, the debt or damages whereof, which shall be found due by default, confession, verdict, or report of referees, shall not amount to the sum of fifty pounds, lawful money of this province, every such person, so removing such cause, if a plaintiff, shall not recover any costs of suit, or if a defendant, he shall pay double costs, to be awarded by the said Supreme Court. (x)

No causes to be removed of less value than £.50.
Now see chap. 2634, an act passed March 20th, 1810.

IV. *Provided also, and be it further enacted*, That nothing herein contained shall be deemed, construed or understood, to prevent

(t) Jurisdiction established at the revolution, see chap. 726, and for the existing jurisdiction of the Supreme Court, see the title *Judiciary Department*, in the index to this edition. Of holding Courts of Nisi Prius, &c. see chap. 1564. For the act substituting Circuit Courts for Courts of Nisi Prius, in all the counties except Philadelphia, see chap. 2021. (Note to former edition.) [The Circuit Courts are now abolished: See the additional notes to chap. 255.]

rescinded, see chap. 1563. (Note to former edition.)

(x) No suit shall be removed from the Common Pleas into the Supreme Court by any writ of *certiorari* issued for the plaintiff, nor by any writ of *habeas corpus* or *certiorari*, after the cause shall have been at issue two terms or more. See chap. 1235, 1252. See, likewise, 1 Dallas, 288, 457. For the act regulating the removal of causes into the Circuit Courts, see chap. 2021. (Note to former edition.)

(u) But this provision is virtually

1767. the removing any action of debt for rent, replevin, ejectment, trespass, or any other plaint or suit, wherein the title to lands, or any other real estate, may come in question.

No appeal to be allowed on a general verdict from the Supreme Court to his majesty in council.

[V. *And be it further enacted*, That it shall not be lawful for any person or persons, their heirs, executors, or administrators, to appeal from the final sentence or judgment of the said Supreme Court, awarded in any action or suit wherein a general verdict shall be given, or in any other case, but where there shall be a demurrer to evidence, or bill of exceptions, or where a writ of error may legally be brought, and that upon prayer or petition made or exhibited to the said Court for such appeal, after such general verdict or final sentence or judgment thereon, the said Supreme Court shall enter a disallowance of such appeal, and proceed in the same manner, as if none such had been moved or petitioned for, any thing in the said recited act of General Assembly to the contrary thereof notwithstanding.] (y)

Penalty on jurymen for non-attendance.

[VI. *And in order to compel the due attendance of Jurymen on the said Circuit and Nisi Prius Courts, and all other the courts within this province, Be it enacted*, That if any person shall, after the publication of this act, be duly summoned to attend any court of judicature within this province, to serve on a jury, or on any inquest required by law, and shall neglect or refuse to give his attendance on the day, and during the time his service is necessary, every such person, so offending, shall be fined for every such offence in the Supreme Court, and Court of Oyer and Terminer, by the Judges or Justices thereof, any sum not exceeding three pounds; and for every such offence in the County Court of Common Pleas, or Court of Quarter Sessions of the Peace, for any county or city in this province, by the Judges or Justices thereof, any sum not exceeding forty shillings, unless such delinquent shall, at the same or next succeeding court, render to the Judges or Justices thereof a reasonable excuse for such neglect or refusal, to be allowed by such of them as shall be present, which said Justices are hereby empowered and required, on failure of such delinquent to render such reasonable excuse, to issue a writ to the Sheriff of the county, to levy the said fines on the goods and chattels of every such delinquent, to be paid to the Overseers of the poor of the city, borough or township, where he shall reside, to the use of the poor thereof.] (z)

Passed 20th May, 1767.—Recorded A. vol. V. page 213.

(y) This section has, of course, expired; and a court of Errors and Appeals has been instituted under the authority of the state. See the notes, ante. to chap. 255. (*Note to former edition.*) [But that Court is now abolished.]

(z) For the act regulating juries, see chap. 1127, by which this section is virtually repealed: (*Note to former edition.*) [And chap. 2577, and an act passed April 4th, 1809]