GUIDE TO RECORDS
OF THE COURT OF COMMON PLEAS
CHESTER COUNTY, PENNSYLVANIA
1681-1900

Records of the Prothonotary
Civil Records of the Sheriff
Select Civil Records of the Circuit Court of
Chester County and the Supreme Court of Pennsylvania

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Chester County Historical Society
West Chester, Pennsylvania
1987
This publication and the project which generated it have been supported by the National Endowment for the Humanities, a federal agency which supports the study of such fields as history, philosophy, literature, and languages. Additional support for the publication has come from the Chester County Historical Society's Archives Publication Fund and several private donors.

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Library of Congress Cataloging-in-Publication Data

Catanese, Lynn Ann, 1957- 
Guide to records of the Court of Common Pleas, Chester County, Pennsylvania, 1681-1900.

Bibliography: p.
Includes index.
1. Court records--Pennsylvania--Chester County.  
2. Pennsylvania. Court of Common Pleas (Chester County)--Archives.  
3. Chester County (Pa.)--Genealogy.  
I. Chester County Historical Society (West Chester, Pa.)  
II. Title.
KFP516.C45A7 1681a 347.748'1101'09 87-9406  
347.481107109

Preceding page: Insolvent Debtor Petition of Christopher Sheagle, May 1726
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The publication of this guide is a significant accomplishment in two respects. In the immediate sense, it is the final step in the Chester County Historical Society's two-year project, funded by the National Endowment for the Humanities, to arrange and describe the historic records of the Chester County Court of Common Pleas. This valuable record group is now organized and accessible to researchers. Scholars, genealogists, and others can avail themselves of the wealth of information contained in the records, information which heretofore could be retrieved only with great difficulty, if at all.

In a broader sense, the completion of this project stands as an example of what can be accomplished through responsible records preservation. Chester County has been fortunate in that over the course of its three-hundred-year history, many individuals have recognized the importance of the county's records and taken steps to preserve them. These people include county clerks and officials, historians, genealogists, librarians, and ordinary citizens. Through their efforts Chester County has one of the finest collections of historic local government records in the nation. The records of the court of common pleas are but one of the many record groups which comprise this remarkable collection.

In 1982 the Chester County Historical Society and the County of Chester jointly established the Chester County Archives to administer the collection. The Archives is a unique program that combines the resources of both institutions to ensure that the records are preserved and made available. The cooperative venture has proven very successful, as evidenced by the thousands of researchers who have visited the Archives since its opening. Another measure of this success has been the grant funding the Society has been able to obtain for Archives programs. With the completion of the Common Pleas project funded by the National Endowment for the Humanities, the Archives has embarked on another two-year project, funded by the National Historical Publications and Records Commission, to arrange and describe the
records of the court of quarter sessions. The completion of this second project will make another important record group accessible to researchers.

In tracing the history of the common pleas records and the efforts which led to the undertaking of this project, it seems remarkable that the records survived at all. They were housed in a number of different locations over the years and at various times were subject to poor security, extremes of temperature and humidity, leaking pipes, vermin, and the threat of fire. They were also subject to destruction by those unaware of their importance. In years past little interest was shown in these local government records which document the activities of ordinary people. The fact that they exist today is due to the vigilance of a number of individuals who sought to protect them. Chief among these in the twentieth century has been Dorothy B. Lapp, Librarian and Archivist of the Chester County Historical Society from 1937 to 1976. In many cases Miss Lapp literally rescued records from trash cans or bundles targeted for the incinerator or paper mill.

Through the efforts of Miss Lapp and others, records rescued from destruction were deposited in the Historical Society for safekeeping. Later, county officers began officially transferring their historic records to the Society. A large part of the common pleas collection came to the Society in the early 1970s through this arrangement. At the Society, staff and volunteers began the work of sorting and organizing the records, which had often arrived in total disarray. In the late 1970s Rosemary B. Philips, Miss Lapp's successor as Librarian at the Society, began negotiating with the County for support for the work the Society was doing with the county records. These negotiations culminated in the opening of the jointly-sponsored Archives to the public in August 1982.

The common pleas records first became the subject of serious scholarly study in the 1970s while they were at the Society. Historian Lucy Simler began using them in the course of her research and soon discovered that they contained an enormous
amount of valuable information. This was a time when the "new social history" was emerging. Scholars were turning to the study of the lives and activities of common citizens and attempting to trace social and economic patterns of local communities. The common pleas records were ideal for such research, but their use was severely restricted due to their disorganization. It was obvious that with their quantity and complexity, the common pleas records required a full-time staff person to coordinate their organization. The Society applied for and received a grant from the National Endowment for the Humanities to hire a records processor to arrange and describe the records. The project began in July 1984 and with the publication of this guide is now complete.

A number of individuals and organizations should be acknowledged for their work on the project, and/or for their overall support of the Archives program. Past and present Boards of Directors of the Chester County Historical Society and Boards of Commissioners of Chester County have demonstrated their commitment to the Archives through their continued support over the years. Both staff and volunteers of the Society have provided continued support as well. Special recognition must of course go to Dorothy B. Lapp, without whose efforts many of the records described in this guide would be lost to us today. Society Executive Director Roland H. Woodward and Librarian Rosemary B. Philips offered valuable guidance both in the design of the project and in the overall development of the Archives program. It is chiefly through their efforts that the Archives is in a position to undertake projects such as this. Former Prothonotaries Irene B. Brooks and Alexander W. Clarke, as legal custodians of the Common Pleas records, cooperated fully with the project and with the Archives program in general. The Pennsylvania Historical and Museum Commission has been a most helpful third party in the Society/County Archives partnership, offering advice, assistance, and support as the Archives developed. The National Endowment for the Humanities provided the grant funds which made the project possible.
Records Processor Lynn Ann Catanese, who processed the records and wrote and typed the guide, is to be commended for an outstanding job. Sorting and organizing the hundreds of thousands of common pleas documents and volumes and then writing a guide to their use was a task that required intelligence, perseverance, and considerable organizational skills. Historian Lucy Simler, who served as Project Consultant, brought to the endeavor her boundless energy, her unparalleled knowledge of the Archives collection, and the important perspective of how the scholar would make use of the records. Beyond that, her long-time dedication to the Archives, its staff and activities has been an invaluable asset to the development of the Archives and to those associated with it. Archivist Laurie A. Rofini and Assistant Archivist Barbara L. Weir took part in editing the guide and brought to the project their knowledge of the records and how they would be used in research. Records Manager Elizabeth Simler located some of the Common Pleas records described herein, and she and Micrographics Supervisor Mary Sproat were very generous in offering their time in proofreading the guide. The guide benefitted greatly from the input of all of the above individuals. Volunteers Anne Congdon and Lisa Wilson and Intern Hallie Snyder donated their time to the project by indexing some of the more important records series. Secretary Lynn Feehrer assisted with typing and photocopying.

It is hoped that this guide will be of value not only to researchers who use the Chester County court records, but to those who use or administer court records elsewhere as well. Such records constitute a most important primary resource, yet in their quantity and complexity can represent a formidable obstacle to both the researcher and the records custodian. This project, while of immediate value to research in Chester County, can demonstrate to others the value of local court records and hopefully will promote efforts toward their preservation and use.

Jack McCarthy
Project Director
INTRODUCTION

The Chester County Court of Common Pleas heard civil and equity cases. The records of this court provide significant information for researchers. Historians can use them for information on such topics as economics, labor, law, immigration, agricultural and industrial development, women, and social and local history. Those interested in genealogical research can find names, occupations, ages, places of residence, and information on goods and property owned in records such as original writs, narratives, affidavits, depositions, interrogatories, petitions of insolvent debtors, naturalizations and divorces. Property researchers will find inquisitions, assigned estates, mechanics' liens and sheriffs' deeds useful sources.

The records of the Chester County Court of Common Pleas are at once records of Pennsylvania and of Chester County. On one hand, the records described in this guide are representative of the records of the province and commonwealth of Pennsylvania. Similar records exist or did exist for each county from the time of its formation. They reflect the laws and legal institutions of the province and of the state. The descriptions of the papers and dockets and the legal processes provided here are, in general, descriptive of those of Pennsylvania at the county level and not merely of Chester County. On the other hand, the records surveyed here were generated by a specific county court: the Chester County Court of Common Pleas. They concern a given population and a defined geographic area and reflect particular political and economic conditions.

Chester County, located in southeastern Pennsylvania, is the southernmost of the three original counties of the province, the other two being Bucks County and Philadelphia County (which then included today's Montgomery County). Originally, Chester County extended along the Delaware River, southwest from the city of Philadelphia to the limits of settlement. The western boundary
was set in 1729 with the establishment of Lancaster County. In 1786 the county seat was moved from the town of Chester to West Chester. In 1789 Chester County was divided and Delaware County was formed out of the southeastern third. The original county seat, Chester, became the county seat of Delaware County. The records for the two counties to that date remained in West Chester and these, together with a very few early records for the area now comprising Lancaster County and the Chester County records generated from 1789 to circa 1900, form the basis for the collection of records described here. In general, records for Lancaster County after 1729 and for Delaware County after 1789 form separate record groups maintained by their respective counties.

The records of the Chester County Court of Common Pleas are surprisingly complete and show little sign of damage considering that they have been moved numerous times and were kept in non­archival conditions for many years. In organizing the records, every effort has been made to determine and preserve their original, archival order. In some cases this was easily done. Some of the papers were found in their original bundles, tri-folded and tied with ribbon, not having been opened since the eighteenth and nineteenth centuries. In a few cases, records series were in total disarray and their original order could not be determined. In these instances the most logical filing sequence was chosen. Generally, the records were in fairly good order and required basic inventoring, sorting and organizing.

The common pleas records consist of papers, docket books dating from 1681 through circa 1900. All papers through 1850 have been processed on an item by item basis. From 1850 through 1900, some series of papers have been processed in this manner, while others have been inventoried and rough sorted. All dockets and books through 1900 have been processed. In addition, certain papers and dockets of special importance were processed beyond 1900. Now that the records are organized they are ready
for public use. However, it is difficult to use them without some sort of finding aid; hence this guide.

The guide is divided into several sections. The "History" section highlights the history of the Chester County Court of Common Pleas from the late seventeenth century through the building of the present courthouse in West Chester in 1847. The "Explanation of Legal Process" outlines the steps in eighteenth-through mid-nineteenth century civil cases from their first appearance in court through judgment and execution, with a look at the various officials involved with the court. The heart of the guide is the "Series Descriptions." Here, each of the 116 series of Court of Common Pleas records in the collection of the Chester County Archives and Records Services is thoroughly described. From the series descriptions the researcher can determine what types of information are contained in which records and how the records are arranged and indexed. The guide also includes a glossary, a flow chart showing the steps in a debt case, a selected annotated bibliography, and both a table of contents and an index.

The records of the Chester County Court of Common Pleas are an important primary source for research. Whether used separately or in conjunction with other records in the Archives collection (such as criminal, tax and estate), or with the library and manuscript collection at the Chester County Historical Society, the records of the Court of Common Pleas offer an opportunity to examine in detail the early history of Chester County and Pennsylvania.
The Chester County Court of Common Pleas was based on English practice and was shaped by the laws passed by Pennsylvania's general assembly. This study presents a brief history of the evolution of the court through the mid-nineteenth century.

The Delaware Valley was settled by the Dutch, Swedes and Finns in the seventeenth century. In 1664 these settlements came under the English government at New York, administered in the name of James, Duke of York. The Duke of York's Laws, a compilation of various laws already in effect in the colonies, were drawn up to govern the territory and courts were established. The Upland court (November 1676 - June 1681), one of the Duke of York's courts located along the Delaware River, was held quarterly by at least three of five to seven justices of the peace who were commissioned to administer justice. The court heard civil, criminal and land dispute cases.1

The Duke of York's jurisdiction over the Upland court ended in June 1681 following the grant of the province of Pennsylvania from Charles II to William Penn in March of that year. The royal charter gave Penn and the freemen (or their delegates in assembly) the right to enact and execute laws, appoint justices and "doe all and every other thing and things which unto the compleat Establishment of Justice unto Courts and Tribunals formes of Judicature and manner of Proceedings doe belong altho in these presents expresse mention bee not made thereof."2 The charter also contained the provision that a transcript of all laws made and published in the province was to be transmitted within five years to the royal privy council. Within six months, laws considered inconsistent with the King's prerogative or sovereignty would be declared invalid; otherwise the laws would remain in force.
The first court for the province of Pennsylvania was held at Upland September 13, 1681. Penn, the proprietor of the province, arrived in October 1682. Sometime thereafter Pennsylvania was formally divided into three counties: Chester, Philadelphia and Bucks. The town of Upland was renamed Chester and became the seat of government of Chester County. Penn's first published "Frame of Government" and the "Laws Agreed Upon In England" were issued in London in the spring of 1682 and established a system of government for Pennsylvania. Both of these, along with "The Great Law" (passed at an assembly at Chester, December 1682) and laws passed at an assembly in Philadelphia in March 1683, established the judicial system for the province. Provisions relating to the administration of justice included: juries of twelve men were to sit for trials in civil cases; all actions of debt, account, slander and trespass were to be first tried by the respective county court where the cause of action occurred; all persons could appear in court to plead their own cause or could have their friends plead; the first process was to be an exhibition of the plaintiff's complaint in court fourteen days before trial with the defendant being summoned at least ten days in advance with a copy of the complaint delivered to his dwelling.

As the Quakers who dominated Pennsylvania government in the first years of settlement generally did not approve of litigation, they made frequent use of arbitration and instituted a formal procedure for settling disputes out of court. Three men were chosen yearly from each district to serve as common peacemakers. Those with differences referred the matters in controversy to the common peacemakers, whose decision was as valid as the judgment of the county court and was registered in the court. By 1692 the office of peacemaker was no longer in existence, but the practice of arbitration was continued by a law passed January 1705/6 that made the act of referring a matter in controversy to the consideration of three referees a rule of
This practice known as "rule of reference" has lasted into the twentieth century.

One aspect of judicial administration found in English practice and incorporated into the laws of the Duke of York, William Penn, and the Pennsylvania Assembly was the importance of justices of the peace. Commissioned by the governor, these men were responsible for the administration of justice within local judicial districts. Though not required to be learned in law, they heard minor legal matters and small debt cases within their respective jurisdictions. In addition, they met collectively and held the county court. The county court met monthly and quarterly to hear civil and criminal cases and twice a year as an orphans' court. The county court was also the center of government in early Pennsylvania. The justices presided over such administrative functions as levying taxes, controlling finances, caring for the poor, overseeing building of roads and bridges, and laying out townships and boroughs.

Penn had various problems with his proprietorship during the 1690s and in 1701 was called back to England to defend his actions. Before he departed, the assembly in two different sessions passed over one hundred acts, most of which were virtually the same as earlier statutes. One of the acts passed October 28, 1701 was "An Act For Establishing Courts of Judicature in this Province and Counties Annexed." The act granted equity powers to the court and stated that county court or session was to be held four times a year at specified times with three justices as a quorum to hear all civil and criminal cases. Those aggrieved with decrees or sentences of the county court were given the right of appeal to the provincial court. The act also continued the previous forms for writs of summons, arrest and attachment, and prescribed the form for writs of execution and defined the duties of orphans' court. This act was repealed by Queen in Council February 1705/6.

As a result of the repeal of this act, "all the several courts that were founded upon the said act became discontinued,
and thereupon an entire failure in the administration of justice in this province has ensued," wrote Governor John Evans. His solution was an "Ordinance for Establishing of Courts" (1707) which reorganized the judicial system of Pennsylvania. The ordinance designated the superior provincial court the "supreme court" and formally divided the county court into criminal and civil courts: the court of quarter sessions and the court of common pleas respectively. While Chester County court records indicate that this division had existed in practice as early as December 1686, Evans' ordinance is the first legislation to designate the court of common pleas as a civil court and the prothonotary as its clerk. This is the first use of the term prothonotary. Under this reorganization, all writs and processes for the court of common pleas were to be issued out of the office of the prothonotary. The ordinance also defined the power and responsibilities of the supreme court, as well as of the courts of quarter sessions and common pleas.

Evans' ordinance remained in effect until it was superseded by "An Act for Establishing Courts of Judicature in this Province" passed February 28, 1710/11. This act was more detailed than the ordinance but contained basically the same provisions. It was repealed by Queen in Council February 20, 1713/14. There followed a period in which the governor and assembly enacted laws that were repealed, re-enacted, and in force until again repealed in London. An ordinance was issued in July 1714, this time by Charles Gookin, governor of the province of Pennsylvania, that reinstituted the judicial system. Several acts in conformity with Gookin's ordinance were passed by the assembly in May 1715 and were repealed by the Lords Justices in Council on July 21, 1719. In recommending repeal of the laws, the Board of Trade wrote that the assembly, "may re-enact the same laws again and by keeping them till near the time of expiration they may, in effect, evade His Majesty's interest or the trade or property of his subjects, which is a practice they are frequently guilty of in the very worst degree by re-enacting
laws which have been repealed by the Crown." The assembly did not alter its tactics and in May 1722 passed another "Act For Establishing Courts of Judicature in this Province." This act was apparently not considered by the King in Council and was allowed to become law by lapse of time in accordance with the proprietary charter. Many of its provisions remained in force until after the Revolution. The act defined the responsibilities and powers of the supreme court and county courts. The court of common pleas was to be held four times a year, by at least three justices of the peace, who also served at the court of quarter sessions. The court of common pleas in Chester County was to be held the last Tuesday in May, August, November and February. The justices (appointed by the governor) were empowered to grant all writs of summons, arrest, replevin, partition, inquisition and execution as well as to hear and determine civil, personal, real and mixed actions, pleas, suits and causes.

In spite of the instability brought about by the enactments, repeals and re-enactments, and despite Governor Evans's 1707 statement to the contrary, the Chester County Court of Common Pleas continued to operate in the early eighteenth century. All the functions prescribed by the acts were performed: writs were issued by the justices and returned by the sheriff, cases (mostly debt) came before the court and were often continued from one term to the next, judgments were rendered, writs of execution were issued with goods and land sold by the sheriff to satisfy judgment. The first court dockets (September 1681 - November 1710) and some early papers such as narratives, original writs and executions still exist. For some unknown reason, no papers or dockets for the years 1711 through 1713 are extant. After 1713, most of Chester County's Court of Common Pleas papers and dockets exist for every court term.

In 1724, the county built a new courthouse in Chester. Joseph Parker, the recently-appointed clerk of courts, petitioned the court justices warning them of "ye Great Danger ye Records of
ye County lay in as well by Casualties by fire as other accidents wth might happen." Upon hearing the petition, the justices ordered the county commissioners and assessors to "fit and prepare a place in ye new Court house with all possible speed for keeping ye said Records in and when prepared order the Clerk to Transmitt all the sd Records to ye place So appropriated Accordingly and there to remain and not to be removed without ye Courts direction." This was the first known place designated specifically for the safekeeping of the county records.

The judicial system established in the early eighteenth century continued functioning with few changes until the Revolutionary War. With independence came a new system of government for Pennsylvania. A convention was held from July through September 1776 to draw up a constitution for the state to replace Penn's charter and proprietary government. A unicameral general assembly of representatives of freemen was established as the supreme legislative authority, with a president and council as the supreme executive branch. The county courts of common pleas, quarter sessions and orphans' court were still to be held quarterly and the president with the council had the authority to appoint and commission judges. The Constitution continued the usual responsibilities for the court of common pleas and the supreme court as well as granting both courts the additional powers of a court of chancery. This included perpetuating testimony of witnesses, obtaining evidence from out of state and caring for persons and estates of those non compos mentis. The Constitution also made the office of justice of the peace elective: two or more candidates would be elected for each district from which the president in council would commission one or more for the term of seven years.

The provision for the election of justices was further amplified by an act passed February 5, 1777 which called for county commissioners and assessors to divide their counties into districts for electing justices. Chester County was divided into fifteen districts. The general assembly also passed an act in
January 1777 to revive and put in force as many of the provincial laws as needed for restoring the judicial system. The act put the provisions of the Constitution of 1776 into effect and allowed for the appointment by the president and council of one of the elected justices in each county to preside over the respective county courts. However, the honorary office of president justice had existed since the late seventeenth century and was given to the first-named justice in the commission, or to the senior justice.

The events surrounding the Revolution disrupted court activities significantly. No courts were held in Chester County from the end of May 1776 until August 1777. When the court met in August it admitted attorneys to practice before the court and transacted other business. After August 1777 no courts were held until May 1778, most likely due to the close proximity of British troops; the Battle of the Brandywine took place in the county in September 1777 and the British remained in the area for a period thereafter. When court resumed in May 1778, it was moved for security reasons from the town of Chester to the tavern Sign of the Ship in East Caln township. At the August 1778 term, court returned to normal and was once again held in Chester.

After the Chester County court resumed its regular routine in 1778, the next important event was the removal of the county seat from the town of Chester to a more central location. The town of Chester was situated in the extreme southeastern portion of the county, which proved to be a hardship to the increasing number of the settlers of the county's western sectors in the eighteenth century. There were sentiments prior to the Revolution for relocation but no action had been taken. An act of assembly was passed March 20, 1780 to purchase land in a convenient place to build a new court house and prison and sell the old facilities in Chester. A lot located in Turk's Head, Goshen township was purchased in May 1784 and construction began. In spite of several attempts to halt completion of the structures by those opposed to removal of the county seat, including a near
battle between the two factions, the buildings were completed and county business began in West Chester (formerly Turk's Head) in September 1786. The first court at West Chester was held November 28 of that year. Under a September 1789 act of assembly, Delaware County was divided out of the southeastern part of Chester County. The creation of this new county relieved those in the town of Chester and the surrounding areas from inconvenience caused by the relocated county seat.26

When the county seat was moved from Chester to West Chester in 1786, no accommodations were made in the new West Chester courthouse for the county records. They were kept in the private residences of the county officers. This situation proved unsatisfactory and in 1791 a court-appointed committee recommended that a public building be built "to Keep the Publick Records in." The building was constructed that year on land adjacent to the courthouse and served the county until the 1840s.27

The Pennsylvania Constitution of 1776 was replaced in 1790. This constitution, modeled on the new United States Constitution, established a bicameral legislature for the general assembly and a governor with supreme executive power. The various county courts continued their same responsibilities and powers, but the judges of the court of common pleas were given authority to issue writs of certiorari to justices of the peace to have proceedings brought before them.28 The courts of common pleas and the supreme court continued to exercise their powers as courts of chancery and in addition were able to grant relief in equity. With the new constitution, the office of county judge was created and made separate from that of justice of the peace. The governor would appoint and commission no fewer than three, nor more than four judges for each county. The state was divided into circuits containing three to six counties with a president judge appointed for the courts in each circuit. The president with the county judges (any two of which were a quorum) composed the courts of common pleas. Justices of the peace were to be
appointed and commissioned by the governor for each district. An act passed April 13, 1791 established judicial courts in conformity with the Constitution of 1790.29

By this act, courts of common pleas were held as formerly, four times a year. A supplementary act approved April 1, 1803 required the Chester County court to hold two additional terms for trying and arguing civil causes and transacting other business, the one commencing the first Monday in April and the other the third Monday in October, each continuing one week. The act remained in force until May 1, 1806.30 That same month, the general assembly also passed an act empowering the commissioners to divide the counties into districts and to appoint justices of the peace.31 Chester County was divided into sixteen districts, gaining one since 1777.

The act of 1791 establishing judicial courts in conformity with the Constitution was altered by another act approved February 24, 1806.32 For more effective organization of the courts of common pleas and quarter sessions, the state was divided into districts with the counties of Delaware, Chester, Bucks and Montgomery constituting the seventh district. The act stipulated that in each county, the courts of common pleas and quarter sessions would commence on the same day. Common pleas would continue for two weeks with trial by jury cases held the second week. Judges were empowered to shorten the term to one week or hold adjourned courts depending on the number of cases. All actions were to have a fair opportunity at trial within one year from the time they entered court.

The courts of common pleas were generally unaffected by legislation until April 14, 1834 when an act was passed relative to the organization of the various courts.33 The act stipulated that the court of common pleas would consist of one president judge and two associate judges. Any two judges, or the president alone if the associates were absent, had the power to hold court and were still permitted to shorten court terms or hold adjourned courts when necessary. If vacancies occurred, the governor
appointed and commissioned persons of "knowledge, integrity and skill in law." Special courts of common pleas could be held if the president judge was personally involved with a case; the president of the next nearest court would preside over the special court. The Chester County Court of Common Pleas was to be held the first Monday in February, May, August and November for two weeks. The judicial districts were redrawn with Chester and Delaware counties composing the fifteenth district.

Although the Pennsylvania Constitution of 1838 substantially revised the judicial system, the court of common pleas retained much the same responsibilities. Judges were now nominated by the governor and after the senate's consent, commissioned by him. President judges held office for ten years and associates for five. Justices of the peace were elected and afterwards commissioned by the governor for a term of five years, but no more than two justices could be elected for a township or borough without the consent of a majority of qualified electors.

The general assembly passed an act March 20, 1845 relating specifically to the courts in Chester County. The act called for the court of common pleas to be held the last Monday in January, April, July and October for four weeks per term with trial of civil issues commencing the second succeeding Monday.

A new court house was built for Chester County in West Chester in the 1840s, replacing the 1786 and 1791 structures. Petitions in favor of a new courthouse noted that the depositories for public records were not adequately protected against fire and were too small; opponents feared that already high taxes would be raised to erect the new structure. The county commissioners decided in favor of a new courthouse and contracted with the noted architect Thomas U. Walter to design it and supervise its construction. The structure was begun in 1846 and completed in 1847. The general assembly passed an act February 11, 1847 authorizing the removal of various papers and dockets to the new courthouse. The act stated that because of space limitations in the old offices, the papers had been "filed
in so very crowded a manner, that many of the old files and packages require to be newly arranged and labelled." The act ordered the prothonotary and other court clerks to rearrange and put in order all papers and books for the move to the new facility, which still stands.

This history of the Chester County Court of Common Pleas ends with the move to the new courthouse in 1847. Originating as the civil function of the early county court, the court of common pleas evolved into a distinct entity which gained additional powers and responsibilities over time. This evolution was a result of both legislation and court practices. Most of the dockets and papers attesting to the history of the Chester County Court of Common Pleas have survived and are available to researchers.


5. Ibid., chap. 65, 145.

6. The English and Americans prior to 1752 used the Julian or Old Style calendar which was ten days behind the Gregorian or New Style calendar used by most Europeans. The English and Americans also differed as to the first day of the new year, using both dates January 1 and March 25; hence, some documents are double-dated for the period January 1 to March 24. The New Style calendar was adopted by both the English and Americans in 1752 with January 1 as the first day of the new year.
7. James T. Mitchell and Henry Flanders, comps., The Statutes at Large of Pennsylvania from 1700 to 1801 (Harrisburg: 1896-1915), hereafter cited as Statutes at Large, II: chap. CL.

8. By 1700 it had become necessary to revise and re-enact the existing statutes, apparently because none of the laws passed prior to 1693 had been transmitted to the privy council in England for approval. Beckman, ed., Statutes, 5 and 8.

9. Statutes at Large, II: chap. CVI.


11. The Court of Common Pleas in England had jurisdiction only for civil cases; hence, the civil county court in Pennsylvania was given this name.

12. See the first court docket, "Chester County Courts 1681-1697," December 1686, p. 54, Chester County Archives and Records Services, West Chester, PA.

13. Statutes at Large, II: chap. CLXVIII.

14. Ibid., III: chap. CCXII; chap. CCXIII; chap. CCXIV.

15. Ibid., appendix IV, sec. 1, part 28, p. 467.

16. Ibid., chap. CCLV.


18. An act of August 27, 1727 reinforced these provisions. See Statutes at Large IV: chap. CCXCVIII.

19. For quotations regarding the 1724 courthouse, see "Record of Court on acct of ye Records of ye County Transmited to ye Commissioners," Papers of Court of Private Sessions, November 1724, Chester County Archives and Records Services.


21. Ibid., sec. 30.

22. Statutes at Large IX: chap. DCCXXXIX.

23. Ibid., chap. DCCXXXVII.


25. Ibid., X: chap. CMI.
26. From 1789, Delaware County court records were kept at that county seat. Statutes at Large, XIII: chap. MCDXLIII. The following former Chester County townships are now part of Delaware County: Radnor, Newtown, Haverford, Upper Darby, Lower Darby, Tinicum, Ridley, Springfield, Marple, Edgmont, Upper Providence, Nether Providence, Chester, Upper Chichester, Lower Chichester, Bethel, Concord, Aston, Middletown, Birmingham (part), Thornbury (part). Pre-1789 court records for matters that arose in these townships are under the jurisdiction of Chester County and are maintained by the Chester County Archives and Records Services.

27. For information on the first public office building constructed for housing public records see "Report for Publick Buildings," February 1791, Court of Quarter Sessions Papers, Chester County Archives and Records Services, and J. Smith Futhey and Gilbert Cope, History of Chester County, Pennsylvania (Philadelphia: Louis H. Everts, 1881), 119.

28. The following information regarding the Constitution is from Pennsylvania Constitution, art. V, sec. iv-x (1790).

29. Statutes at Large, XIV: chap. MDLXXV.

30. Ibid., XVII: chap. MMCCCLXXIX.

31. Ibid., chap. MMCCXCIII.

32. The following information regarding this act is from Ibid., XVIII: chap. MMDCXLVI.

33. The following information regarding this act may be found in Act of April 14, 1834, Laws of the General Assembly of the State of Pennsylvania (Pamphlet Laws, hereafter cited as P.L.), 333, secs. 18-41.


35. Ibid., sec. vii and also see Act of June 21, 1839, P.L. 376.


37. For Petitions from citizens of Chester County to Grand Jury and Court of Quarter Sessions, 1845, see Papers of the Court of Quarter Sessions, Chester County Archives and Records Services.


39. In 1969 the Pennsylvania court system was reorganized. The separate county courts of quarter sessions and orphans' court were absorbed into the court of common pleas. Under this unified system, all county courts are courts of common pleas.
EXPLANATION OF LEGAL PROCESS
FOR CIVIL ACTIONS

This section describes the more common types of cases heard by the court of common pleas in the eighteenth through mid-nineteenth centuries: how they were initiated and brought to judgment, execution of judgment, and the duties and responsibilities of court officials. The Series Descriptions section provides a more detailed examination of the records generated by the court.

The court of common pleas heard and determined a variety of civil and equity cases. Primarily, two types of actions concerned the court: personal and real. Personal actions were brought to recover debt or damages or to enforce an obligation imposed on the defendant by his contract. Suits considered personal actions include debt, trespass on case, assumpsit, attachment, and replevin. Real actions were brought for recovery of lands, tenements or hereditaments. Included in this category are dower, partition, estrepement and ejectment actions. Most of the cases before the Chester County Court of Common Pleas were personal actions, specifically debt and trespass. The following general explanation of legal procedure applies to such cases, as well as cases of assumpsit (a type of debt case). Cases that follow this basic procedure but with some differences will be discussed later.

Personal Actions

DEBT, TRESPASS ON CASE AND ASSUMPSIT

Suit From Initiation Through Judgment

A case could come before the court in several ways. If it was an original suit, the plaintiff's attorney filed a precipe with the prothonotary requesting him to issue an original writ, usually either a summons or a capias. A writ of summons directed the sheriff to summon the defendant to appear in court and answer the plaintiff. The sheriff executed the writ by reading it to the defendant and giving him an attested copy. If the defendant
was not found, the sheriff left a copy with an adult family member at the defendant's residence. The sheriff had to state on the writ his "return," that is, his account of as to whom, where and when he delivered the writ. Writs were made returnable for the first day of the court term following the date of issue. If the defendant in a writ of summons did not appear at court on the return day, the plaintiff (if he filed a narrative before the return day of the writ) could take judgment for the defendant's default of appearance.

If there was a question whether the defendant would appear, writs of arrest called capias ad respondendum (abbreviated to capias) commanded the sheriff to take and safely keep the defendant until he gave bail for his appearance at court to answer the plaintiff. The sheriff could allow bail to those arrested if they gave bond with reasonable sureties having sufficient estate in the county. The condition of the bail bond was that if the defendant was condemned in the action at the suit of the plaintiff, he had to satisfy the condemnation money and costs or surrender himself into custody of the sheriff. If the defendant defaulted, the bond would be for the use of the plaintiff. If the defendant did not give bail, the sheriff was required to have the defendant at court.

Some persons were exempt from arrest. An act of March 20, 1724/5 stipulated that freeholders residing in the province for two years and owning fifty acres of land or more in fee-simple with twelve acres or more cleared and improved, or owning a house worth fifty pounds current money of America, or having clear estate of unimproved land worth fifty pounds, could not be arrested or kept in prison by a writ of capias in civil actions unless it was brought by the provincial government. However, a defendant could be arrested if he was leaving the area or refused to give either real or personal security for the debt. Females could not be arrested or imprisoned for reason of any debt contracted after February 1819. In 1842 the laws were extended to exempt anyone from arrest or imprisonment on civil process in
a suit for debt or damages unless in proceedings for contempt, action for fines or penalties, promises to marry, monies collected by public officers, or to enforce civil remedies.5

Pleadings, the individually written allegations by the parties of their respective claims and defenses, began with the filing of a narrative (also known as declaration). Written by the plaintiff's attorney, the narrative set forth the facts of the case and reasons for bringing it.6

If the plaintiff did not appear in court on the day to which the process issued was returnable, but the defendant appeared, a nonsuit would be entered by the court and the case dismissed. If the defendant did not appear to make defense against the plaintiff's demands, but the plaintiff appeared, the court would give judgment by default against the defendant for the sum that appeared due. If both parties appeared and the defendant refused to confess judgment, the case would be tried by a jury or, with agreement of the parties, it could be referred to arbitration.7 The use of arbitration for settling differences between parties has a long history in Pennsylvania's courts of common pleas. The practice of referring matters to common peacemakers (arbitrators) began in 1683, was made a rule of court in 1705/68 and was used frequently thereafter.

Sometimes depositions and affidavits were used as evidence in a case. These could be read in evidence in any subsequent cause where the same matter was in dispute between the same parties as long as the deposition or affidavit was admitted under the same rules and restrictions as if it had been offered to be read on the trial of the original case.9 The courts of common pleas along with the Supreme Court of Pennsylvania had the power to require parties to produce books or writings containing evidence. If the plaintiff refused to comply, judgment would be given to the defendant as in a nonsuit; if the defendant did not comply, judgment would be against him by default.10

A defendant could confess judgment by admitting his debt to the plaintiff without an attorney present. This is known as a
debt sans breve case. The confession was filed in the prothonotary's office and the prothonotary entered judgment against the defendant for the amount expressed, with a stay of execution agreed to by both parties. The defendant paid the costs for entry of judgment by the prothonotary. When the debt was paid, the plaintiff was required to notify the prothonotary in writing so that satisfaction would be entered. If a person held a note, bond or other instrument of writing in which judgment was confessed or which contained a warrant for an attorney to confess judgment, the holder would enter judgment with the prothonotary against the person who executed the writing. No attorney or narrative was necessary; the prothonotary's entry in his docket of the date and type of instrument of writing on which the judgment was founded had the same force and effect as if a narrative was filed as well as if judgment was confessed by an attorney or judgment obtained in court. Whenever a plaintiff received satisfaction for debt or damages recovered by judgment, he was required at the request of the defendant (after payment of costs of suit) to enter satisfaction of judgment with the prothonotary within eighty days. If he refused to do so, he would forfeit and pay the defendant a sum of money not exceeding one-half of the debt or damages adjudged and recovered. The defendant could recover the money in the same manner as other debts were recovered.

For those who believed a judgment of the court of common pleas incorrect, remedies were available through writs of error, habeas corpus and certiorari, made returnable to the Supreme Court of Pennsylvania or a circuit court (depending on the laws of the period). These appellate courts heard and determined disputed judgments from county courts. For further information on this process, see the following Series Descriptions: Circuit Court Dockets and Papers; Supreme Court Papers; and Supreme Court: Writs of Error.
Execution Of Judgment

After judgment had been rendered by the court, the judgment debtor had to satisfy the judgment debt and other costs. If he did not comply with the judgment, the court would proceed with execution. The earliest laws in Pennsylvania stipulated that lands and goods were liable for payment of debts except where legal issue (legitimate children) existed, in which case all goods and one-third of the land were liable. Various acts passed over the years further amplified the ways in which debts were to be satisfied. This section will examine the general procedure followed for executions by referring to "An Act Relating to Executions" passed June 16, 1836. The procedure outlined in this act is representative of that followed in the eighteenth and nineteenth centuries although some differences existed in specific periods.

Executions might be had within a year and a day from the first day of the court term judgment was rendered. After this expiration period, execution would not be issued unless a scire facias (abbreviated as sci. fa.) was first issued. Defendants possessing an estate in fee simple worth the amount of judgment were entitled to a stay of execution in all actions for recovery of money due by contract or damages arising from breach of contract. However, actions of debt and sci. fa. on judgments and mortgages were exempt from stays of execution. The judgment plaintiff could have execution in the following order: the defendant's personal estate, the defendant's real estate, and if there was neither personal nor real estate, then upon the body of the defendant (by having the defendant imprisoned). Other effects of the defendant were liable for execution including stocks, deposits, gold, silver or copper coin and bank notes. Some articles of property were exempt from levy or sale such as all wearing apparel of the defendant and his family, household utensils and necessary tools of a tradesman (both not exceeding the value of thirty dollars), Bibles and school books for the
family's use, four beds and necessary bedding, one stove, a spinning wheel and reel, certain animals, and food.

The plaintiff in judgment could have a writ of fieri facias (abbreviated as fi. fa.) on the personal or real estate of the defendant, or a writ of capias ad satisfaciendum (abbreviated as ca. sa.). A ca. sa. is a writ of execution directing the sheriff to take the defendant and safely keep him for his appearance at court to satisfy the plaintiff's debt and damages of judgment. The defendant could be held in custody until judgment was satisfied. If he did not have enough real or personal estate to satisfy judgment, he could apply to take benefit of the insolvent laws and be discharged as an insolvent debtor. A ca. sa. would not be executed if the defendant had enough real or personal estate in the county to satisfy judgment. If the defendant had real or personal estate but not enough to fully satisfy judgment and costs of execution, then the writ of ca. sa. was executed for the amount of debt that remained after the sale of the property.

A writ of fi. fa. commands the sheriff to levy and sell as much of the defendant's personal estate as necessary to pay the debt and then make return of his proceedings to the court. If there was not sufficient personal estate, the sheriff levied upon the defendant's real estate to pay the debt. The sheriff summoned twelve men for an inquest to view the land and to determine whether the rents and profits of the estate would be sufficient within seven years to satisfy judgment along with interest and costs of suit. If the inquest showed the clear profits of the defendant's real estate to be sufficient, the sheriff assessed the value of the yearly rents or profits and returned the writ and inquisition to the court. (It was possible for second and third writs of fi. fa., alias and pluries fi. fas., to be issued if the first was issued without effect.) After the return, the plaintiff could have a writ of liberari facias which permitted the sheriff to deliver the defendant's real estate to the plaintiff. He held it until the debt or
damage, interest and costs had been satisfied, after which the real estate reverted back to the defendant.

If the inquest found that the clear profits of the real estate would not be sufficient within seven years to satisfy the debt, the plaintiff was granted a writ of *venditioni exponas* (abbreviated *ven. ex.*) to sell the real estate towards satisfaction of judgment. The entire tract of land viewed, not a portion, was sold to the highest and best bidder. After due notice of the sale by the sheriff, the land was exposed to sale. Alias and pluries writs of *ven. ex.* could be issued if the first writ was issued without effect. If the land remained unsold for want of buyers, the plaintiff would obtain a writ of *liberari facias* directing the sheriff to deliver to the plaintiff as much of the real estate as necessary to satisfy judgment for the plaintiff to hold forever. If the defendant waived inquisition, the sheriff was allowed to sell the real estate upon a writ of *fi. fa.* before the return day without a writ of *ven. ex.* If disputes arose concerning the distribution of money after sale, the court of common pleas heard and determined the dispute. After the real estate was sold under execution, the sheriff gave the purchaser a deed which was acknowledged in court.16

Another type of execution existed for default of mortgage payments on land. The law regulating this procedure was passed in 1705/6 and the following provisions are found in this act.17 Twelve months after the date the mortgage money was to be paid, a writ of *sci. fa.* was issued by the prothonotary. The writ directed the sheriff to notify the mortgagor to appear before the court to show why the mortgaged lands should not be seized and taken in execution for payment of the mortgage money with interest or to satisfy the damages for non-performance of conditions. If the defendant (mortgagor) appeared in court he could plead satisfaction or payment of part or all of the mortgage money in order to avoid suit. If the defendant did not appear in court, an inquest determined the amount of damages to be recovered (if only damages were involved) and a writ of *levari*
facias was issued. This writ required the sheriff to take the mortgaged premises in execution and expose them to sale. Once sold, the land was conveyed to the purchaser and the money to the mortgagee. If the land remained unsold for want of buyers, it was delivered to the mortgagee as in a liberari facias. If the land was sold for more than the amount of debts and damages, the sheriff gave the surplus to the defendant or former mortgagor.

**Personal Actions Other Than Debt And Trespass**

**ATTACHMENT**

Attachment is a process by which a writ is issued at the beginning of an action commanding the sheriff to seize the property or effects of the defendant to be held as security for the satisfaction of judgment recovered by the plaintiff. It was used against absconded, concealed or fraudulent debtors. There were two types of attachments: domestic (a resident debtor) and foreign (a non-resident debtor).\(^{18}\) Most attachments before the Chester County Court of Common Pleas were domestic. The first law pertaining to attachment was passed November 27, 1700 and was repealed by Queen in Council. Additional laws were passed throughout the eighteenth and early nineteenth centuries. A representative act, "An Act Relating to Domestic Attachments" passed June 13, 1836, will be referred to when explaining the attachment process.\(^{19}\)

Writs of domestic attachment were issued by the court of common pleas of the county where the debtor resided if he had absconded, confined himself in his house or concealed himself to defraud creditors. The creditor(s) swore or affirmed that this was true. A writ was then issued to the sheriff commanding him to attach and make an inventory of all goods, chattels and lands of the debtor (who became the defendant in the action). The sheriff also summoned or arrested the garnishee (person who had defendant's goods or lands in his possession) to appear before the court. If perishable goods were attached, they were sold by the sheriff, and the money turned over to trustees. The
trustees, numbering three, were appointed by the court to oversee the defendant's estate. The defendant's creditors were not permitted to be the trustees. The trustees gave notice in newspapers requiring all those indebted to the defendant or holding his property to pay all sums of money and/or property to the trustees. They also notified the creditors to come forward and present their accounts or demands. The trustees were vested with the debtor's estate subject to all liens and took all books, vouchers and papers relating to the estate. They could also sue for and recover in their own names all the estate and all debts in actions due or belonging to the debtor at the date of attachment. There were exceptions: any purchase of the debtor's real or personal property made before execution of the attachment by a person with no knowledge of the attachment would not be invalid. Also, the wife and family of a debtor could retain articles exempt by law from levy and sale upon execution.

At any time after the next succeeding court term after the estate had been inventoried and creditors notified, the trustees could have a public sale of all the goods and chattels of the defendant. The real estate could be sold at least three terms after the attachment was returnable. The trustees gave public notice in advance of the sale and again after the sale when they determined the proportionate sum the creditors would receive. They filed an account of the distribution of the debtor's estate among his creditors with the prothonotary.

At any time before the final decree for distribution, the defendant could come before the court and deny the allegations on which the attachment was founded. The court then granted a rule for the creditors prosecuting the writ to show cause why the attachment should not be dissolved. At the same time, the court could stay proceedings of the trustees. If the court was satisfied that the defendant was not liable for attachment, the attachment was dissolved. However, no court order dissolving an attachment invalidated the sale of the defendant's estate made by the trustees. No second or additional attachment, unless issued
to another county, would be issued against the goods and/or property of the defendant unless the first attachment was not executed or was dissolved by the court. Anyone aggrieved with the final decree of the court of common pleas could appeal to the Supreme Court of Pennsylvania.

REPLEVIN

Replevin is a personal action brought to recover possession of goods unlawfully seized. The action was usually taken by a tenant against a landlord who was holding the tenant's goods until rent was paid or selling goods to satisfy rent. The first act regarding replevin was passed January 1705/6; it allowed courts to grant writs of replevin.20

The plaintiff in replevin was the person whose goods had been seized. A law of March 21, 1772 stipulated that all sheriffs with authority to serve replevins for non-payment of rent take from the plaintiff and one surety, a bond double the value of the goods distrained and conditioned for prosecuting the suit with effect and without delay, as well as for returning the goods and chattels distrained if a return was given before delivery of distrained goods.21 The value of the goods was determined by one or more persons not interested in the suit. If the bond was forfeited, the defendant recovered it himself. This same act provided that the defendant in replevin could avow that the plaintiff owed rent or service and if the plaintiff discontinued his action or judgment was against the plaintiff, the defendant recovered double costs of suit. An act of April 3, 1779 allowed courts to quash writs of replevin issued for goods or chattels levied, seized or taken in execution by sheriffs, constables or other officers.22 The act also permitted the courts to award treble costs to the defendant in such writs and ordered attachments against prothonotaries or clerks who knowingly made out such writs.
Real Actions

EJECTMENT AND ESTREPEMENT

Ejectment is an action for recovery of the possession of land and for damages for its unlawful detention. A suit of ejectment was used to establish title to land. Its form changed over time in Pennsylvania. Until 1806, the action was fictitious and would be brought by a fictitious lessee of the plaintiff against a fictitious defendant. By issuing a declaration in ejectment, the fictitious defendant notified the person who lived on the land and tenements and who claimed title that an action had been brought. The person living on the land was then required to appear in court and be made the defendant in place of the fictitious defendant. If the "real" defendant failed to appear, he suffered judgment by default and lost possession. If he appeared in court, the suit proceeded and he had a chance to prove rightful possession. Examples of fictitious names used in these suits were Peter Peaceable, Timothy Troublesome, John Denn, Richard Fenn, and George Ingrate. An act of March 21, 1806 abolished the use of fictitious names and prescribed the form for writs of ejectment. This act also provided that the plaintiff file with the prothonotary a description of the land with the number of acres for which he claimed title.

Later laws supplemented the act of 1806 and further defined ejectment procedures. Tenants in possession who received ejectment notices were to immediately inform their landlord or forfeit the value of two years rent. Landlords could also be made defendants in ejectment cases with or without their tenants. Sheriffs, when serving writs of ejectment, were allowed to add other names to the writ as defendants if it appeared that they were in possession of all or part of the premises. While an action of ejectment was pending in court, plaintiffs could file writs of estrepelement with the prothonotary to prevent the tenant or defendant in ejectment from committing waste and destruction of the premises.
If a judgment in an ejectment had been rendered in favor of the plaintiff, he was entitled to a writ of habere facias possessionem. It directed the sheriff to give him possession of the land recovered. If after the writ was executed the defendant returned to the premises, the plaintiff could have alias and pluries writs of habere facias possessionem issued to prevent another ejectment case.28

PARTITION

Partition is the division of lands held by joint tenants or tenants in common into distinct portions so that they may hold the land in severalty. County courts of common pleas did not have original jurisdiction to grant and proceed upon writs of partition at the suit of any tenant in common, joint tenant, or co-partner until an act of March 28, 1806; previously, only the Supreme Court of Pennsylvania had those powers.29 A supplementary act further defining the procedure was passed April 7, 1807.30 Partition cases usually involved family members. The plaintiff wanted the land held in common to be divided equally between all parties while the defendant opposed division. After a writ of summons was issued to the defendant, both parties appeared in court. The court proceeded to examine the plaintiff's title and quantity of his portion of land. After the court gave judgment, a writ to make partition was awarded. The court then ordered the sheriff to summon a jury to view the land and determine if and how it could be partitioned. The writ of partition was executed after ten days of public notice and after the land was viewed and the inquest of partition returned. Then final judgment was entered. Defendants against whose right or title judgment by default was given could, within one year after final judgment was entered, apply to court showing good and probable cause to bar the partition. If the defendant showed good cause, judgment was suspended and the case proceeded in court.

29
If the inquest determined that the land and tenements could not be divided because division spoiled the whole, several options existed. The inquest made a valuation and appraisement of the property. One of the interested parties in the case could buy it and pay the other parties their proportion of the appraised value. If more than one of the parties was willing to purchase the land, the court determined to whom it should be conveyed. If none of the parties was interested in purchasing, the court ordered a sale of the lands and tenements by the sheriff who held the inquisition, after which the money from the sale was distributed to the parties entitled to receive it in lieu of their part of land. 31

Other Actions In The Court Of Common Pleas

The preceding sections have focused on the more common types of actions and proceedings before the court of common pleas. The court also heard and determined other matters such as: admission of attorneys, assigned estates, common recoveries, divorce, equity, escheats, insolvent debtors, lunatics and habitual drunkards, mechanics' liens, naturalizations, and trustees. These actions are described in the Series Description section of this guide.

Officers of the Court of Common Pleas

Various county officers dealt directly with the court of common pleas. These include justices of the peace, constables, judges, prothonotaries and sheriffs. 32

JUSTICES OF THE PEACE AND CONSTABLES

The office of justice of the peace was brought from England to Pennsylvania and played an important role in the administration of law and government. Justices of the peace heard small debt cases and other matters within their local areas of jurisdiction. In the colonial period they also met collectively to hold county court. With the Pennsylvania Constitution of 1790, the office of judge and justice of the
peace became separate and the justices of the peace no longer held county court. This section outlines the civil duties and responsibilities of justices of the peace on the local level. (See the History section for further information regarding justices of the peace and their role in holding county court.)

The civil duties of justices of the peace were varied. An act passed by the general assembly March 20, 1810 specified their duties and the types of civil cases that they could hear and determine. They had jurisdiction over all causes of action arising from contract where the sum demanded did not exceed one hundred dollars. Promises of marriage or real contracts concerning titles to lands or tenements were excepted.

When a complaint was made to the justice, he issued a writ of summons if the defendant in the action was a freeholder; if not, then either a summons or capias was issued. The writ was directed to the constable of the township where the defendant resided. If a capias was issued, the defendant could give bail to the constable. This is the same procedure found in the court of common pleas. When both parties appeared before the justice, he heard their proofs and allegations and rendered judgment. If the demand did not exceed a given sum (in 1810, five dollars and thirty-three cents), judgment was final. If it exceeded that amount, but was less than a set sum (in 1810, one hundred dollars) and neither party would submit to the justice's judgment, referees could be chosen to determine the case. Once referees rendered judgment on a demand under twenty dollars, it was final.

If the defendant was a freeholder and did not appear upon summons, judgment was by default for the plaintiff with right of appeal within twenty days. If the defendant was not a freeholder, the justice issued an execution to the constable. However, if the defendant gave bail within twenty days of judgment he was entitled to an appeal or stay of execution. If the plaintiff did not appear, judgment was for the defendant by nonsuit. Either party could introduce depositions from material
witnesses unable to attend the proceedings. Both parties also had the right to appeal to the court of common pleas a non-final judgment from a justice or referees within twenty days. The party appealing gave bail; the amount and type varied depending on whether the appellant was the plaintiff or defendant.

The justice was required to keep a docket for entering all pertinent information. If a suit was to be appealed, the appellant filed a transcript of the justice's record with the prothonotary on or before the first day of the next term of the court of common pleas. Any case appealed was decided in court on only its facts and merits. Lack of form or substance in the records or an error in form or name of the action was not considered.

Transcripts of judgments obtained before justices were entered in dockets by the prothonotary. From the time of entry on the prothonotary's docket, these judgments bound the real estate of the defendant. However, no fi. fa. was issued from the prothonotary unless the justice certified that the constable was unable to find sufficient goods to satisfy the judgment when issued for execution. If the justice received the amount of judgment from the defendant before execution, the justice gave the money to the plaintiff. If the defendant did not pay, execution was issued to the constable to levy and sell the goods and chattels at public sale. If there were no goods, the constable took the defendant into custody and conveyed him to the county jail. There he remained until the sum was recovered with interest from the date of judgment, plus costs. If the defendant had neither goods nor land, he could apply to take benefit of the insolvent laws.

Any justice of the peace could hear causes of action arising from contract for any sum exceeding one hundred dollars (in 1810) if the parties voluntarily appeared before him for that purpose. Recovery proceeded by entering judgment (if confessed), or if the matter had been submitted to referees by entering their report. No execution was issued until a year after judgment. However, if
the justice had reason to believe that judgment was confessed to defraud creditors, he sent a certified transcript of the proceedings before him to the prothonotary. The suit then was heard before the court of common pleas and judgment was final.

Both parties could remove a case to the court of common pleas by a writ of certiorari; however, no judgment or execution was set aside unless the writ was issued within twenty days after judgment or execution. The justice certified the proceedings and sent all papers pertaining to the case to the court of common pleas.

Later acts extended jurisdiction of justices to actions of trespass for recovering damages, trover, and issuing attachments in execution.36

JUDGES

A judge is an officer commissioned to preside and administer the law in a court of justice. The office of judge of the county court of common pleas was created by the Constitution of 1790.37 Prior to that, justices of the peace met to hold county court. Judges were generally appointed and commissioned by the governor until April 1851 when an act provided for their election.38 Judges also held courts of quarter sessions and orphans' court. Judges of courts in Pennsylvania were not allowed to practice as attorneys or counsellors in any court or hold the offices of alderman or notary public.39 (See the History section for a further discussion of judges.)

PROTHONOTARY

The prothonotary is the clerk for the court of common pleas. The term first appeared in Pennsylvania in Governor John Evans' Ordinance of 1707 which formally established the court of common pleas as a separate court. In Chester County prior to 1777, the same person generally held the positions of prothonotary, clerk of court of quarter sessions and orphans' court, register of wills, and recorder of deeds. Up to 1809, one man acted as clerk of all courts.40
Although Evans' Ordinance specified that all writs and processes were to issue out of the prothonotary's office under the county seal and were to be returned to the same office, there were no provisions in the law for the appointment of prothonotaries. In practice, prothonotaries were appointed by the proprietary governor. An act of February 28, 1710/11 noted that upon removal of prothonotaries and clerks of quarter sessions from office, the governor or judges could appoint replacements. The Constitution of 1776 gave the president with council the right to appoint and commission prothonotaries, the Constitution of 1790 gave the governor the power to appoint them, and the Constitution of 1838 made the position elective for a three year term.

The duties of prothonotaries increased after Evans' Ordinance of 1707. An act of 1710/11 stated that in addition to their previous duties, prothonotaries "shall attend upon the said justices for the entering of all pleas, process and matters of record in the same courts." Two different acts of 1715 added further responsibilities: the first provided that prothonotaries draw up trial lists and have custody of records, dockets, minutes, files, bundles, books and papers of the county court; the second instructed prothonotaries to write on writs the sum of the debt or damage, and to keep books for recording names of plaintiffs and defendants for every writ, with the date, amount of debt or damage, and the name of the justice signing the writ. A law passed April 14, 1834 gave a comprehensive list of prothonotaries' powers and duties: assign and affix the court seal to all writs, processes and exemplifications of all records; take bail in civil actions; enter judgments upon confession of defendants (with plaintiffs' consent); sign all judgments; take acknowledgment of satisfaction of judgment or decrees entered on the record; and administer oaths and affirmations in conducting business.

In addition, the prothonotary had other duties relating to specific civil actions. In cases of arbitration, a prothonotary
received arbitrators' reports, entered the award in a docket, issued execution to obtain the judgment of the award, and entered a rule to take depositions of witnesses if applied for by either party. The prothonotary also had the power to execute a deed or mortgage of a lunatic if the committee was unable or unwilling to do so. (See the Series Descriptions section, as well as previous Explanation section for more specific duties.)

**SHERIFF**

The sheriff played an important role in the administration of justice. As an officer of the court of common pleas, the sheriff's chief duties were serving writs, summoning juries, executing judgments, holding judicial sales, and acting as the principle county prison authority. (See the Series Descriptions section, as well as previous Explanation section for more specific duties).

The position of sheriff was one brought to the American colonies from England. However, during the period of Dutch dominion in the Delaware Valley, an officer called the schout performed duties similar to those of the sheriff, and this office was continued for several years under the English. William Penn's first Frame of Government (1682) provided for freemen in county courts to elect two men to serve as sheriff for the year, from which the governor would select and commission one. This means of selecting the sheriff continued through the colonial period although terms of office varied between one and three years.

The Constitution of 1776 provided for the annual election of two persons by the freemen, one of whom was commissioned by the president in council. The Constitution of 1790 continued the practice of electing two men, but extended the term of office to three years with the commission issued to one man by the governor. Finally, the Constitution of 1838 stipulated that the electors of the county were to choose one person for a three year term to be commissioned by the governor.

2. Ibid.

3. *Statutes at Large*, IV: chap. CCLXXXV.


6. Suits introduced into the court of common pleas by the register's court (1790-1874) were initiated by the filing of a narrative rather than by a precipe or an original writ. The register's court ruled on decisions made by the register of wills. It was made up of the register of wills and at least two common pleas judges. Cases concerning the validity of wills were referred into the court of common pleas in the form of a feigned issue. A fictitious wager was made; no money changed hands. The court of common pleas' decision could be appealed to a higher court.

7. *Statutes at Large*, XVIII: chap. MMDCLXCVIII, sec. v. Cases were often continued for several court terms before being tried, referred to arbitration, or otherwise settled.

8. Ibid., II: chap. CL.


10. *Statutes at Large*, XVI: chap. MCMLXI.

11. Ibid., XVIII: chap. MMDCLXCVIII, sec. v.

12. Ibid., chap. MMDCXLVI, sec. xxviii.


15. Act of June 16, 1836, P.L. 755. The basic procedure for lands taken in execution for payment of debts was set forth in two early acts: see *Statutes at Large*, II: chap. XLVIII (1700) and chap. CLII (1705/6).

16. Occasionally, land seized for sheriff sale did not come to auction because of settlement out of court.


18. The definition for attachment and the terms domestic and foreign are found in Black, *Black's Law Dictionary*, 163-164.
19. Act of June 13, 1836, P.L. 606. This act is very similar to one passed in 1807; see Statutes at Large, XVIII: chap. MMDCCCLXXV. The first mention of the use of trustees in an attachment case is found in an act passed March 2, 1722/3; see Statutes at Large, III: chap. CCLXIII.


21. For the provisions of this act, see Statutes at Large, VIII: chap. DCXLV, secs. ix-x.

22. Statutes at Large, IX: chap. DCCCXXXVII.


24. Statutes at Large, XVIII: chap. MMDCLXCVIII, sec. xii.

25. Ibid., VIII: chap. DCXLV, secs. vii-viii.

26. Ibid., XVIII: chap. MMDCCCLXXXIV, sec. ii.

27. Ibid., XVII: chap. MMCCCLXXXIX, sec. ii.


29. Statutes at Large, XVIII: chap. MMDCC, sec. i.

30. For the provisions of this act see Ibid., chap. MMDCCCXXV, secs. i-v.

31. The act providing for land not to be partitioned according to inquest is found in Ibid., XVI: chap. MMXC, sec. ii.

32. For a listing of Chester County judicial officers through 1880, see Futhey and Cope, History of Chester County, Pennsylvania, the following pages: justices, 364-368; president justices, 368-369; associate judges, 369-370; prothonotaries, 372; clerks of courts, 373, sheriffs, 373-375; attorneys, 384-386.


35. A number of justice of the peace dockets are in the manuscript collection of the Chester County Historical Society.

36. For trespass and trover, see Act of March 22, 1814, Ibid., VI: 182, sec. 1; for attachment in execution see Act of April 15, 1845, P.L. 459, sec. 1.

41. See John Evans, "Ordinance for Establishing Courts," Statutes at Large, II: appendix II, sec. 1, 504.
42. Ibid., chap. CLXVIII, sec. xxvi.
43. Pa. Const., chap. II, sec. 20 (1776); Ibid., art. II, sec. viii (1790); Ibid., art. VI, sec. iii (1838).
44. Statutes at Large, II: chap. CLXVIII, sec. xii.
45. Ibid., III: chap. CCXIV, sec. x; chap. CCXX, secs. ii-iii.
47. Act of June 16, 1836, P.L. 715, secs. 20, 23, 34, 47.
49. Futhey and Cope, History of Chester County, 373.
52. Pa. Const., art. VI, sec. i (1790).
**STEPS IN A DEBT CASE**

JUSTICE OF THE PEACE --- cases under certain amount

APPEAL or CERTIORARI to

COURT OF COMMON PLEAS --- cases over certain amount or cases appealed from justice of the peace

1. PRECIPES (after 1790)

2. ORIGINAL WRIT, either:
   WRIT OF SUMMONS or
   WRIT OF CAPIAS AD RESPONDENDUM
   (BAIL BOND can be filed at this time)

3. NARRATIVE

4. Confession of judgment or AMICABLE AGREEMENT, RULE OF REFERENCE or Trial

5. Judgment (WRIT OF ERROR to the Supreme Court or Circuit Court could be filed after judgment)

6. Execution of judgment, either:
   WRIT OF FIERI FACIAS or
   WRIT OF CAPIAS AD SATISFAEIUNDDUM

7. WRIT OF INQUISTION

8. WRIT OF LIBERARI FACIAS or
   WRIT OF VENDITIONI EXPOBAS (notice of sheriff sale in newspapers)

9. In a case of default of mortgage:
   WRIT OF SCIRE FACIAS or
   WRIT OF LEVARI FACIAS

INSOLVENTS' PRISON --- if debt or costs remain unpaid

10. PETITION OF INSOLVENT DEBTOR

---

1 This example is one that includes the possible steps in a debt action and is not representative of a typical common pleas case. Words in boldface represent types of papers filed.
SERIES DESCRIPTIONS

The Series Descriptions section describes the records of the Chester County Court of Common Pleas, as well as the civil records of the sheriff, non-judicial records of the prothonotary, and select civil records of the Circuit Court of Chester County and the Supreme Court of Pennsylvania, all of which are maintained by the Chester County Archives and Records Services. The records include dockets and books, indexes to dockets and books, and papers. The description for each set of records contains a definition, a statement of content, arrangement, access, and a section on missing records and further records. Where appropriate, alternative sources of information or corresponding records are noted. All records have been processed unless otherwise indicated.

RECORDS OF THE COURT OF COMMON PLEAS

DOCKETS AND BOOKS

RECORDS OF THE COURTS OF CHESTER COUNTY September 1681 - November 1710. 2 vols.

Description: The earliest county court dockets kept by the clerk of courts for recording matters before the Courts of Common Pleas and Quarter Sessions and the Orphans' Court. Included are entries of the Upland Court (September 1681 - September 1682).

Content: Names of plaintiffs, defendants, justices, witnesses, jurors, attorneys, and anyone else with business before the courts; dates of proceedings; copies of inventories; entries of acknowledgment of deeds; entries of criminal, civil and orphans' court cases; amounts of debts and damages.

Arrangement: Entries recorded chronologically by court term.

Access: Published transcription of volume 1 contains name index; published transcription of volume 2 contains name and subject index.

Missing Records: The first eight pages of volume 2 are missing from the original docket, but may be found in the 1827 transcription.

Alternative Sources of Information: Published transcriptions of volumes 1 and 2 (see Annotated Bibliography); unpublished transcriptions of volumes 1 and 2 compiled as a result of "Act for the better preservation of the records contained in the public offices of the several counties of this Commonwealth" passed March 29, 1827, available at Chester County Archives.

For Further Records: Before September 1681, see Upland Court Record 1676-1681. After 1710, the various courts kept separate dockets; see Common Pleas Docket Vol. 1, 1714-1725. Records for the period 1710-1713/14 are missing.
APPEARANCE DOCKETS  August 1728 – August 1902.  55 vols.
(Earliest volume, August 1728 – February 1732/3, unnumbered;
subsequent volumes, May 1733 – August 1902, labelled 5-58 and
dated).

Description: Dockets kept for recording, by court term, the
return of writs and the appearance of new cases.

Content: Varies, but may include name of plaintiff, defendant,
attorneys, sureties for bail; amount and date of bail bond; type
of case; number assigned to case; amount of costs; entries on
proceedings; type of execution.

Arrangement: Entries recorded chronologically by court term.

Access: Volumes 5-58 each contain an index that is alphabetical
by plaintiff's surname and includes defendant's surname and page
number of docket entry. The first Appearance Docket (August 1728
– February 1732/3) is not indexed. Adverse Index to Appearance
Dockets (February 1773 – February 1828) is alphabetical by
defendant's surname and includes plaintiff's surname and page
number of docket entry.


Corresponding Records: Entries in the dockets refer to papers in
the following series: Precipes, Original Writs, Bail Bonds,
Executions, Appearance Papers, Insolvent Petitions and Bonds,
Attorneys Admitted to Practice Before Court, Petitions for
Sherrifs' Deeds, Petitions Relating to Contracts Made by Deceased
Persons, Justice of the Peace Appeals and Transcripts.

Alternative Sources of Information: Common Pleas and Continuance
Dockets; Sheriffs' Dockets (November 1786 – November 1789,
February 1796 – November 1798); Sheriffs' Original Dockets
(November 1804 – November 1807, February 1823 – November 1834).

For Further Records: Prior to August 1728, vols. 1-4 are
missing. From August 1902 through 1983, Appearance Docket series
continues in prothonotary's office. After 1983, appearances are
entered in prothonotary's General Docket.

COMMON PLEAS DOCKETS  May 1714 – May 1773.  10 vols. (1-10 and
dated).

Description: Dockets kept for entering cases that continued more
than one court term, showing the various proceedings that
occurred until judgment was rendered.

Content: Name of plaintiff, defendant, attorneys, surety; type
of case; court terms case began and continued; number assigned to
case (if one assigned); entries regarding progress of the case;
types of papers filed; types of writs issued; amount of bail;
judgment.
Arrangement: Entries recorded by court term. The first set of entries for a court term are continued cases which are listed chronologically by the term they first appeared in court. This is followed by a Process Returnable section listing new cases that came before the court in that particular term.

Access: Each docket contains an index that is alphabetical by plaintiff's surname and includes defendant's surname and page numbers of docket entries. Adverse Index for Common Pleas and Continuance Dockets (May 1714 - May 1820) is alphabetical by defendant's surname and includes plaintiff's surname and page number of docket entry.

Missing Records: None.

Corresponding Records: Entries in the dockets refer to papers in the following series: Original Writs, Narratives, Bail Bonds, Recoveries, Petitions for Sheriffs' Deeds, Insolvent Debtor Petitions and Bonds, Attorneys Admitted to Practice Before Court.

Alternative Sources of Information: Appearance Dockets.


Description: Dockets kept for entering cases that continued more than one court term, recording each step in the process until judgment was rendered.

Content: Name of plaintiff, defendant, attorneys; type of case; court terms case began and continued; number assigned to case (if one assigned); entries pertaining to progress of the case; papers filed; types of writs issued; judgment; court costs and signatures of those upon receiving their fees; dates of proceedings.

Arrangement: Cases are entered under the court term in which they began and include all subsequent proceedings and continuances for that case. Entries are listed chronologically.

Access: Each docket contains an index that is alphabetical by plaintiff's surname and includes defendant's surname and page number of docket entry. Adverse Index for Common Pleas and Continuance Dockets (May 1714 - May 1820) is alphabetical by defendant's surname and includes plaintiff's surname and page number of docket entry.

Missing Records: None.

Corresponding Records: Entries in the dockets refer to papers in the following series: Precipes; Original Writs; Narratives; Bail
**Bonds; Affidavits, Depositions, Interrogatories; Rules of Reference; Appearance Papers; Insolvent Debtor Petitions and Bonds; Lunatics and Habitual Drunkards; Petitions Relating to Contracts Made by Deceased Persons; Divorce.**

**Alternative Sources of Information:** Appearance Dockets.

**For Further Records:** Before May 1773, see Common Pleas Dockets series (May 1714 - May 1773). After August 1873, series was discontinued and information was entered in Appearance Dockets.

**JURY DOCKETS AND BOOKS May 1809 - 1907. 12 vols.**

**Description:** Volumes kept for recording matters relating to the service of jurors. Volumes include: List of Traverse Jurors (May 1809 - May 1812), Jury Books (August 1812 - April 1853, January 1882 - November 1899), Jurors (1832-1844, 1855-1859, January 1867 - October 1876), Jurors Record (1883-1891, 1900-1907), Jury List (October 1896 - January 1902). Volumes contain entries of the service of jurors in courts other than the court of common pleas.

**Content:**
1. List of Traverse Jurors. May 1809 - May 1812. 1 vol. Contains lists of traverse jurors for courts of quarter sessions, common pleas, circuit court, and oyer and terminer. Information includes names of jurors, number preceding juror's name, amount paid for service, whether juror was excused or not, days attended, court term, type of jury.
3. Jurors. 1832-1844, 1855-1859, January 1867 - October 1876. 4 vols. Contains names of jurors selected and placed in the jury wheel by the sheriff and commissioners to serve as grand, petit and traverse jurors for the different courts for the entire year. Information includes court term of service, jurors' townships or boroughs and occupations, column for comments (appears to be name of whomever notified the juror of his requirement to serve), signatures of the sheriff and commissioners who drew the names, and date of drawing.
4. Jurors Record. 1883-1891, 1900-1907. 2 vols. Contains names, townships or boroughs, occupations of jurors, with number preceding their names. Also includes statement that the jury commissioners placed the names in the wheel for the year as required by the act of assembly of April 10, 1867.
5. Jury Book. January 1882 - November 1899. 1 vol. A court of common pleas jury list. Contains court term, names of jurors, dates of jurors' attendance, comments (if excused or not in
county), and number preceeding jurors' names. First page is missing.

6. Jury List. October 1896 - January 1902. 1 vol. Contains names and numbers of jurors, townships or boroughs, occupations, remarks (appears to be when and where notified of requirements to serve), type of jury (grand, petit, traverse), signatures of sheriff and jury comissioners who drew from the jury wheel, and date drawn.

Arrangement:
1. Entries in List of Traverse Jurors, Jury Books, and Jury List are arranged chronologically by court term.
2. Entries in Jurors and Jurors Record are arranged by year, within year alphabetically by township or borough of jurors.

Access: Not indexed.

Missing Records: May 1853-1854, 1877-1881.

Corresponding Records: Entries in the dockets and books refer to papers in the following series: Jury Papers.

Alternative Sources of Information: Common Pleas, Continuance and Appearance Dockets list names of jurors in cases that went to trial.

For Further Records: No jury dockets and books found prior to May 1809. After January 1902, series continues at Chester County Archives although records for certain periods are missing.


Description: Dockets kept for recording equity cases.

Content: Name of plaintiff, defendant, attorneys; number assigned to case; dates and entries of various proceedings in case; fees; judgment.

Arrangement: Entries recorded chronologically by date bill of equity filed.

Access: Each docket contains an index that is alphabetical by plaintiff's surname and includes defendant's surname and page number of entry.

Missing Records: None; court does not appear to have heard equity cases from 1845 to 1856.

Corresponding Records: Entries in the dockets refer to papers in the following series: Equity Papers.

For Further Records: Series begins in 1844. An act of February 14, 1857 gave all courts of common pleas full equity and chancery powers and jurisdictions. After 1904, dockets are in the prothonotary's office.

Description: Dockets kept for recording judgments on bonds, bill singles, warrants of attorney, debts sans breve, and transcripts of justices of the peace.

Content: Varies, but may include name of obligee (plaintiff), obligor (defendant), witnesses, prothonotary (and his signature); amount of judgment; township or borough of obligor; date obligation due; date of judgment; type of judgment; signed and dated statement of obligee upon receiving full satisfaction of judgment. May 1773 - February 1806 (vols. A, B, and part of C) contain all debt sans breve cases.

Arrangement: Entries recorded chronologically by date (month, day, year) judgment filed with prothonotary.

Access: There are a variety of Judgment Dockets indexes. Some are arranged by plaintiff, some by defendant. See Indexes to Dockets and Books section.

Missing Records: None.

Corresponding Records: Entries in the dockets refer to papers in the following series: Judgment Bonds, Bill Singles, Bonds and Warrants, Promissory Notes; Mechanics' Liens (prior to September 1836), Justice of the Peace Transcripts.

Alternative Sources of Information: Entries of judgment in Appearance and Continuance Dockets.

For Further Records: Before May 1773, see Appearance and Common Pleas Dockets for entries of judgment. Until May 1773, debt sans breve cases were entered in Appearance Dockets. From March 1901 through 1983, Judgment Dockets are in prothonotary's office. After 1983, judgments are entered in prothonotary's General Docket.


Description: Dockets kept for recording writs of execution.

Content: Name of plaintiff and defendant; court term; case number; type of execution and date issued; results of execution; fees of prothonotary, attorney, sheriff; amount of debt and interest; name of plaintiff's attorney (and occasionally defendant's); citations referring to earlier executions (if applicable).

Arrangement: Entries recorded chronologically by court term. Each execution was assigned a number in order of its issuance. These numbers correspond to Execution Papers series.
Access: Each docket contains an index that is alphabetical by plaintiff's surname and includes defendant's surname and page number of docket entry. Adverse Index Execution Dockets (May 1801 - April 1833) is alphabetical by defendant's surname and includes plaintiff's surname and page number of docket entry.

Missing Records: None.

Corresponding Records: Entries in the dockets refer to papers in the following series: Precipes, Executions.

Alternative Sources of Information: Sheriffs' Execution Dockets, Sheriffs' Sale Books (December 1828 - October 1840).

For Further Records: Prior to May 1801, executions are entered in Appearance Dockets. From October 1901 through 1983, Execution Dockets are in prothonotary's office. After 1983, executions are entered in prothonotary's General Docket.

TESTATUM FI. FA. DOCKETS November 1823 - January 1828, January 1849 - September 1912. 2 vols. (1 and 1-2).

Description: Dockets kept for recording writs of execution issued by a court of common pleas in one county for the purpose of selling the defendant's goods or property located in another county. The prothonotary receiving the writ entered it in the docket and delivered it to the sheriff to whom it was directed.

Content: Name of plaintiff and defendant; county court in which judgment was rendered; court term; number assigned to case; amount of debt, damages, court costs, fees; date testatum fi. fa. received and entered by prothonotary and returned to sheriff.

Arrangement: Entries recorded chronologically by court term testatum fi. fa. entered in docket.

Access: Not indexed.

Missing Records: April 1828 - October 1848.

Corresponding Records: Entries in the dockets refer to papers in the following series: Testatum Fi. Fa.

For Further Records: Testatum Fi. Fa. Docket was created according to statute April 1, 1823. After 1912, dockets are in the prothonotary's office.


Description: Books kept by the prothonotary to record deed polls (deeds acknowledged and executed by the sheriff or county treasurer).

Content: Name of land purchaser, sheriff or county treasurer who sold the property, plaintiff and defendant in case (when property
is sold in execution); date of execution of deed; location, amount and description of property purchased including names of those owning surrounding properties; amount paid for property; court term deed acknowledged by sheriff in open court.

Arrangement: Entries recorded chronologically by court term.

Access: See Sheriff Deeds Index, indexed by purchaser; Deed Book Grantor Indexes, indexed by name of sheriff; Deed Book Grantee Indexes, indexed by name of purchaser.

Missing Records: None.

Corresponding Records: Entries in the docket refer to papers in the following series: Petitions for Sheriffs' Deeds.

Alternative Sources: Sheriffs' deeds are recorded in Deed Books.

For Further Records: Prior to August 1773, Sheriffs' deeds (deed polls) were recorded in Deed Books (if recorded) and entered in Common Pleas Dockets. After May 1905, Sheriffs' Deed Books are in prothonotary's office.

TRANSCRIPT DOCKETS October 1804 - August 1824. 2 vols. (A and B).

Description: Dockets kept for recording transcripts of judgments of justices of the peace.

Content: Name of plaintiff, defendant, justice of the peace; date transcript filed with prothonotary; date of judgment before justice; amount of costs; who paid costs; signed statement of person who received full satisfaction from judgment.

Arrangement: Entries recorded chronologically by date (month, day, year) transcripts filed with prothonotary.

Access: Index to Transcript Dockets A and B, by plaintiff's surname and Adverse Index to Transcript Dockets A and B, by defendant's surname.

Missing Records: None.

Corresponding Records: Entries in the docket refer to papers in the following series: Justice of the Peace Transcripts.

Alternative Sources of Information: Appearance and Judgment Dockets; justice of the peace docket, a number of which are in the manuscript collection of the Chester County Historical Society.

For Further Records: No Transcript Dockets found prior to October 1804, but papers exist for years 1786-1850. Post 1824 entries are recorded in Judgment Dockets.
ENTERING DOQUETS  May 1724 - August 1731, November 1791 - May 1801. 16 vols.

Definition: Dockets kept for recording all writs, citations, subpoenas and rules of courts issued for the court term. Kept by the man who held concurrently the positions of prothonotary, clerk of the court of quarter sessions and clerk of orphans' court.

Content:
1. May 1724 - August 1731: Pertains only to writs issued from the court of common pleas and contains name of plaintiff and defendant, court term, type of writ issued, type of case, amount of debt.
2. November 1791 - May 1801: Pertains to writs, subpoenas, citations, rules of court issued from the courts of common pleas, quarter sessions and orphans' court and contains name of plaintiff, defendant, attorney, those receiving subpoenas; dates writ issued and returned; cost of writ; court term; type of writ or rule issued; number assigned to writ (if applicable).

Arrangement: Chronologically by court term.

Access: Not indexed.

Missing Records: February 1727/28, 1798.

Corresponding Records: Entries in the dockets refer to papers in the following series: Original Writs; Executions; Rules of Reference; Affidavits, Depositions, Interrogatories; Orphans' Court Citations and Attachments; Court of Quarter Sessions Criminal Papers.

Alternative Sources of Information: Appearance and Continuance Dockets.

For Further Records: No records found prior to or after dates listed.

MINUTE BOOKS  November 1728 - August 1776. 10 vols. (unnumbered).

Description: Dockets kept for entering memoranda of court's proceedings.

Content: Varies, but may include name of plaintiff, defendant, plaintiff's attorney; type of case or execution; date process issued; amount of debt; court term.

Arrangement:
1. November 1728 - May 1734: Entries recorded chronologically by court term.
2. August 1734 - August 1776: Entries recorded by first letter plaintiff's surname; within letter chronologically by court term.
Access: Books from November 1728 – May 1734 are not indexed.
Books from August 1734 – August 1776 are in index form, by first letter of plaintiff's surname.

Missing Records: 1729 – August 1731.

Corresponding Records: Entries in the dockets refer to papers in the following series: Original Writs, Executions.


For Further Records: No records found prior to or after dates listed.

DOCQUET CONTAINING ALL THE ACTIONS WHICH REMAIN UNDETERMINED, SINCE THE REVOLUTION ON THE CONTINUANCE DOCQUETS February 1782 – February 1800. 1 vol.

Description: Rough docket kept for recording all suits remaining undetermined in the Continuance Docket since February 1782.

Content: Name of plaintiff, defendant, attorneys; type of case; entries of proceedings and continuances on suit; page number of corresponding entry in Continuance Docket; judgment.

Arrangement: Entries recorded chronologically by court term case began.

Access: Not indexed, but researcher can use indexes in Continuance Dockets (indexed alphabetically by plaintiff's surname) to locate entries.

Missing Records: None.

Corresponding Records: Entries in the docket refer to papers in the following series: Original Writs, Bail Bonds, Narratives, Rules of Reference.

Alternative Sources of Information: Continuance Dockets B, C, D and Appearance Dockets vols. 12-16

For Further Records: None.

ROUGH DOCQUET August 1793 – May 1807. 1 vol.

Description: A rough draft of Continuance Dockets volumes D and part of E.

Content: Name of plaintiff, defendant and attorneys; court term; number assigned to case; type of case; dates and entries of actions taken in case.

Arrangement: Entries recorded chronologically by court term.
Access: Not indexed, but researcher can use index in Continuance Docket (indexed alphabetically by plaintiff's surname) to locate entries.

Missing Records: No entries recorded for November 1793, May – November 1794, August 1795, November 1797 – February 1798.

Corresponding Records: Entries in the docket refer to papers in the following series: Precipes, Original Writs, Narratives, Bail Bonds, Rules of Reference, Lunatics and Habitual Drunkards, Divorce.

Alternative Sources of Information: Continuance Docket vol. D.

For Further Records: None.

TRIAL AND ARGUMENT LISTS: DOCKETS May 1809 – September 1901.
1.5 cu. ft. and 25 vols. May 1809 – March 1827 unbound, 1.5 cu. ft. April 1827 – September 1901 (also labelled PROTHONOTARY MINUTES and COURT MINUTES), 25 vols.

Description: Rough dockets kept by both the prothonotary and judges each court term for entering proceedings on cases to be tried or argued at that court term.

Content: Varies. All Trial and Argument Lists contain surname of plaintiff, defendant, attorneys; court term; number assigned to case for order of appearance before the court; dates court term commences and adjourns; type of case, plea, order or rule issued for the court term; verdict (if applicable); information on insolvent debtors appearing before the court (February 1824 – December 1843) including name, number assigned, court's decision, date appeared. Dockets labelled either bench, judge, or court contain only the above information and only for common pleas cases. Dockets labelled either prothonotary or bar contain all of the above as well as names of witnesses and jurors in trials, attorneys admitted to practice before the court, and other matters before the court. The prothonotary's dockets from May 1809-1821, and 1823 contain entries on proceedings in the court of quarter sessions and orphans' court as well as the court of common pleas.

Arrangement: Entries in dockets are arranged chronologically by court term. For each court term both the prothonotary and the bench had a copy of the Trial and Argument List.
1. May 1809 – March 1827: Dockets are unbound.
2. April 1827 – September 1851, April 1878 – December 1879, June 1886 – September 1901: Dockets are bound.

Access: Not indexed.

Missing Records: Bench dockets for May 1841 - November 1843, October 1845 – August 1848, October 1851 – March 1878, January 1880 – May 1886, January 1890 – May 1893; Prothonotary dockets
for August 1843 - November 1844, August 1847 - December 1889, December 1897 - September 1901.

Corresponding Records: Entries in the dockets refer to papers in the following series: Precipices; Original Writs; Narratives; Rules of Reference; Bail Bonds; Lunatics and Habitual Drunkards; Insolvent Debtor Petitions and Bonds; Attorneys Admitted to Practice Before Court; Affidavits, Depositions, Interrogatories; Appearance; Divorce.

Alternative Sources of Information: Appearance and Continuance Dockets.

For Further Records: Dockets prior to May 1809 are not extant. After September 1901, trial lists (minutes) through 1928 are in the prothonotary's office.

ROUGH MINUTE BOOKS 1893-1902. 2 vols.

Description: Books kept by prothonotary for recording all matters which came before the court of common pleas, probably written while court was in session.

Content: Name of plaintiff, defendant, judges, attorneys; business before the court; dates and times court held; court term and number assigned to case; plea, rule or order entered for case.

Arrangement: Entries recorded chronologically.

Access: Not indexed.

Missing Records: None.

Alternative Sources of Information: Entries in Minute Books were later transferred to other dockets as appropriate.

For Further Records: No records found prior to or after dates listed.

BAIL BOOK COMMENCING MAY 1784 AND ENDING 1805 May 1784 - February 1805. 1 vol. (dated).

Description: Book kept for recording entries in capias cases. The defendant's surety promises that if the defendant in the suit is condemned, the condemnation money and all costs of suit will be paid by the defendant or his surety. If both fail to pay, the defendant will be surrendered to the sheriff's custody.

Content: Name of plaintiff, defendant, surety, prothonotary; court term case began; type of case; date bail acknowledged by prothonotary; signature of prothonotary and surety; township or borough of surety.

Arrangement: Entries recorded chronologically by date bail acknowledged by prothonotary.
Access: Not indexed.
Missing Records: None.
Corresponding Records: Entries in the book refer to papers in the following series: Bail Bonds.
Alternative Sources of Information: Appearance and Continuance Dockets.
For Further Records: None.

BAIL (BAIL BOOK FOR ARBITRATION CASES) August 1808 - July 1815. 1 vol.

Description: Book kept for recording bail entries for cases decided by arbitration. The condition of bail is such that if the plaintiff or defendant does not recover a sum greater or judgment more favorable than the report of arbitrators, then that person will pay all costs that accrue in consequence of an appeal.

Content: Name of plaintiff, defendant, surety, prothonotary; signature of surety, prothonotary, and either plaintiff or defendant; type of case; court term case began; amount of bail; cost of filing bail; date bail acknowledged by prothonotary.

Arrangement: Entries recorded chronologically by date bail acknowledged by prothonotary.

Access: Not indexed.
Missing Records: None.
Alternative Sources of Information: Continuance Dockets.
For Further Records: No records found prior to or after dates listed.

SPECIAL BAIL BOOKS August 1830 - December 1903. 3 vols.

Description: Books kept for recording entries for special bail for civil cases. Special bail is taken for cases such as appeals or certiorari in which one party pledges to prosecute the case with full effect or he will surrender the special bail money to the other party.

Content: Name of plaintiff, defendant, surety, prothonotary; signature of prothonotary and surety; court term case began; number assigned to case; type of case; date acknowledged by prothonotary; amount of bail; township or borough of surety.

Arrangement: Entries recorded chronologically by date bail acknowledged by prothonotary.

Access: The first two volumes (August 1830 - October 1860, January 1861 - February 1879) are not indexed; the third volume
(April 1879 - December 1903) contains an index arranged alphabetically by plaintiff's surname.

Missing Records: None.

Corresponding Records: Entries in the book refer to papers in the following series: Appearance.

Alternative Sources of Information: Continuance and Appearance Dockets.

For Further Records: No records found prior to or after dates listed.

BAIL BOOKS ON APPEALS  February 1871 - January 1920. 2 vols.

Description: Record kept for recording entries of bail from appellants of arbitrators' awards in civil suits.

Content: Name of plaintiff, defendant, surety of appellant, arbitrators; court term and number assigned to case; party appealing arbitrators' award; amount of bail; date of bail; signatures of appellant, surety, prothonotary or deputy prothonotary.

Arrangement: Entries recorded chronologically by date bail is acknowledged by prothonotary.

Access: Not indexed.


Corresponding Records: Entries in the books refer to papers in the following series: Appearance.

Alternative Sources of Information: Continuance and Appearance Dockets.

For Further Records: No records found prior to or after dates listed.

RECOGNIZANCE COMMON PLEAS WRITS  1830 - March 1850. 1 vol.

Description: Book kept for recording recognizances in cases of partition.

Content: Name of plaintiff and defendant; signature of plaintiff; amount of recognizance; court term and number assigned to case; description, location and amount of property involved; value of property; date court decreed property to plaintiff; amount owed to defendant and date money due; date of recognizance; acknowledgment of defendant upon receiving satisfaction in full of the amount secured by recognizance, with date and signature of defendant.

Arrangement: Entries recorded chronologically by date of recognizance.
Access: Not indexed.

Missing Records: None.

Corresponding Records: Entries in the book refer to the following series: Appearance.

Alternative Sources of Information: Continuance Dockets.

For Further Records: No records found prior to or after dates listed.

DOCKET OF PROTHONOTARY, 1844-1847 (Incorrectly dated; actual dates are August 1843 - June 1847). 1 vol.

ORDERS, PLEAS, RULES &C, 1847-8 (Incorrectly dated; actual dates are May 1847 - November 1849.) 1 vol.

Plea Book March 1875 - June 1880. 1 vol.

Description: Books kept by the prothonotary in which attorney of either plaintiff or defendant enters his order, plea or rule for a particular case.

Content: Name of plaintiff and defendant; court term case began; number assigned to case; type and date of order, plea or rule in case written and signed by attorney.

Arrangement: Entries recorded chronologically by date attorney instituted order, plea or rule.

Access: Not indexed.

Missing Records: None.

Corresponding Records: Entries in the book refer to papers in the following series: Appearance.

Alternative Sources of Information: Appearance and Continuance Dockets, Trial and Argument Lists: Dockets.

For Further Records: No records found prior to or after dates listed.

MISCELLANEOUS DOCKETS August 1842 - September 1905. 8 vols. (1-8).

Description: Dockets kept for recording various matters before the court that are not civil suits, such as admission of attorneys to practice before the court, insolvent debtors seeking discharge from prison under insolvent laws, assigned estate cases, petitions for trustees, incorporation of non-profit organizations, reports of auditors, and other matters.

Content: Varies, but may include names of parties involved in matters before the court, court term, dates papers filed, number
assigned to case (if assigned), names of attorneys involved and judges before whom petitioners appeared, copies of papers involved in case, citations of entries appearing elsewhere in same docket or other dockets.

Arrangement: Entries recorded chronologically by court term.

Access: Each docket contains an index that is alphabetical by surname of party involved.

Missing Records: None.

Corresponding Records: Entries in the dockets refer to papers in the following series: Miscellaneous.

For Further Records: Prior to 1842, miscellaneous matters were recorded in other dockets such as Appearance and Continuance. From September 1905 through 1983, Miscellaneous Dockets are in prothonotary's office. After 1983, miscellaneous matters are entered in prothonotary's General Docket.

COURT LIST OF CASES February 1808 - October 1810. 1 vol.

Description: Book kept for recording sheriff's return of writs and costs for common pleas cases.

Content: Name of plaintiff, defendant and plaintiff's attorney; court term; number assigned to case; type of case; sheriff's return; costs involved in serving writ; date fees received.

Arrangement: Entries recorded chronologically by court term.

Access: Book contains an index that is alphabetical by plaintiff's surname and includes surname of defendant and page number of docket entry.

Missing Records: None.

Corresponding Records: Entries in the book refer to papers in the following series: Precipes, Original Writs.

Alternative Sources of Information: Appearance Docket vol. 17.

For Further Records: No records found prior to or after dates listed.

MONIES RECEIVED ON VERDICTS IN CIVIL ACTIONS May 1814 - November 1816. 1 vol.

Description: Book kept for recording all costs and fees for criminal cases as well as money paid after verdicts in civil actions. The title is a misnomer because the book also includes criminal cases.

Content:
1. Civil cases contain names of plaintiff and defendant, court
term, party in whose favor verdict was rendered and amount of cost of verdict.

2. Criminal cases contain names of plaintiff, defendant and witnesses in case; all costs and fees; court term; signed statements of those who received their fees.

Arrangement: Criminal and civil cases are recorded separately and are arranged chronologically by court term.

Access: Not indexed.

Missing Records: None.

Corresponding Records: Entries in the docket refer to papers in the following series: Bills of Cost.

Alternative Sources of Information: Continuance Docket F.

For Further Records: No records found prior to or after dates listed.

JUDGMENTS AGAINST DELINQUENT COLLECTORS FROM 1820 TO 1821
(Incorrectly dated; actual dates are 1820-1824.) 1 vol.

Description: Volume containing an alphabetical listing of delinquent tax collectors against whom judgment was rendered in the court of common pleas.

Content: Names of delinquent collectors and dates.

Arrangement: Entries recorded by first letter of collector's surname; within letter chronologically by year.

Access: Same as Arrangement.

Missing Records: None.

Alternative Sources of Information: Commissioners' Minutes and tax records contain information on tax collectors; Judgment Dockets Indexes contain entries regarding delinquent tax collectors.

For Further Records: None.

AUDITORS' REPORTS July 1850 - March 1908. 9 vols. (first volume labelled REPORTS OF DISTRIBUTION, subsequent volumes labelled B-I).

Description: Dockets kept for recording reports and distributions of accounts of estates by sheriffs, assignees, trustees, committees and auditors.

Content: Varies, but may include name of owner of estate (or assignor), plaintiff, defendant, assignee, sheriff, auditor, executors, creditors; dates and types of payment of bills; court term and number of case; date report read and confirmed.
Arrangement: Entries recorded chronologically by date report filed.

Access: Each docket contains an index that is alphabetical by surname of parties concerned.

Missing Records: None.

Corresponding Records: Entries in the docket refer to papers in the following series: Assigned Estates, Miscellaneous, Appearance.

Alternative Sources of Information: Miscellaneous Dockets, Trustee Accounts.

For Further Records: Legislation passed April 25, 1850 required that reports of distribution be kept in a docket specifically for that purpose. From 1908-1924, dockets are in the prothonotary's office.

TRUSTEE ACCOUNTS 1850-1912. 6 vols. (first volume labelled ASSIGNEE ACCOUNTS; subsequent volumes labelled B-F).

Description: Dockets kept for recording accounts of assignees, trustees, sequestrators and committees of estates as well as reports of auditors (except reports of distribution) filed in the court of common pleas.

Content: Name of owner of estate (usually an assignor), assignor's spouse, assignee or trustee; township or borough of assignor; amount of money paid from estate to creditors and date paid; number (if assigned to estate); dates of account; filing date; judgment of court.

Arrangement: Entries recorded chronologically by date of court's confirmation of account.

Access: Each docket contains an index that is alphabetical by the surname of owner of estate.

Missing Records: None.

Corresponding Records: Entries in the dockets refer to papers in the following series: Assigned Estates, Trustee papers filed in Miscellaneous Papers series.

Alternative Sources of Information: Auditors' Reports (June 1850 - March 1908).

For Further Records: Prior to 1850, see Trustee Papers and Assigned Estates. Dockets begin in conformity to an act of April 25, 1850. From 1912-1924, dockets are in the prothonotary's office.
PARTITION DOCKET 1854-1904. 1 vol. (A).

Description: Docket kept for the entry at length of all proceedings in land partition cases in the court of common pleas.

Content: Name of plaintiff, defendant, attorneys; court term; number assigned to case; entries of proceedings in case; location and amount of land; references to entries in other dockets; types of writs issued in case; judgment of court.

Arrangement: Entries recorded chronologically by court term of case.

Access: Not indexed.

Missing Records: None.

Alternative Sources of Information: Sheriffs' Deeds; Deed Books in the recorder of deeds office.

For Further Records: Docket begins in 1854 in conformity to an act of April 25, 1850. After 1904, no dockets found.


Description: Dockets in which admissions of attorneys are entered. Compiled in nineteenth and twentieth centuries.

Content: Varies but may include name of attorney, examining committee, attorney's preceptor; date of admission; qualifications of attorney; attorney's date of birth, education, place of residence.

Arrangement: Volume 1 is arranged chronologically by date attorney admitted. Volume 2 is arranged in part alphabetically, in part chronologically.

Access: Each docket contains an index that is alphabetical by attorney's surname and contains page number of docket entry.

Missing Records: None.

Corresponding Records: Entries in the dockets refer to papers in the following series: Attorneys Admitted to Practice Before Court.

Alternative Sources of Information: There are sporadic entries for admission of attorneys in Appearance, Continuance and Miscellaneous Dockets.

For Further Records: These are the first dockets kept specifically for admission of attorneys. Post 1970 records are located in prothonotary's office.
ALIENS' DECLARATIONS OF INTENTION August 1834 - August 1906. 6 vols. (1-6).

Description: Dockets kept for recording aliens' declarations of intention to become citizens of the United States. Filing the declaration is generally the first step in the naturalization process.

Content: Name and signature of alien, place of birth, date of declaration, signature of prothonotary.

Arrangement: Entries recorded chronologically by date declaration filed.

Access: Volumes 1, 3, 5, 6 contain indexes that are alphabetical by alien's surname. Researchers can also use the Chester County Archives' Naturalization index that is arranged alphabetically by alien's surname and is cross-referenced to Records of Naturalizations papers and dockets.

Missing Records: None.

Corresponding Records: Entries in the dockets refer to papers in the following series: Aliens' Declarations of Intention.

Alternative Sources of Information: Naturalization Papers series contains Aliens' Declarations of Intention papers.

For Further Records: From February 1798 through June 1834, Aliens Declarations of Intention were recorded in Records of Naturalization Dockets. After August 1906, dockets are in the prothonotary's office.

RECORDS OF NATURALIZATION February 1798 - September 1906. 12 vols. (1-12).

Description: Dockets kept for recording admission of aliens to citizenship.

Content: Varies but may include name of alien, length of residence in the United States and Pennsylvania, place of birth, number assigned to naturalization, dates of declaration of intention and admission to citizenship.

Arrangement: Entries recorded and numbered chronologically by date alien admitted to citizenship.

Access: Indexed alphabetically by alien's surname with references to docket and file numbers. Index available at Chester County Archives. There is also an index in the prothonotary's office containing same information.

Missing Records: None.

Corresponding Records: Entries in the dockets refer to papers in the following series: Naturalization Papers.
Alternative Sources of Information: Aliens' Declaration of Intention.

For Further Records: The naturalization process began in Chester County in 1798. The United States Bureau of Immigration and Naturalization was created by federal statute effective September 27, 1906, after which the naturalization process was continued in county court, but was under the jurisdiction of the federal agency. After October 1906, dockets are in the prothonotary's office.


Description: Dockets kept for recording entries of claims for mechanics liens.

Content: Name of plaintiff (claimant, mechanic) and defendant (owner of building, contractor), amount of claim, type of work performed, dates material furnished, township or borough of mechanic, date of claim filed, description and location of building, owners of adjoining property, number assigned to claim, date and signature of claimant upon receiving satisfaction of the claim.

Arrangement: Entries recorded chronologically by date claim filed.

Access: Each docket contains an index that is alphabetical by surname of owners and contractors. Index also includes name of claimant, amount claimed, date of entry, page number of entry, date claim satisfied.

Missing Records: None.

Corresponding Records: Entries in the dockets refer to papers in the following series: Mechanics' Claims for Liens.

For Further Records: Prior to 1836, Mechanics Liens were entered in Judgment Dockets. From July 1904 through 1983, Mechanics Lien Dockets are in the prothonotary's office. After 1983, mechanics' liens are entered in prothonotary's General Docket.

INDEXES TO DOCKETS AND BOOKS

JUDGMENTS APPEARANCE DOCKETS February 1773 - May 1823. 1 vol.

Description: An index by defendant's name to cases in Appearance Dockets numbers 11-19 in which judgments were rendered.

Content: Defendant's surname followed by first name and page number of entry in Appearance Docket.

Arrangement: By first letter of defendant's surname; within letter chronologically by docket.
Other Appearance Dockets Indexes: Adverse Index to Appearance
Dockets (February 1773 - February 1828); internal index in each
Appearance Docket.

ADVERSE INDEX TO APPEARANCE DOCKETS February 1773 - February
1828. 1 vol.

Description: An index by defendant's name to cases in Appearance
Dockets numbers 11-20.

Content: Defendant's surname followed by plaintiff's surname and
page number of docket entry.

Arrangement: By first letter of defendant's surname; within
letter chronologically by docket.

Other Appearance Dockets Indexes: Judgments Appearance Dockets
(February 1773 - May 1823); internal index in each Appearance
Docket.

ADVERSE INDEX FOR COMMON PLEAS AND CONTINUANCE DOCKETS May 1714
- May 1820. 1 vol.

Description: An index by defendant's name to cases in Common
Pleas Dockets numbers 1-10 and Continuance Dockets A-G.

Content: Defendant's surname followed by plaintiff's surname and
page number of docket entry.

Arrangement: By first letter of defendant's surname; within
letter chronologically by docket.

Other Common Pleas and Continuance Dockets Indexes: Judgments on
Continuance Dockets (May 1773 - November 1823); internal index in
each Common Pleas and Continuance Docket.

JUDGMENTS ON CONTINUANCE DOCKETS May 1773 - November 1823. 2

Description: Indexes by defendant's name to cases in Continuance
Dockets A-H in which judgments were rendered.

Content: Defendant's surname followed by first name and page
number of entry in Continuance Docket.

Arrangement: By first letter of defendant's surname; within
letter chronologically by docket.

Other Continuance Dockets Indexes: Adverse Index for Common
Pleas and Continuance Dockets (May 1714 - May 1820); internal
index in each Continuance Docket.
INDEX TO TRANSCRIPT DOCKETS A AND B  October 1804 - August 1824.  1 vol.

Description:  An index by plaintiff's name to Transcript Dockets A and B.

Content:  Name of plaintiff and defendant, docket and page number of entry.

Arrangement:  By first letter of plaintiff's surname; within letter chronologically by docket.

Other Transcript Dockets Indexes:  Adverse Index to Transcript Dockets A and B (October 1804 - August 1824).

ADVERSE INDEX TO TRANSCRIPT DOCKETS A AND B  October 1804 - August 1824.  1 vol.

Description:  An index by defendant's name to Transcript Dockets A and B.

Content:  Defendant's surname, followed by first name and page number of docket entry.

Arrangement:  By first letter of defendant's surname; within letter chronologically by docket.

Other Transcript Dockets Indexes:  Index to Transcript Dockets A and B (October 1804 - August 1824).

JUDGMENT INDEX  July 1815 - February 1833.  1 vol.

Description:  An index by defendant's name to cases in which judgments were rendered.  It covers Transcript Docket B (February 1819 - August 1824), Appearance Dockets 19-21 (February 1819 - August 1831), Continuance Dockets G-I (February 1817 - November 1828), Judgment Dockets F-J (July 1815 - February 1833).

Content:  Surname of defendant, followed by first name and page number of docket entry.

Arrangement:  By first letter of defendant's surname; within letter chronologically by docket.

Other Judgment Indexes:  Judgments on Continuance Dockets (May 1773 - November 1823), Judgments Appearance Dockets (February 1773 - May 1823), Alphabet of Judgments By Confession (May 1773 - September 1820) are all adverse indexes on judgments which cover the same material as the Judgment Index.
ALPHABET OF JUDGMENTS BY CONFESSION May 1773 - September 1820. 1 vol.

Description: An index by defendant's name to cases in Judgment Dockets A-F in which judgments were confessed.

Content: Defendant's surname followed by first name and page number of entry in Judgment Docket.

Arrangement: By first letter of defendant's surname; within letter chronologically by docket.

Other Judgment Docket Indexes: Index of Obligees for Judgment Dockets A, B, C, D, E (May 1773 - July 1815); Adverse Index to Judgment Dockets F-N (July 1815 - February 1844); Judgment Index (July 1815 - February 1833).

INDEX OF OBLIGEES FOR JUDGMENT DOCKETS A, B, C, D, E May 1773 - July 1815. 1 vol.

Description: An index of obligees (plaintiffs) who appear in Judgment Dockets and are owed money from bonds.

Content: Plaintiff's surname followed by first name and page number of docket entry.

Arrangement: Chronologically by docket; within docket by first letter of plaintiff's surname.

Other Judgment Dockets Indexes: Alphabet of Judgments By Confession (May 1773 - September 1820).

ADVERSE INDEX TO JUDGMENT DOCKETS F-N July 1815 - February 1844. 1 vol. (Labelled No. 19)

Description: An index by plaintiff's name to cases in Judgment Dockets F-N.

Content: Plaintiff's surname followed by first name and page number of entry in Judgment Docket.

Arrangement: By first letter of plaintiff's surname; within letter chronologically by docket.

Other Judgment Dockets Indexes: Judgment Index (July 1815 - February 1833), Judgment Indexes (July 1827 - December 1906).


Description: Indexes by obligor's (defendant's) name to Judgment Dockets.

Content: Name of obligor (defendant) and obligee (plaintiff),
amount owed, date of entry in docket, docket and page number of entry, remarks.

Arrangement: By first letter of obligor's surname; within letter chronologically by date of entry.

Other Judgment Dockets Indexes: The earliest systematic index for Judgment Dockets begins in July 1827 in conformity with the "Act for the better preservation of the records contained in the public offices of the several counties of this Commonwealth" passed March 29, 1827. However, earlier indexes for Judgment Dockets do exist. See Alphabet of Judgments By Confession (May 1773 - September 1820); Adverse Index No. 19 to Judgment Dockets F-N (July 1815 - February 1844); and Index of Obligees for Judgment Dockets A, B, C, D, E (May 1773 - July 1815). After 1906, Judgment Indexes are in prothonotary's office.

TEMPORARY INDEXES (FOR OBLIGORS/OBLIGEES) 1852-1861. 10 vols.

Description: Indexes of judgments kept for each year, probably as a rough draft for the Judgment Index series.

Content: Name of obligor (defendant), obligee (plaintiff); date judgment entered, amount of obligation (debt).

Arrangement: By first letter of obligor's surname; within letter chronologically.

Other Judgment Dockets Indexes: Judgment Indexes (July 1827 - December 1906) and Adverse Indexes of Judgments (1858-1921).

INDEXES TO JUDGMENT DOCKETS BY TOWNSHIP 1887-1911. 3 vols. (1-3, A-W).

Description: Indexes to Judgment Dockets V-2 - Z-2, A-3 - I-3 by township or borough of plaintiffs.

Content: Name of plaintiff, defendant, township or borough of plaintiff; date of judgment; type of instrument securing debt; amount of sum secured; docket and page number of entry; remarks; date debt satisfied.

Arrangement: Alphabetically by township or borough; within location by first letter plaintiff's surname.

Other Judgment Dockets Indexes: Judgment Indexes (July 1827 - December 1906) and Adverse Indexes of Judgment (1858-1921).

JUDGMENT INDEX FIRMS AND CORPORATIONS 1887-1906. 2 vols.

Description: Indexes to Judgment Dockets of firms or corporations owing debts as a result of judgment.
Content: Name of obligor (firm or corporation) and obligee, amount of debt, date of entry, book and page number of entry, remarks, date of satisfaction.

Arrangement: Chronologically by date judgment entered.

Other Judgment Dockets Indexes: Judgment Indexes (July 1827 - December 1906) and Adverse Indexes of Judgment (1858-1921).

ADVERSE INDEX OF JUDGMENTS 1858-1921. 4 vols. (Vol. 2 labelled JUDGMENT INDEX F-2 - O-2).

Description: Indexes by plaintiff's name to Judgment Dockets X-Z, A-2 - Z-2, A-3 - N-3.

Content: Surname of plaintiff, followed by first name and page number of docket entry.

Arrangement: By first letter of plaintiff's surname; within letter chronologically by docket.

Other Judgment Dockets Indexes: Judgment Indexes (July 1827 - December 1906).

ADVERSE INDEX EXECUTION DOCKETS May 1801 - April 1833. 1 vol. (dated).

Description: An index by defendant's name to Execution Dockets A-D.

Content: Surname of defendant and plaintiff, page number of docket entry.

Arrangement: By first letter of defendant's surname; within letter chronologically by court term.

Other Execution Dockets Indexes: Each Execution Docket contains an internal index.

INDEX SHERIFFS' DEEDS August 1773 - 1904. 4 vols. (1-2, August 1773 - 1893; Grantee and Grantor, 1893-1904).

Description: Indexes to Sheriffs' Deeds Books numbers 1-14 by names of grantees and grantors at sheriffs' sales.

Content: Name of grantee (purchaser) at sheriff's sale, person who sold the land (either sheriff or county treasurer in volumes 1 and 2), owner of property sold (grantor in grantee and grantor indexes); year land was purchased; book and page number of entry.

Arrangement:
1. Volumes 1 and 2 are arranged by first letter of purchaser's surname; within letter chronologically by docket.
2. Grantee index is arranged by first letter of surname of grantee; within letter by first letter of grantee's first name.
3. Grantor index is arranged by first letter of surname of grantor; within letter by first letter of grantor's first name.

Other Sheriffs' Deeds Indexes: None, but sheriffs' deeds are indexed in Recorder of Deeds Grantee/Grantor Indexes.

LIEN INDEX 1733-1869. 1 vol.

Description: List of liens for all patented and unpatented lands in the Chester County in which there was money due to the Commonwealth of Pennsylvania. Index was retroactively written after an act of May 1864, supplemented April 1868. After 1869, no records found.

Content: Number and date of warrant; name of warrantee; quantity of land applied for, quantity returned, quantity unpatented; location of land; price per acre, rate of interest and date interest began; where account is found; amount paid on account; when paid; amount due; fees; aggregate amount due June 1, 1868; remarks.

Arrangement: By first letter of warrantee's surname.

Other Lien Indexes: None.

PAPERS

PRECIPES February 1790 - November 1829. 11 cu. ft.

Definition: Order from plaintiff's attorney to the prothonotary requesting him to issue a particular writ.

Content: Name of plaintiff, defendant, prothonotary, plaintiff's attorney (and signature); type of writ requested; court term writ returnable; date writ issued; cost of writ.

Arrangement: Chronologically by court term; within court term numerically as precipe filed with prothonotary.

Access: Not indexed; however, to determine if a precipe was filed in a case the researcher can use indexes in Appearance and Execution Dockets arranged alphabetically by plaintiff's surname, or Adverse Index to Appearance Dockets (February 1773 - February 1828) and Adverse Index for Common Pleas and Continuance Dockets (May 1714 - May 1820), both arranged alphabetically by defendant's surname.

Missing Records: May 1790 - August 1791, 1828.

Alternative Sources of Information: Original Writs and Executions.
For Further Records: Precipes existed prior to February 1790 (they are mentioned in a statute as early as October 29, 1715), but are no longer extant. After 1829, precipes are filed with Appearance Papers series.

**ORIGINAL WRITS** May 1714 - November 1829. 30 cu. ft.

Definition: An order initiating a personal action, issued by the court commanding the sheriff to summon or arrest the defendant to assure his appearance before the court to answer the plaintiff. Types of writs found in this series include summons, capias, replevins, attachments (domestic and foreign), and scire facias.

Content: Name of plaintiff, defendant, plaintiff's attorney, judge, prothonotary (and signature after 1739; prior to that, justices signed writs); township or borough (and sometimes occupation) of defendant; amount of debt or damage; court term defendant to appear; date and type of writ; sheriff's signed return. Writs prior to 1776 may also contain information on defendant's whereabouts.

Arrangement:
1. May 1714 - August 1783: Chronologically by court term; within court term alphabetically by plaintiff's surname.
2. November 1783 - February 1790: Chronologically by court term; within court term numerically.
4. August 1800 - November 1829: Chronologically by court term; within court term numerically.

Access: Some writs prior to 1776 are indexed in the color-coded Minute Book copies located in the Archives. To determine if a writ was issued in other instances, the researcher can use the indexes in each Appearance Docket arranged alphabetically by plaintiff's surname, or the Adverse Index to Appearance Dockets (February 1773 - February 1828) arranged alphabetically by defendant's surname.


Alternative Sources of Information: Appearance Dockets, Precipes.

For Further Records: Original writs prior to 1714 are not extant. After 1829, original writs are filed with Appearance Papers series.

**NARRATIVES** 1691 - November 1829. 22 cu. ft.

Definition: The first of the formal statements of facts and circumstances of the plaintiff's cause of action. The narrative
outlines the reasons why the plaintiff brings suit. They are also known as declarations. Through 1776, the prothonotary also filed other papers relating to a suit with its respective narrative although they may have been filed at a later date. These papers include pleas, rules of reference, bonds (used as evidence), affidavits and depositions. If a narrative for a suit no longer exists but one of these papers is available, it is placed in the court term the suit first appears in court.

Content: Name of plaintiff, defendant, plaintiff's attorney (and his signature); court term (usually); date and amount of debt or damage; type of paper; number of case (if assigned); filing date; other facts relating to the case. Eighteenth-century narratives may also include the township or borough and occupation of the defendant.

Arrangement:
1. 1691 - February 1713/14: Chronologically by year.
2. May 1714 - November 1754: Chronologically by court term; within court term alphabetically by plaintiff's surname.
3. 1746 - 1751: First series of numbered narratives. The narratives are arranged in numerical order. The numbers were assigned in the order in which the narratives were filed with the prothonotary and correspond with entries in the Common Pleas Dockets.
4. 1752 - 1763: Second series of numbered narratives. The narratives are arranged in numerical order. The numbers were assigned in the order in which the narratives were filed with the prothonotary and correspond with entries in the Common Pleas Dockets.
5. August 1762 - May 1776: Chronologically by court term suit begins; within court term numerically for each court term.
7. August 1800 - November 1829: Chronologically by court term; within court term numerically. The numbers correspond with entries in Continuance and Appearance Dockets. If the papers are unnumbered, they are arranged alphabetically by plaintiff's surname.

Access: Not indexed; however, to determine if a narrative was filed in a case, the researcher can use the indexes in Appearance, Common Pleas and Continuance Dockets arranged alphabetically by plaintiff's surname, or Adverse Index to Appearance Dockets (February 1773 - February 1828) and Adverse Index for Common Pleas and Continuance Dockets (May 1714 - May 1820), both arranged alphabetically by defendant's surname.

Missing Records: 1692-1695, 1710-1713/14, August 1776, February 1777, November 1777 - February 1778.

Alternative Sources of Information: Appearance and Continuance Dockets may contain references to narratives.
For Further Records: Narratives prior to 1691 are not extant. After 1829, narratives are filed with Appearance Papers series.

**BAIL BONDS 1734-1824. 2 cu. ft.**

Definition: A bond executed by a defendant who has been arrested, naming the sheriff as obligee in a penal sum proportional to the damages claimed, with others as sureties. The condition of the bond is that the defendant will appear in court at the specified time.

Content: Name of plaintiff, defendant, sheriff, sureties; date of bond, date defendant was to appear in court to answer plaintiff; type of case; amount of bond; filing date, type of paper; number of bail bond (1759-1768); signature of defendant and sureties and witnesses to bond. Also may contain signed statement of sheriff assigning bond to the plaintiff with witnesses' signatures.

Arrangement:
1. 1734-1758: Chronologically by year.
2. 1759-1768: Numerically (prothonotary assigned a number to each bail bond as it was filed) and corresponding with number in Common Pleas Dockets.
3. 1770 - 1824: Chronologically by court term; within court term alphabetically by plaintiff's surname.

Access: Not indexed; however, Common Pleas, Continuance and Appearance Dockets note next to case entries if a bail bond was executed.


Alternative Sources of Information: Appearance and Continuance Dockets may contain references to bail bonds.

For Further Records: Bail bonds prior to 1734 and from 1825 through 1829 are not extant. After 1829, bail bonds are filed with Appearance Papers series.

**AFFIDAVITS, DEPOSITIONS, INTERROGATORIES 1781-1834. 3 cu. ft.**

Definition: Papers relating to sworn or affirmed statements of witnesses or plaintiffs and defendants in cases. Papers include: affidavits, rules to take depositions, depositions, and interrogatories.

Content:
1. Affidavits are written declarations or statements of facts made voluntarily and confirmed by oath or affirmation of the
party involved, taken before an officer having authority to administer such oath. The papers were signed by the person making the statement and the witness and also contain the date, name of plaintiff, defendant and witness and filing date.

2. Rules to take depositions are rules of court to take statements of witnesses (usually aged, infirm and departing witnesses) before any judge or justice of the peace. Contains name of plaintiff and defendant, type of case, court term case began, date of rule, signature of prothonotary, filing date, and may give cost for having the paper filed.

3. Depositions are testimony of witnesses answering questions in pursuance of a commission to take testimony issued by the court (rule to take depositions). The adverse party was given notice of the depositions and this distinguishes it from an affidavit. Contains date of testimony; name of plaintiff, defendant and witness; witness's sworn or affirmed and signed statement that the testimony was true; signed statement of justice who took statement; questions asked of witness; date paper filed. May contain age, occupation and place of residence of witness, plaintiff, defendant; witness's relationship with the parties involved.

4. Interrogatories are questions asked of witnesses in a case, written by either the plaintiff's or defendant's attorney. Contain name of plaintiff and defendant, type of case, court term case began, the questions, signature of attorney, names of those selected to take the testimony, date paper filed.

Arrangement: Chronologically (by month and year) as filed by the prothonotary; within month alphabetically by plaintiff's surname.

Access: Indexed alphabetically by surname of plaintiff, defendant, witness and selected names important to the case. Index also contains filing date of paper(s). Index available at Chester County Archives. Continuance Dockets contain references if Affirmations, Depositions, Interrogatories were taken.

Missing Records: 1782, 1833.

For Further Records: Before 1781, if papers exist for a case, they are filed with Narratives. After 1834, papers are filed with Appearance Papers series. The affidavits, depositions and interrogatories from 1830-1834 are for pre-1830 cases.

RULES OF REFERENCE 1779-1832. 8 cu. ft.

Definition: Papers in cases submitted to arbitration or reference. Referees or arbitrators (usually three) examined the evidence and reported their decision to the court. Types of papers include arbitrators' reports, orders for reference, agreements or amicable reference, minutes of referees.

Content:
1. Arbitrators' Report usually contains two parts: rules of court and the report. The rule of court is the court's order to
refer the case to referees and contains name of plaintiff, defendant, referees, prothonotary (and his signature); type of case, date case entered court. The report is dated and signed by all arbitrators and contains their decision on the case. The front of report contains filing date and court's ruling on arbitrators' decision.

2. Agreement or Amicable Reference is an agreement of the plaintiff and defendant to refer their case to arbitration and on the arbitrators they selected. Signed by both plaintiff and defendant (or their attorneys), it contains names of referees, date of paper, type of action, court term case entered in court, and date paper filed with prothonotary.

3. Order for Reference was issued when a plaintiff or a defendant (or their attorneys) entered a rule of reference in the prothonotary's office and selected a date and time for arbitrators to be chosen. It contains name of plaintiff and defendant, type of case, date case entered court, date paper filed, name and signature of person who entered the rule of reference.

4. Minutes contain name of plaintiff and defendant; names of arbitrators proposed by both parties and those selected and rejected; date arbitrators selected; place, date and time the selected arbitrators met; type of case; court term case entered court; date paper filed with prothonotary.

Arrangement: Chronologically by month and year paper filed with prothonotary; within date alphabetically by plaintiff's surname.

Access: Not indexed; however, researcher with a plaintiff's surname can use the indexes in each Continuance Docket for rules of reference entries in a case or, with a defendant's surname, can use the Adverse Index for Common Pleas and Continuance Dockets (May 1714 - May 1820).

Missing Records: Internal evidence suggests that a few records are missing.

Alternative Sources of Information: The decision of arbitrators is recorded in Continuance Dockets.

For Further Records: Before 1779, rules of reference are filed with narratives. After 1832, papers are filed with Appearance Papers series. The rules of reference from 1830-1832 are for pre-1830 cases.

INQUISITIONS October 1700 - November 1800. 7 cu. ft.

Definition: Writ ordering valuation of real estate; frequently necessary in cases of debt or damages. Types of papers include fieri facias and inquisitions.

Content:
1. Fieri facias (fi. fa.) is a writ of execution from the court ordering the sheriff to levy and make the amount of a judgment
from the goods, chattels and lands of the judgment debtor. Contains name of plaintiff, defendant and prothonotary (and his signature); date of writ; court term writ returned; amount of judgment; type of paper; court costs; sheriff's return on fi. fa. that he had taken the land in execution; location and description of land; sheriff's signature and date.

2. Inquisitions contain name and signature of sheriff and twelve jurors, date and place of inquisition, name of defendant, location and amount of land and determination whether or not the land was of a clear yearly value beyond all reprisals to satisfy the debt and damages within seven years. If it was not, the land was condemned for sale.

Arrangement: Chronologically (by month and year or court term) paper filed; within month alphabetically by plaintiff's surname.

Access: Indexed through 1776, alphabetically by defendant's surname. The index also contains name of plaintiff, court term and township or borough where land is located. Index available at Chester County Archives.


For Further Records: Inquisitions prior to 1700 are not extant. After 1800, inquisitions are filed with Executions Papers series.

EXECUTIONS March 1695/6 - 1900. March 1695/6 - October 1857, 27.5 cu. ft., processed. 1858-1900, 22 cu. ft., unprocessed.

Definition: Writ issued by the court to the sheriff commanding him to execute the judgment of the court. Types of executions include fieri facias, capias ad satisfaciendum, venditioni exponas, liberari facias, habere facias possessionem, and levari facias.

Content: The various types of executions usually contain the following: name of plaintiff, defendant, judge, plaintiff's attorney, prothonotary (and his signature); amount of debt or damage; court term writ returned; number of execution (if assigned one); fees for attorney, sheriff and prothonotary; sheriff's signed and dated return. Beginning with May 1801 term, inquisitions were filed with fi. fas. on land. As of 1830, precipes for executions were filed with executions.

1. Fieri facias (abbreviated fi. fa.) directs the sheriff to levy and obtain the amount of a judgment from the property of a judgment debtor. Sheriff's return contains type of goods, or location and amount of land.

2. Capias ad satisfaciendum (abbreviated ca. sa.) directs the sheriff to take and safely keep the defendant so that he may have
his body before the court on a certain day to answer the
plaintiff in the action.

3. **Venditioni exponas** (abbreviated **ven. ex.**) directs the sheriff
to sell goods or land after he has levied them under a **fi. fa.**,and made return that they remain unsold for want of buyers.
Contains type of goods or location and amount of land. If goods
or land were sold, sheriff's return gives name and township or
borough of buyer, amount paid, date sold.

4. **Liberari facias** (abbreviated **lib. fa.**) directs the sheriff to
deliver to the plaintiff in a judgment the land of the defendant
(after **fi. fa. and inquisition**), if jurors believe land can
satisfy the debt within seven years. The land is not sold, but
turned over to the plaintiff for seven years or until the debt is
paid. Contains location and amount of land.

5. **Habere facias possessionem** (abbreviated **hab. fa.**) directs the
sheriff to place land recovered in an ejectment case into the
hands of the successful party in the case. Contains township or
borough and amount of land.

6. **Levari facias** (abbreviated **lev. fa.**) directs the sheriff to
take mortgaged premises on which the defendant had defaulted
payment, expose them to sale, and pay the sum recovered by the
judgment to the plaintiff. Contains amount and location of land,
date of mortgage. If property was sold, sheriff's return gives
name and township or borough of buyer, amount paid, date sold.

**Arrangement:**

1. March 1695/6 - May 1800: Chronologically by court term;
within court term alphabetically by plaintiff's surname.

2. August 1800 - October 1857: Chronologically by court term;
within court term numerically (numbers correspond to Execution
Docket entries).

**Access:** Prior to May 1801, not indexed; however, to determine if
an execution was issued, the researcher can use Appearance
Dockets or can use Minute Books for the period November 1728 -
August 1776. Execution Dockets series begins with May 1801 term
and these are indexed alphabetically by plaintiff's surname.
Each execution is given a number in the dockets that corresponds
with the papers.

**Missing Records:** April 1696 - February 1699/1700, 1701, 1703 -
October 1705, 1706 - August 1727, February 1727/8 - August 1729,
February 1729/30 - May 1731, November 1731, February 1733/4,
November 1734, May - August 1738, February 1738/9, August 1740,
February 1766, November 1776 - May 1778.

**Alternative Sources of Information:** Appearance Dockets (up to
May 1801), Execution Dockets (beginning in May 1801). Similar
information may be found in Inquisitions. If the execution
involved the sale of land, public notice was given in newspapers.

**For Further Records:** Executions prior to 1695/6 are not extant.
Post 1900 Execution papers are in the prothonotary's office.
TESTATUM FIERI FACIAS 1874-1901. .5 cu. ft., unprocessed.

Definition: Writ of execution issued by a court of common pleas of another county directing the sheriff of Chester County to sell the defendant's goods or property located in Chester County.

Content: Name of plaintiff, defendant, sheriff, prothonotaries of both counties (and their signatures); court term and number assigned to execution; amount of debt, interest, fees of attorney, costs; date received by prothonotary of Chester County.

Arrangement: Chronologically by date filed with prothonotary of Chester County.


For Further Records: No papers found prior to or after dates listed, but testatum fi. fa. actions are recorded in Testatum Fi. Fa. Dockets (November 1823 - January 1828, January 1849 - September 1912).

JURY PAPERS 1703-1900. 7 cu. ft., unprocessed.

Definition: Lists of jurors for cases in the courts of common pleas, quarter sessions and oyer and terminer. Types of papers include: precepts for venire, venire facias, jury lists, and miscellaneous papers.

Content:
1. Precept for venire is issued to the prothonotary or clerk of the court from the judge ordering the prothonotary or clerk to issue an order to the sheriff and commissioners to empanel and summon a grand and petit jury. Contains signature of judges, date of precept, court term.
2. Venire facias (ven. fa.) is a writ directing the sheriff to "cause to come" before the court on the day mentioned twelve men of the county to act as a jury for a trial. There are various types of ven. fas. for different types of juries and courts: grand jury (for quarter sessions), petit and traverse juries (for both quarter sessions and common pleas), special juries for specific common pleas cases, special jury and view (also called struck juries) for specific common pleas real actions when the jurors (viewers) are selected by the plaintiff and defendant, juries for oyer and terminer cases. Contains signature of clerk of court or prothonotary, type of jury, name of president judge, court term, number of jurors selected.
3. Jury list contains the name, number, occupation, township or borough of juror; signature of sheriff; type of jury; court term; date filed. Usually written by the sheriff and may be attached to the ven. fa.
4. Miscellaneous papers may include notes concerning struck juries and reasons why jurors were unable to attend court.

Arrangement: Chronologically by court term.

Access: Not indexed.

Alternative Sources of Information: Jury Dockets and Books; jurors may be listed in Common Pleas, Continuance and Appearance Dockets for cases that went to trial or required a special jury.

For Further Records: None found prior to 1703. After 1900, series continues at Archives although records for certain periods are missing.

APPEARANCE PAPERS 1830-1900. 1830-1850, 25.5 cu. ft., processed. 1851-1900, 89 cu. ft., unprocessed.

Definition: Papers filed by plaintiffs, defendants and/or their attorneys or generated by the court for cases prior to judgment. Types of papers include: precipes; original writs; narratives; rules of reference; affirmations, depositions, interrogatories; justice of the peace writs of certiorari and appeals; bail bonds; divorce papers, lunatic and habitual drunkard proceedings. Prior to 1830 these papers were kept as separate series.

Content: See individual Series Descriptions for content of the records in this series.

Arrangement: Chronologically by term case first appeared in court; within court term numerically.

Access: Indexed (by plaintiff) in Appearance and Continuance Dockets. The numbers on the papers correspond with the docket entries.

Missing Records: Internal evidence suggests that a few records are missing.

Alternative Sources of Information: Appearance and Continuance Dockets contain summaries of proceedings in cases.

For Further Records: Before 1830, papers are in separate series. Post 1900 Appearance papers are in prothonotary's office.

JUDGMENT BONDS, BILL SINGLES, BONDS AND WARRANTS, PROMISSORY NOTES 1808-1900. 1808-1850, 1 cu. ft. processed. 1851 - 1900, 13 cu. ft., unprocessed.

Definition: Written obligations for the payment of money or acknowledgments of being bound for money, conditioned to be void on the performance of any duty and subscribed and delivered by the party making it, to take effect as his obligation.

Content: Name and township or borough of obligor and obligee, amount owed, condition of the obligation, signature of witnesses
and obligor, date and type of paper, date and citation of entry in Judgment Docket, costs of filing paper.

Arrangement: Same as in Judgment Dockets, chronologically by date paper filed (month, day, year) with prothonotary.

Access: Judgment Docket Indexes arranged alphabetically by obligor's surname.

Missing Records: 1814-1815, but internal evidence suggests that some records are missing for all years.

Alternative Sources of Information: Judgment Dockets contain summaries of proceedings in cases.

For Further Records: Bonds prior to 1808 existed (the first Judgment Docket begins in May 1773), but are no longer extant. After 1900, papers are in the prothonotary's office.

TRIAL AND ARGUMENT LISTS AND DOCKET SETTLEMENTS: PAPERS August 1786 - February 1831. .5 cu. ft.

Definition: Trial and Argument Lists are rough copies, by court term, of lists of cases tried or argued before the court. Docket Settlements (also called Docket Entries or Pleas) are the prothonotary's rough notes of entries of rules, orders, pleas or judgments recorded in the Continuance Docket for a particular court term.

Content:
1. Trial and Argument Lists, August 1786 - November 1792: Contain court term; surname of plaintiff, defendant, attorneys; page number of Continuance Docket entry for case; proceedings in the case for the court term; number assigned to case for order of appearance before court.
2. Trial and Argument Lists, January 1809 - February 1831: Contain court term; surname of plaintiff and defendant; number assigned to case for order of appearance before court. May include names of attorneys and page number of Continuance Docket entry for case.
3. Docket Settlements, January 1810 - November 1830: Contain court term or date rule, plea, order or judgment was issued; court term case began and number assigned to case; the rule, plea, order or judgment made on the case.

Arrangement:
1. Trial and Argument Lists are arranged chronologically by court term.
2. Docket Settlements are arranged chronologically by court term or date of settlement.

Access: Not indexed.

Missing Records: Trial and Argument Lists: April and October 1809, November 1813, October 1825, January 1827, February 1829. Docket Settlements: 1809, October 1810 - February 1811, May
1818, July 1821, February - September 1822, May 1823, February 1824, November 1830 - February 1831.


For Further Records: Records prior to August 1786 and after February 1831 are not extant.

TRIAL AND ARGUMENT LISTS December 1858 - August 1870. .5 cu. ft.

Definition: Lists posted of all cases that were to be tried or argued before the court for a particular term.

Content:
1. Trial Lists contain surname of plaintiff, defendant and attorneys of both; court term of trial; number assigned to case; court term case first appeared in court.
2. Argument Lists contain surname of plaintiff and defendant, number assigned to case, court term case first appeared in court, court term of argument, type of argument to be presented to court.

Arrangement: Chronologically by court term.

Access: Not indexed.


Alternative Sources of Information: Continuance Dockets.

For Further Records: Prior to December 1858, some posted Trial and Argument Lists were filed with Trial and Argument Lists and Docket Settlements: Papers. After August 1870, none found.

TRANSCRIPTS 1786-1900. 1786-1850, 3 cu. ft., processed. 1851-1900, 4 cu. ft., unprocessed.

Definition: Record of judgment in a case sent from a justice of the peace to the prothonotary.

Content: Name of plaintiff and defendant, type of case, amount of debt and judgment, fees for justice and constable, dated certification of record by the justice with his signature.

Arrangement: Chronologically by date (month and year) filed with prothonotary; within month alphabetically by plaintiff's surname.

Access: Records are indexed by first letter of plaintiff's surname in Index to Transcript Dockets A and B (October 1804 - August 1824) and by first letter of defendant's surname in
Adverse Index to Transcript Dockets A and B (October 1804 - August 1824). Other years not indexed.

Missing Records: 1794.

Alternative Sources of Information: Transcript Dockets A and B (October 1804 - August 1824); Judgment Dockets, justice of the peace dockets, a number of which are in the manuscript collection of the Chester County Historical Society.

For Further Records: Prior to 1786, transcripts are filed with narratives. After 1900, series continues in prothonotary's office.

WRITS OF CERTIORARI 1792-1829. 3 cu. ft.

Definition: Writ from the court of common pleas ordering a justice of the peace to send to that court all records of a case to be reviewed. Series also includes justices' records of the case to be reviewed.

Content: Writ contains name of plaintiff, defendant and justice and signatures of prothonotary and common pleas judge. Records of the case give name of plaintiff and defendant; date and type of case; amount of debt, judgment, fees for constable and justice; dated certification of record by the justice and his signature.

Arrangement: Chronologically by court term in which writs were returned to the court of common pleas; within court term alphabetically by plaintiff's surname.

Access: Not indexed.

Missing Records: Internal evidence suggests that a few records are missing.

Alternative Sources of Information: If the court of common pleas elected to hear the case, it was entered in the Appearance Dockets for the next court term and followed the usual civil process. A number of justice of the peace dockets are in the manuscript collection of the Chester County Historical Society.

For Further Records: Records do not exist prior to 1792. The Pennsylvania Constitution of 1790 gave judges of the court of common pleas the power to issue writs of certiorari to justices of the peace. After 1829, papers become part of Appearance Papers series.

APPEALS 1800-1829. 1 cu. ft.

Definition: Records sent to the prothonotary from a justice of the peace when a judgment is appealed to the court of common pleas.
Content: Name of plaintiff and defendant; date and type of case; amount of debt, judgment, fees for justice and constable; dated certification of record by the justice with his signature, date papers filed by prothonotary.

Arrangement:
1. 1800-1804, part of 1809-1811, 1812-1818, 1821-1829: Chronologically by date (month and year) filed; within month alphabetically by plaintiff's surname.
2. 1805-1808 and part of 1809-1811: Chronologically by year; within year alphabetically by plaintiff's surname (no filing dates given).
3. 1819 - January 1820: Chronologically by court term case appears in court; within court term alphabetically by plaintiff's surname.

Access: Not indexed.

Missing Records: February - December 1820.

Alternative Sources of Information: When the court heard the case, it was entered in the Appearance Docket for the following court term. A number of justice of the peace dockets are in the manuscript collection of the Chester County Historical Society.

For Further Records: No papers found before 1800. After 1829, papers become part of Appearance Papers series.

RECOVERIES August 1750 - February 1796. .5 cu. ft.

Definition: Papers filed in a real action to remove an entail or to recover the possession of land when the tenant or owner had been wrongfully dispossessed. A recovery to remove an entail was usually referred to as a "common recovery" and was a feigned issue. Types of papers include: praecipe quod reddat, writs of entry and seisin, and record of case.

Content:
1. Praecipe quod reddat was the first paper filed at the beginning of a common recovery. It directed the defendant to restore the possession of land. Contains name of plaintiff and defendant; location, acreage and type of land involved.
2. Writ of entry was issued by the court to the sheriff directing him to command the defendant to render the land in question to the plaintiff. If the defendant refused and the plaintiff gave security, then the sheriff summoned the defendant to appear at the next court term. Contains same information as the praecipe quod reddat as well as name of presiding judge, signature of prothonotary and court term. Front of writ gives a yearly value for the premises.
3. Writ of seisin was issued by the court to the sheriff directing him to give to the plaintiff the land that he requested, after the court had heard and decided the case. Signed by the prothonotary, it contains the same information as
the *praecipe quod reddat* and writ of entry, except for the yearly value. Front of paper gives sheriff’s signed return.  
4. Record of case is a synopsis of proceedings of the recovery and contains same information as *praecipe quod reddat* and writs of entry and *seisin*.

**Arrangement:** Chronologically by court term.

**Access:** Recoveries are entered in Common Pleas Dockets and may be accessed through indexes in dockets, arranged alphabetically by plaintiff's surname.

**Missing Records:** 1751, 1754, 1756-1760, 1762, 1764, 1766-1771, 1776-1781, 1783, 1785-1788, 1790-1793, 1795.

**Alternative Sources of Information:** Recoveries are recorded in Appearance and Common Pleas Dockets as writs of entry.

**For Further Records:** Series begins in 1750 by virtue of an act of January 1749/50. Series ends in 1799 due to an act of January 1799, which discontinued the recovery procedure.

**DOMESTIC ATTACHMENT: REPORTS OF AUDITORS November 1799 – August 1829.** .5 cu. ft.

**Definition:** Papers pertaining to the payment of creditors, filed in resident debtor cases. Papers include orders and reports.

**Content:** The orders to and reports of the auditors are usually combined on one sheet of paper.  
1. Orders were issued by the court appointing three auditors (also called trustees) to audit accounts, adjust demands of all the defendant's creditors and settle proportions of the defendant's estate. Orders contain name of plaintiff, defendant, auditors, garnishee (person in whose hands the goods were attached), plaintiff's attorney, prothonotary (and his signature); amount of debt; court term in which case first appeared; court costs.  
2. Reports are the audited accounts from the trustees and contain names of creditors and amounts owed them, amount of estate, amount paid to creditors, signatures of auditors. Front of paper usually contains notation whether report was approved and confirmed by the court.

**Arrangement:** Chronologically by court term report returned to court; within court term alphabetically by plaintiff's surname. If no court term is given, arranged by date paper filed.

**Access:** Not indexed.

**Missing Records:** 1801-1802, 1808, 1811, 1816, 1819, 1821, 1825, 1827-1828.

**Alternative Sources of Information:** Continuance Dockets contain references to domestic attachment reports of auditors.
For Further Records: An act passed March 2, 1722/3 provided for auditors' reports. Some are still extant and are filed with their respective narratives up to 1776. No papers found from 1777 through October 1799. After 1829, papers are filed with Appearance Papers series.

**BILLS OF COST  1802-1833.  2 cu. ft.**

Definition: Itemized, certified statement of amount of costs in a case.

Content: Varies, but may contain name of plaintiff and defendant, court term, type of case, cost of services or papers for the case, affirmed or sworn signed and dated statement from party whose bill it is, signature of witness, amount of tax on the bill with date and prothonotary's signature.

Arrangement:
1. 1802-1808: Chronologically by date (month and year) paper signed by prothonotary and/or party involved. If no signing date given, arranged chronologically by year; within year alphabetically by plaintiff's surname.
2. 1809-1833: Chronologically by date (month and year) paper filed; within date alphabetically by plaintiff's surname. If no filing date given, arranged chronologically by date (month and year) the bill was taxed by the prothonotary.

Access: Not indexed.


Alternative Source of Information: Continuance Dockets.

For Further Records: Bills of Cost prior to 1802 are not extant. After 1833, Bills of Cost are filed with Appearance Papers series.

**EQUITY PAPERS  1844, 1857-1900.  6 cu. ft., unprocessed.**

Definition: Papers of cases that came before the court of common pleas sitting as a court of equity. Papers include: bill in equity, subpoena, injunction, answer, appointment of examiner/master, depositions, master's/examiner's report.

Content: The various types of papers that may be generated in an equity case usually contain the following: name of plaintiff, defendant, attorney, prothonotary, judge, sheriff, examiner/master; township or borough of plaintiff and defendant; filing dates of papers; number assigned to case; types of papers; description, location and amount of property involved; amount of debt.

1. Bill in equity was written by the plaintiff's attorney and sets forth the reasons for the case and contains interrogatories for the defendant to answer.
2. Subpoena in equity was issued by the court and ordered the defendant to appear in court to answer the interrogatories.
3. Injunction was issued by the court at the request of the plaintiff and ordered the defendant not to perform an act which he threatened or attempted to commit, or restrained him from continuing an act. The plaintiff and one surety were required to take out a bond in order to have an injunction issued.
4. Answer of the defendant contains the defendant's response to the plaintiff's interrogatories as presented in the bill in equity.
5. Appointment of examiner (also called master) contains the court's order to the examiner/master to take testimony and report to the court the proven facts together with his opinion of the plaintiff's right to relief sought by his bill.
6. Depositions taken before the examiner/master contain statements of those pertinent to the case.
7. Master's/examiner's report gives a summation of all bills, interrogatories, answers and all proceedings in the case along with his decision based on the facts and evidence.

Arrangement: Chronologically by date bill in equity filed.
Access: Equity Dockets each contain an index that is alphabetical by plaintiff's surname.

Missing Records: None; court does not appear to have heard equity cases from 1845 to 1856.

Alternative Source of Information: Equity Dockets.

For Further Records: Series begins in 1844. An act of February 14, 1857 gave all courts of common pleas full equity powers and jurisdictions. After 1900, papers are in the prothonotary's office.

**RELEASE OF JUDGMENT** (also known as **RELEASE FROM LIEN OF JUDGMENT**). 1851-1900, 2 cu. ft., unprocessed.

Definition: Papers in which an obligee, after judgment has been found in his favor, promises not to sell, attach, levy upon or claim the obligor's property. The obligor may hold the property free and clear from judgment, provided that nothing will invalidate the lien of the judgment. This is undertaken at the request of the obligor for the consideration of $1.00 paid by the obligor at the time of execution.

Content: Name and township or borough of obligor and obligee; amount of judgment; date judgment entered; docket entry and page number; location, description and amount of property of obligor; signature of obligee and witness.

Arrangement: Chronologically by date filed.
Access: Not indexed.

Alternative Source of Information: Judgment Dockets.
For Further Records: No papers found prior to 1851. Post 1900 papers are in the prothonotary's office.

**SUGGESTION OF DEATH 1873-1908, .5 cu. ft., unprocessed.**

Definition: A statement formally entered on the record that the plaintiff died, which may materially affect further proceedings in the case.

Content: Name of plaintiff, defendant, plaintiff's attorney (and his signature), substitute for plaintiff; date of substitution; date filed; docket entry and page number; amount of debt; court term and number assigned to case.

Arrangement: Chronologically by date filed.

Access: Not indexed.

Missing Records: 1893.

Alternative Source of Information: Judgment Dockets.

For Further Records: None found prior to 1873 or after 1908.

**ORDERS TO MARK 1898-1939, 1 cu. ft., unprocessed.**

Definition: Orders to the prothonotary from a plaintiff to record the judgment which was to be awarded to the plaintiff to another person selected by the plaintiff.

Content: Name of plaintiff, defendant, person designated by plaintiff to receive the judgment amount, witnesses present at signing; signatures of plaintiff and witnesses; date judgment entered; docket and page number of entry; amount of debt.

Arrangement: Chronologically by date filed with prothonotary.

Access: Not indexed.

Alternative Source of Information: Judgment Dockets.

For Further Records: None found prior to 1898 or after 1939.

**INSOLVENT DEBTOR PETITIONS AND BONDS 1724-1850. 12.5 cu. ft.**

Definition: Papers filed by an insolvent debtor to institute proceedings that will enable him to take advantage of provisions for the benefit of insolvents. Debtors surrendered their property and upon assent of creditors, were discharged from all further liabilities. Papers vary depending on laws of the period. They include petitions to give bond, bonds from insolvent debtors, proof of service and petitions for benefit of insolvent laws (the latter is always included).
Content:
1. Petitions to give bond are signed petitions from the imprisoned debtor to the judges asking for permission to give bond to the plaintiff in order to be discharged from custody. The debtor told why he was in prison, at whose suit, and the amount of debt and amount of time he resided in Chester County. The front of the paper also contains the filing date and judge's decision whether or not to accept the petition.
2. Bonds are obligations entered into by the insolvent debtor and his sureties to the plaintiff at whose suit he was in custody under the condition that he (the debtor) be present at the next court term to present his petition for benefit of the insolvent laws. Contains name and signature of debtor and his sureties and witnesses, name of plaintiff, type of suit and amount due, date and amount of bond, type of paper, filing date and judge's signed decision whether or not bond was approved. These bonds began as a provision of an act of April 4, 1798.
3. Proof of service of notice to creditors is usually included with the petition for benefit of insolvent laws. It contains a copy of the notice to creditors with the date and time for the hearing of the debtor's petition. The notice-server signed a sworn or affirmed statement that he delivered a notice to each creditor and provided a list of creditors to the court with the date and place notice was served.
4. Petition for benefit of insolvent laws was written by the debtor and addressed to the judges asking for relief as prescribed by the insolvent laws. Petition contains statement of all estate, effects and property of petitioner; statement of debts owed with names of creditors and amounts due to each, and type of debt; cause of insolvency and extent of losses. Information also includes name of assignee to whom debtor transferred his estate, date of petition, occupation and place of residence of debtor, type of paper, date petition filed, date and decision of court whether debtor was to be discharged or remanded to prison, name of appointed assignee, and amount of bond.

Arrangement:
1. 1724-1800: Chronologically by year; within year alphabetically by debtor's surname. One file per debtor.
2. 1801 - 1821: Chronologically by court term hearing for debtor first held; within court term alphabetically by debtor's surname.
3. 1822 - March 1824: Chronologically by date (month and year) paper filed; within month alphabetically by debtor's surname.
4. May 1824 - 1850: Petitions to give bond and bonds are arranged by date (month and year) filed; within month alphabetically by debtor's surname. Petitions for benefit of insolvent laws are arranged by court term the petition was heard by judge; within court term numerically. The numbers assigned correspond with insolvents' numbers in Continuance Dockets from May 1824 - May 1842, and in Miscellaneous Docket Number 1 from August 1842-1850.
Access: Indexed by debtor's surname. Index contains dates, court terms, types of records and township or borough of debtor (if given). Index available at Chester County Archives.


Alternative Sources of Information: Prior to 1824, insolvent debtors may be listed in Appearance and Common Pleas Dockets at the end of court terms. Beginning in 1824, insolvent debtors are listed in Continuance Dockets (May 1824 - May 1842) and Trial and Argument Lists: Dockets (February 1824 - December 1843, prothonotary). From August 1842 - 1850, insolvent debtors are listed in Miscellaneous Docket Number 1.

For Further Records: Records prior to 1724 are not extant. The earliest law regarding insolvent debtors, passed March 1683, provided for the satisfaction of debts by servitude. The first act that required insolvents to exhibit petitions to the court was passed February 1729/30. After 1850, papers become part of Miscellaneous Papers series.

ATTORNEYS ADMITTED TO PRACTICE BEFORE COURT (CHESTER COUNTY)
1730-1743, 1790-1907. .75 cu. ft.

Definition: Papers pertaining to the admission of attorneys to practice before the courts of Chester County.

Content: Name of applying attorney, certification of character and length of study from attorney's preceptor, names of members of committee appointed to review qualifications of applicants, dates of examination and admission, signatures of committee members and preceptor, date filed, admission number if assigned.

Arrangement:
1. 1730-1743, 1790-1872: Chronologically by date filed (month, day and year) with prothonotary.
2. 1873-1907: Chronologically by date filed (month, day and year) with prothonotary; within date numerically (each admission assigned a number).

Access:
1. 1730-1743, 1790-1872 papers are indexed alphabetically by attorney's surname. Index contains filing date of paper. Index available at Chester County Archives.
2. 1873-1907 papers are indexed in Admission of Attorneys Docket 1. These papers are numbered (chronologically as admission filed) and correspond with entries in Admission of Attorneys Docket 1.

Missing Records: 1744-1789. 1730-1743 has gaps.

Bulk Dates: 1800-1907.

Alternative Sources of Information: Admission of Attorneys Docket 2 lists attorneys from 1683-1970.
For Further Records: Records prior to 1730 are not extant. Post 1907 papers are in prothonotary's office.

CERTIFICATES OF ATTORNEYS ADMITTED TO PRACTICE BEFORE SUPREME COURT OF PENNSYLVANIA 1912-1924. 12 file folders (Less than .5 cu. ft.).

Definition: Certificates sent from the prothonotary of the Supreme Court of Pennsylvania to the prothonotary of Chester County, permitting attorneys to practice before the Supreme Court.

Content: Name of attorney, date of admission to practice before Supreme Court of Pennsylvania, date of certificate, signature of Supreme Court prothonotary, and date paper filed with Chester County prothonotary.

Arrangement: Chronologically by date (month, day and year) paper filed with prothonotary of Chester County.

Access: Indexed alphabetically by attorney's surname. Index contains filing date. Index available at Chester County Archives.

Missing Records: 1918.

Alternative Source of Information: Index in Admission of Attorneys Docket 2, arranged alphabetically by attorney's surname, contains names of those attorneys admitted to practice before Supreme Court of Pennsylvania. No dates or page numbers for docket entries are given, only the notation "Supreme."

For Further Records: No records found prior to or after dates listed.

AUDITORS' REPORTS TO THE COURT OF COMMON PLEAS 1791-1843. 1 cu. ft.

Definition: Papers filed by auditors appointed by the court of common pleas to settle yearly accounts of county commissioners, treasurer, and directors of the poor.

Content: Names of auditors and county officials, date of report, date report filed, year of account, type and amount of expenditures, type and amount of taxes collected and due, balance of account, signature of auditors.

Arrangement: Chronologically by year.

Access: Not indexed.

Missing Records: None.

Alternative Sources of Information: Continuance Dockets (1834-1842) and Miscellaneous Dockets (after 1842) contain references to auditors' reports. Account and minute books of county
commissioners, treasurer and directors of the poor which are maintained by the Chester County Archives and Records Services contain detailed financial accounts of these officers.

For Further Records: An act passed March 30, 1791 provided for the appointment of auditors by the court of common pleas to settle the public accounts of county commissioners and treasurers. After 1843, auditors' reports are filed with Miscellaneous Papers series.

LUNATICS AND HABITUAL DRUNKARDS 1790-1829. 1 cu. ft.

Definition: Papers relating to the process by which the court determined whether a person was mentally competent to govern self or lands, tenements, goods and chattels. Types of papers include: petition to judge, writ of lunatico inquierendo, precept to sheriff, inquisition, and bond and account of committee. If a lunatic/habitual drunkard wished to be restored to his estate, these papers were filed: petition and depositions.

Content:
1. Petition to judge for a commission of lunacy was usually from a relative of the lunatic/habitual drunkard (hereafter referred to only as "lunatic") telling why the court should issue a commission to inquire into the lunatic's competency. It contains the name, age, township or borough and behavior description of lunatic; name and signature of petitioner, filing date of petition, and may also include another relative's or neighbor's statement as to lunatic's behavior.
2. A writ of lunatico inquierendo was issued to three men commissioned by the court instructing them to examine the lunatic and obtain the opinions of twelve men under oath (an inquest) to determine if person was a lunatic. It contains name of lunatic, commissioners, prothonotary (and his signature), and filing date of commission.
3. Precept to the sheriff to call an inquest to determine whether person was a lunatic was written by the commissioners and includes their signatures and filing date of precept.
4. Inquisition contains names of commissioners and those summoned for inquest with their signatures and date. Information includes lunatic's age, length of incompetency, reasons for lunacy, frequency of lucid intervals, amount of goods and property, lunatic's next of kin and their ages. Front of inquisition gives filing date of paper and tells if court confirmed the inquisition and whom the court appointed as committee to oversee lunatic's accounts.
5. Bond of the committee appointed to oversee lunatic's accounts contains amount of bond, date and names and signatures of committee and their sureties, and filing date of bond.
6. Account(s) of committee contains record of all expenses paid to and from the lunatic's estate. It contains dates and signatures of committee and filing date of account.
7. Petition of lunatic, addressed to the judges, stated that sanity had returned and that he wished his estate to be restored. It contains signature of lunatic and filing date of petition.

8. Depositions of witnesses stated how and when lunatic's sanity was restored. It contains names and signatures of witnesses and filing date of deposition.

Arrangement: Alphabetically by lunatic's surname.

Access: Indexed alphabetically by lunatic's surname. Index available at Chester County Archives.


Alternative Sources of Information: Continuance Dockets contain references to lunacy/habitual drunkard cases.

For Further Records: Although the Pennsylvania Constitution of 1776 gave courts of common pleas the powers of courts of chancery that included care of persons and estates of those non compos mentis, no records are extant prior to 1790. After 1829, lunatic and habitual drunkard papers are filed with Appearance Papers series.

HABEAS CORPUS 1791-1844. 1 cu. ft.

Definition: Papers to bring a party in custody before a court or judge. Types of papers include petitions and writs.

Content:
1. Petition of person imprisoned in custody of the sheriff was addressed to the judge of the court of common pleas. The prisoner requested that a writ of habeas corpus be issued directing the sheriff to bring the prisoner before the judge so that the prisoner could ask for release from confinement. Petition cited the reasons for the prisoner's confinement and date confined, and was signed by the prisoner and two witnesses. The front of the petition is dated and signed by the judge to whom the petition was addressed and contains the court's decision.

2. Writ of Habeas Corpus was issued by the court (signed by the judge) and commanded the sheriff to bring the prisoner before the judge, so that he could determine the prisoner's fate. On the front of the writ the sheriff stated why and when the petitioner was taken into custody. The judge wrote on the writ the date, place and time of the hearing as well as his decision as to whether the prisoner was to be discharged from custody.

Arrangement: Chronologically by date (month and year) paper filed; within month alphabetically by prisoner's surname.

Access: Not indexed.

Missing Records: 1793-1798, 1801, 1808, 1811-1813, 1817, 1820, 1836.
Alternative Source of Information: Appearance Dockets.
For Further Records: No records found prior to or after dates listed.

PETITIONS RELATING TO CONTRACTS MADE BY DECEASED PERSONS 1792-1834. .5 cu. ft.

Definition: Petitions to the court from executors or administrators of a deceased person's estate relating to the fulfillment of the deceased's obligations. There are two types of petitions:
1. Petition asking the court to receive proof of a contract made when deceased was alive in order to complete title for purchaser.
2. Petition requesting leave to make and execute a deed, conveying to the purchasers the lands contracted for between the deceased and purchaser. The court, after considering the petition and contract and after adjudging the contract as obligatory, ordered the petitioners to make and execute the conveyance.

Content: Both types of petitions contain the same general information: name of administrator or executor, deceased, purchaser; township or borough of deceased and purchaser; location and description of property purchased; amount charged and paid for land; signature of administrator; date petition filed; court's decision if the proof was adjudged sufficient; and order to be recorded. May also include sworn or affirmed affidavits of witnesses to the contract.

Arrangement: Chronologically by date (month and year) petition filed; within month alphabetically by petitioner's surname.

Access: Not indexed.


Alternative Sources of Information: Some petitions are entered in Appearance or Continuance Dockets.

For Further Records: The first law enabling executors and administrators to convey lands and tenements contracted for by their decedents was passed March 31, 1792. After 1834, petitions are filed with Appearance Papers series.

NATURALIZATION PAPERS 1798-1906. 1798-1850, 10 cu. ft., processed. 1851-1906, 3 cu. ft., unprocessed.

Definition: Papers relating to the process of admitting an alien to citizenship. Types of papers include: Declaration of Intent and Petition for Naturalization.
Content:
1. Declaration of Intent was generally the first step in the naturalization process. The alien appeared before the prothonotary and swore that he wished to become a citizen of the United States and that he would renounce all allegiance to foreign governments. Contains name and signature of alien, occupation, place of birth, when and where entered the United States, present age, date of declaration, signature of prothonotary, year, and number assigned (which corresponds to entry in Records of Naturalizations Dockets up to June 1834).

2. Petition for Naturalization was addressed to the judges. In the petition the alien stated date of filing declaration, country in which he was a citizen, length of residency in United States. In addition, he swore allegiance to the United States and renounced foreign governments. This statement was signed, sworn and dated by the alien and signed by the prothonotary. The petition also included a signed, sworn and dated statement by a character witness who attested that the alien was of good moral character and had resided in the United States and Commonwealth of Pennsylvania for a specified amount of time. Front of paper contains name of alien, number assigned to petition, date filed and notation whether or not court admitted alien to citizenship.

Arrangement: Papers are in numerical order corresponding to numbers in Records of Naturalization Dockets.

Access: Indexed alphabetically by alien's surname. Index contains country of origin, types of papers, dates, docket entries and number(s) assigned to papers. Index available at Chester County Archives.

Missing Records: Internal evidence suggests that a few records are missing.

Alternative Sources of Information: From 1798 to 1834 both Declarations of Intent and Petitions for Naturalization were recorded in Record of Naturalization Dockets. After 1834, Declarations were recorded in Declaration of Intent Dockets and Petitions were recorded in Records of Naturalization Dockets.

For Further Records: The naturalization process began in Chester County in 1798. The United States Bureau of Immigration and Naturalization was created by federal statute effective September 27, 1906, after which the naturalization process was continued in county court, but was under the jurisdiction of the federal agency. Post 1906 records are in the prothonotary's office.

PETITIONS FOR SHERIFFS' DEEDS 1728-1835. .5 cu. ft.

Definition: Petitions to the court from purchasers of land at sheriff's sales, requesting title to the land because the sheriff had not given title to the petitioner prior to his death or retirement from office.
Content: Name and signature of petitioner, date of petition, name of plaintiff and defendant in case in which judgment and execution were rendered, description and location of property, name of sheriff who sold the property, reason title was not perfected, name of current sheriff with request to court to direct him to perfect title. Front of paper gives date petition filed and court's decision whether to grant the petition.

Arrangement: Chronologically by date (month and year); within month alphabetically by petitioner's surname.

Access: Not indexed.


Alternative Sources of Information: Up to 1773, sheriffs' deeds were recorded in Deed Books; from 1773, they were recorded in Sheriff Deed Books. Beginning in 1749, Common Pleas Dockets contain references to petitions for sheriffs' deeds.

For Further Records: The earliest law regarding these petitions is August 27, 1727. No papers found after 1835.

DIVORCE PAPERS 1804-1828. 1 cu. ft.

Definition: Papers relating to proceedings in divorce cases. Types of papers include petition of libellant, subpoena in divorce, public notice, interrogatories, writ to commissioners, and examination of witnesses.

Content:
1. Petition (or libel) of libellant was addressed to the judges and gave reasons for request of divorce. It was a signed and sworn or affirmed statement and contains information on length of the marriage, names of spouses, date of petition, date filed with prothonotary, and court term.
2. Subpoena in divorce was issued by the court and written by the prothonotary, directing the respondent to appear at court on a specified day to show cause, if any, why libellant should not be granted a divorce. It was signed by the judge and prothonotary and contains the date filed and court term. On the subpoena was a sworn statement from the sheriff whether he was able to find the respondent to present the subpoena. If the sheriff was unable to find the respondent, an alias subpoena was issued. It contained the same information as the first subpoena.
3. If an alias subpoena was issued and respondent was still not found, a notice was placed in local newspapers by the sheriff giving the respondent the same information as the subpoenas. The sheriff presented the court with a signed affidavit of notice in the newspapers, and a witness also signed an affidavit that he saw the notice in a particular newspaper for a certain number of weeks. The date the notice first appeared is also given. These affidavits contain filing date and court term of case.
4. Interrogatories were written and signed by the libellant's attorney. These contain questions asked by a court-appointed commissioner of witnesses produced, sworn or affirmed and examined in behalf of the libellant. Questions usually included witnesses' name, age, place of residence and occupation; length of time acquainted with libellant and respondent; whether present at marriage of libellant and respondent and if they were commonly reputed to be married; length of time libellant and respondent lived together; how libellant and respondent treated each other. If adultery was involved, questions included name of party and length of respondent's involvement. These interrogatories contain filing date and court term of case.

5. Writ to commissioner(s) from the court instructed him to take down witnesses' answers to the interrogatories. It was written and signed by the prothonotary and contains filing date.

6. Examination of witnesses was written and signed by the commissioner. It contains witnesses' answers to the interrogatories and was affirmed or sworn and signed by them. It also gives dates(s) and place(s) where testimony was taken, and court term of case and filing date. Often the writ to the commissioner and examination of witnesses were attached together and usually the front of these papers contains the court's decision if the divorce was decreed.

Arrangement: Chronologically (by year); within year alphabetically by surname of libellant and respondent.

Access: Indexed by parties' surnames. Index available at Chester County Archives.


Alternative Sources of Information: Continuance Dockets and newspaper notices contain references to divorce cases.

For Further Records: Series begins in 1804 with an act concerning divorces and alimony passed April 2, 1804, giving power to the courts of common pleas to grant divorces from the bonds of matrimony. After 1829, divorce papers are filed with the Appearance Papers series.

ASSIGNED ESTATES 1821-1942. 42 cu. ft.

Definition: Records of estates put up for sale by the owner acting through an assignee in order to raise money for payment to creditors. Types of papers include: petition for appointment of appraisers, inventory, bond, account and petition of assignee, report of auditor.

Content:
1. Petition for appraisers to be appointed was written by a creditor of the assignor and addressed to a judge requesting appointment of two disinterested and competent men to appraise assignor's property. Contains name of petitioner (and
signature), assignor, assignee, date of assignment and assignor's
township or borough. Front of paper contains date filed, assigned estate case number, description of type of paper, names of appointed appraisers and signature of judge.
2. Inventory of estate was compiled by court-appointed appraisers and lists all the goods, property and debts owed to the assignor. It was signed, dated and sworn or affirmed as true by the appraisers, assignee and assignor. Front of paper contains assigned estate case number, date filed, type of paper.
3. Bond of assignee bound assignee and his sureties to the Commonwealth of Pennsylvania to perform his duties. Signed by assignee and his sureties and a witness, contains name of assignor, date and amount of bond. Front of paper contains assigned estate case number, date filed, type of paper and judge's signed approval or disapproval of sureties.
4. Account of assignee was a signed and sworn or affirmed statement by assignee that the account was a true one of the administration of the property and estate. Front of paper contains assigned estate case number, date filed, type of paper and court's decision whether or not account was allowed.
5. Petition from the assignee to the judges requested that an auditor be appointed to audit the claims of the creditors and report the distribution of the balance among the creditors. Signed by the assignee, petition contains amount of balance. Front of paper contains assigned estate case number, date filed, type of paper, name of auditor appointed.
6. Report of auditor was signed by the auditor and contains names of creditors of assignor, the amount they claimed and the amount they received from the balance; date and location auditor met with creditors. Front of paper contains assigned estate case number, date filed, type of paper and whether or not report was confirmed by the court.

Arrangement:
1. 1821-1832: Unnumbered, arranged chronologically by year; within year alphabetically by assignor's surname.
2. 1830 - 1845: Numbered 1-65 but same numbers assigned to different cases. Papers arranged numerically; within numbers chronologically.
3. 1845 - 1942: Numbered consecutively 66-1705 and arranged in numerical order.

Access: Indexed alphabetically by assignor's surname. Index contains the number given to the assigned estate, township or borough of assignor, date span of records and occupation of assignor (if given). Index available at Chester County Archives.

Missing Records: Internal evidence suggests that a few records are missing.

Alternative Sources of Information: Trustee Accounts (1850-1912), Auditors' Reports (1850-1908) and Miscellaneous Dockets contain references to Assigned Estates.
For Further Records: The first act regarding assigned estates was passed March 24, 1818. No papers found after 1942.

MECHANICS CLAIMS FOR LIENS 1825-1900. 1825-1858, 2 cu. ft. processed. 1859-1900, 3 cu. ft., unprocessed.

Definition: Claims filed by mechanics (workmen) to insure the recovery of costs incurred in construction and renovation work in Chester County.

Content: Name of party claimant (and signature) and owner or contractor of building; amount claimed (itemized to show how much material cost, plus labor); description, type and location of building (including owners of adjoining property); dates material furnished and labor performed; date of claim; filing date of claim, number assigned to claim (if numbered) which corresponds to Mechanics Lien Docket.

Arrangement:
1. 1825-1835: Chronologically by date (month, day, year) claim filed.
2. 1836-1900: Numerically corresponding to Mechanics' Lien Docket; numbers are assigned chronologically in filing order.

Access:
1. 1825-1835: Indexed alphabetically by surname of building owner. Index contains name and township of mechanic, material supplies, date claim filed, location and description of building. Index available at Chester County Archives.
2. 1836-1900: Indexed in Mechanics Lien Docket.

Missing Records: Internal evidence suggests that a few records are missing.

Alternative Sources of Information: From 1825-1835, claims for liens were entered in Judgment Dockets. After 1835, entries are recorded in Mechanics Lien Docket.

For Further Records: The first act regarding mechanics claims for liens was passed April 1, 1803 but covered building only in certain areas of Philadelphia County. While an act of March 22, 1817 provided for liens for mechanics erecting buildings in the borough of West Chester in Chester County, along with other areas in Pennsylvania, the papers exist for other townships and boroughs in Chester County by 1825. After 1900, papers are in the prothonotary's office.

TRUSTEES PAPERS 1826-1850. .5 cu. ft.

Definition: Papers relating to appointment, removal and duties of trustees. Types of papers include: petition for appointment, citation to trustee, bond, account and petition of trustee.
Petitions for appointment of trustees and the accounts of trustees are the most common type of papers in this series.

Content:
1. Petition for appointment of a trustee was addressed to the judges. The petitioner interested in an estate or a property subject to a trust asked the court to appoint trustees. The petitioner could also ask that the present trustee be replaced because he did not fulfill his duties. It contains signed, sworn or affirmed, dated statement of petitioner outlining the reasons for requesting trustees and amounts of property and/or goods involved. Front of paper contains filing date with court's decision.

2. Citation to trustee from the court required him to show cause why petitioner's request should not be granted and why he should not be dismissed. It contains name of trustee, petitioner, judge, prothonotary; court term trustee came before court to answer; signed, dated and affirmed or sworn statement that the citation was delivered to trustee. Front of paper contains date paper filed and name of court-appointed trustee.

3. Bond of trustee was filed in the office of the prothonotary binding the trustee to the Commonwealth of Pennsylvania for the benefit of the petitioner for the performance of the trust. It contains name of trustee (with his place of residence and signature) and name of petitioner, date and amount of bond, brief outline of the trust, signatures of witnesses to signing of the bond.

4. Account of trustee contains name of trustee (and signature), owner of estate, beneficiary of estate; date account filed; dates and names of those receiving money from estate.

5. Petition of trustee to be discharged from trust was addressed to the court. It contains name, signature and place of residence of trustee and gives information about and dates of trusteeship. Front of paper contains date filed and response of the court. The petition of trustee requesting to be discharged from trust usually precipitated the need for the petition for appointment of trustees.

Arrangement: Chronologically by year; within year by trustee's surname. If trustee was not named, arranged by petitioner's surname.

Access: Not indexed.

Missing Records: 1832, 1837, 1839.

For Further Records: No papers found prior to 1826. After 1850, papers are part of Miscellaneous Papers series corresponding with Miscellaneous Dockets.

ESCHEATS 1832-1850. 7 file folders (Less than .5 cu. ft.).

Definition: Papers relating to reversion of property to the state because there was no individual competent to inherit it.
Types of papers include: *venire*, sheriff's return, inquisition, and deposition.

Content:
1. *Venire* to sheriff from the deputy escheator general of the county commanded the sheriff to impanel and summon twenty-four jurors to inquire if the deceased died intestate, without heirs or relatives and if the decedent possessed any estate. It contains name of deputy escheator general (and his signature); place, date and time jury met; name and township or borough of deceased.
2. Sheriff's return contains the names of the twenty-four men selected as jurors and includes sheriff's signature.
3. Inquisition contains name and signature of deputy escheator general and jurors, as well as the name of decedent, township or borough, date of death and amount of estate; date of inquisition.
4. Deposition of witnesses before deputy escheator general and the jurors gives testimony concerning decedent's estate, heirs, and if he died intestate. It contains signed and affirmed or sworn statements from the witnesses giving information on their relationship with decedent. It was signed by deputy escheator general and dated.

Arrangement: Chronologically by year filed with prothonotary.

Access: Indexed by decedent's surname. Index contains township or borough of decedent and years of papers. Index available at Chester County Archives.


For Further Records: The first act in Pennsylvania regarding escheats was passed September 29, 1787. No papers found prior to 1832 or after 1850.

**MISCELLANEOUS PAPERS** 1842-1900. 1842-1850, .5 cu. ft. processed. 1851-1900, 8 cu. ft., unprocessed.

Definition: Petitions and other papers from individuals and organizations requesting court action on various issues or matters.

Content: Names and signatures of petitioners, reason for petition, location of group and date established, date of petition, date filed with prothonotary, court's decision, and citation of entry in Miscellaneous Docket and page number.

Arrangement: Chronologically as papers were filed with prothonotary.

Access: Indexed in each Miscellaneous Docket.

Missing Records: Internal evidence suggests that some records are missing.

Alternative Source of Information: Miscellaneous Dockets.
For Further Records: Legislation of the 1840s necessitated the filing of some these papers. Prior to that, some of these matters were not under the jurisdiction of the court of common pleas. After 1900, papers are in the prothonotary's office.

CIVIL RECORDS OF THE SHERIFF

As an officer of the court, the sheriff kept both civil and criminal records. The following are the sheriff's civil records.

SHERIFFS' DOCKETS November 1786 - November 1789, February 1796 - November 1798. 5 vols.

1. EZEKIEL LEONARD ESQ. HIGH SHERIFF CHESTER COUNTY SHERIFF'S DOCQUET. November 1786 - November 1789. 1 vol.
2. SHERIFFS' DOCKETS. November 1786 - November 1789. 4 vols.
3. EZEKIEL LEONARD'S SHERIFF DOCKET. February 1796 - November 1798. 1 vol.

Definition: Sheriff's dockets of common pleas cases from commencement through execution with notations of returns of writs and results of executions.

Content: Name of plaintiff, defendant, plaintiff's attorney; court term; type of case. Notations on executions include amounts of fees, debt and damages, results of execution, signatures of persons receiving fees.

Arrangement: Entries recorded chronologically by court term.

Access:
2. Sheriffs' Dockets: Vol. 1 (November 1786 - August 1787), Vol. 2 (November 1787 - May 1788) and Volume 3 (August 1788 - February 1789) do not contain indexes. Volume 4 (May - November 1789) contains an index that is alphabetical by defendant's surname; within letter by court term. Ezekiel Leonard's Index (November 1786 - November 1789, see below) lists cases by defendant's surname for all four Sheriff's Dockets.
3. Ezekiel Leonard (February 1796 - November 1798): Contains an index that is alphabetical by plaintiff's surname.

Missing Records: None.

Corresponding Records: Original Writs and Executions.

Alternative Sources of Information: Appearance Dockets.

For Further Records: Sheriff dockets prior to 1786 are not extant. Beginning in November 1804, sheriff records are kept in two separate series: Original and Execution Dockets.
EZEKIEL LEONARD'S INDEX  November 1786 - November 1789.  1 vol.

Definition: An adverse index by defendant's surname to cases in the 3 volumes of Sheriffs Dockets, November 1786 - November 1789.

Content: Court term, name of defendant, number assigned by sheriff to the case.

Arrangement: Chronologically by court term writs are returned to court; within court term alphabetically by plaintiff's surname.

OUTSTANDING FEES DUE SHERIFFS  November 1792 - May 1801.  3 vols.

1. Joseph McClellan, November 1792 - November 1795.
2. Ezekiel Leonard, November 1795 - November 1798.

Definition: Books listing common pleas cases with amount of fees due sheriffs.

Content: Name of plaintiff and defendant, court term of case, amount due sheriff for each case, type of case.

Arrangement:

Access: All contain indexes.

Missing Records: None.

For Further Records: No records found prior to November 1792 or after May 1801.

SHERIFFS' SALE BOOKS (also known as CONDITIONS OF SALE).
December 1813 - October 1816, December 1828 - November 1840, December 1865 - October 1868.  6 vols.

1. Jesse Good, December 1813 - October 1816.
2. Oliver Alison, December 1828 - October 1831.
3. Peter Osborne, December 1831 - October 1834.
4. Robert Irwin, December 1834 - October 1837.

Definition: Dockets kept by the sheriff for recording the sale of property condemned and sold in execution.
Content: Name of plaintiff and defendant; type of execution; court term execution to be returned; name and signature of sheriff (or his deputy) and of purchaser of property; description, location and amount of property purchased including names of those owning surrounding properties; amount paid for property; date of sale; date purchase money was paid to sheriff.

Arrangement: Entries recorded chronologically by date of sale.

Access: Robert Irwin's and Pusey J. Nichols dockets contain indexes arranged alphabetically by defendant's surname. Other dockets are not indexed, but researcher can use indexes in prothonotary’s and sheriff's Execution Dockets to determine court term execution to be returned and then check appropriate Sheriffs' Sale Book.

Missing Records: December 1816 - October 1828, December 1840 - October 1865.

Alternative Sources of Information: Deeds executed by sheriff are also recorded in: Sheriffs' Deed Books kept by the prothonotary and Deed Books kept by the recorder of deeds. Both sheriff and prothonotary Execution Dockets contain entries of executions on land. Public notice of sheriff sales was given in newspapers.

For Further Records: No records found prior to 1813 or after 1868.

SHERIFFS' ORIGINAL DOCKETS November 1804 - November 1807, February 1823 - November 1834, January 1860 - October 1862, January 1866 - January 1869, January 1878 - January 1881; William Barker, January 1884 - August 1885.

1. Jesse John, November 1804 - November 1807 (labelled MEMORANDUM ORIGINAL PROCESS).
4. Oliver Alison, February 1829 - October 1831.
5. Peter Osborne, January 1832 - November 1834.
6. Jacob Heffelfinger, January 1860 - October 1862.

Definition: Dockets of civil cases kept by the sheriff for recording returns of original writs.

Content: Name of plaintiff, defendant, plaintiff's attorney;
court term; type of case; number assigned to case; sheriff's return; costs involved in serving writ, date fees received.

Arrangement: Entries recorded chronologically by court term.

Access:
1. The dockets of Jesse Sharpe, Jonathan Jones, Peter Osborne and William Barker (both dockets) contain indexes arranged alphabetically by plaintiff's surname.
2. The dockets of Jesse John, Oliver Alison, Robert L. Hayes, and William H. Turner contain adverse indexes arranged alphabetically by defendant's surname.
3. The dockets of Jacob Heffelfinger, Pusey J. Nichols, James M. McFarlan and George R. Hoopes contain indexes arranged by both plaintiff and defendant.


Corresponding Records: Original Writs.

Alternative Sources of Information: Appearance Dockets.

For Further Records: Prior to 1804, sheriffs' returns of original writs are recorded in Sheriffs' Dockets. Dockets after January 1900 are in the sheriff's office.

SHERIFFS' EXECUTION DOCKETS November 1804 - January 1903. 37 vols.

1. Jesse John, November 1804 - November 1807. 1 vol.
2. Titus Taylor, November 1807 - October 1810. 1 vol.
3. Oliver Alison, February 1829 - October 1831. 1 vol.
4. Peter Osborne, November 1831 - November 1834. 1 vol.
5. Robert Irwin, February 1835 - November 1837. 1 vol.
8. Nathan Frame, February 1845 - October 1844. 1 vol.
11. Davis Bishop, January 1851 - October 1853. 1 vol.
12. Lewis Heffelfinger, January 1854 - October 1856. 1 vol.
15. Rees Welsh, January 1863 - October 1865. 1 vol.
18. Davis Gill, January 1872 - April 1875. 3 vols.
27. Robert L. Hayes, January 1897 - October 1899. 1 vol.

Definition: Dockets kept by the sheriff for recording writs of execution.

Content: Name of plaintiff, defendant, attorney of party who was awarded judgment; court term; number assigned to execution; type of execution; amount of debt; sheriff's return; amount paid for property; date of sale; court costs; signatures of those who received fees and amount received.

Arrangement: Entries recorded chronologically by court term.

Access:
1. The dockets of Jesse John, Titus Taylor, Peter Osborne and William Morrison (No. 1) contain indexes arranged alphabetically by plaintiff's surname.
3. The docket of Robert Irwin contains indexes arranged by surname of both plaintiff and defendant.
4. Docket No. 2 of Jacob Heffelfinger is not indexed.

Missing Records: February 1811 - October 1828.

Corresponding Records: Execution Papers series.

Alternative Source of Information: Execution Dockets kept by the prothonotary. If the execution involved the sale of land, public notice was given in newspapers.

For Further Records: Dockets prior to November 1804 are not extant. After January 1903, dockets are in the sheriff's office.

GAOL (JAIL) KEEPERS' DOCKETS October 1804 - October 1807, November 1813 - November 1816, November 1828 - October 1831. 4 vols.

2. Gaol Calendar of Jesse Good, Sheriff. November 1813 - November 1816. 1 vol.

Definition: Records of the sheriff as jail keeper of Chester County. Some prisoners were in jail as a result of civil suits.

Content: Name of prisoner and person who had prisoner committed, charge against prisoner, number assigned to prisoner, date committed, turnkey and others' fees, costs, number of days in gaol, date of discharge, signatures of those who received their fees.

Arrangement: Entries recorded chronologically by date prisoner committed.

Access: The first volume of Oliver Alison's Commitment Docket is indexed alphabetically by prisoner's surname with page number of entry. Other volumes are not indexed.

Missing Records: November 1807 - October 1813, December 1816 - October 1828.

Alternative Sources of Information: Other prison records are maintained by the Chester County Archives but these are not common pleas records.

For Further Records: Dockets prior to October 1804 and after October 1831 are not extant.

OLIVER T. JEFFERIS CHESTER COUNTY SHERIFFS' FINES 1859-1866. 1 vol.

Description: Book kept by Oliver T. Jefferis, attorney in fact for Jacob Heffelfinger (late sheriff of Chester County), for recording fees collected for common pleas cases.

Content: Name of plaintiff, defendant, attorney; court term of case; type of writ issued (original or execution); number assigned to case; fees; dates paid.

Arrangement: Alphabetically by attorney's surname.

Access: Book contains an index that is alphabetical by attorney's surname.

Missing Records: None.

Alternative Sources of Information: Jacob Heffelfinger's Original and Execution Dockets.

For Further Records: None.
The Supreme Court of Pennsylvania heard appeals from county courts. As early as the late seventeenth century, supreme court judges "rode the circuit" to the counties to hear cases. By 1722, the supreme court had trial powers as well as appellate jurisdiction. Circuit courts were established by an act of March 20, 1799; the first circuit court in Chester County was held May 1800. The act establishing the circuit court transferred the trial functions of the supreme court to the circuit court. Circuit courts were held by judges of the supreme court and were empowered to review cases from the court of common pleas, give judgment, pass decrees and award execution. Circuit courts were temporarily abolished by an act of March 11, 1809 and all cases pending were returned to county courts by October 4, 1809. The courts were restored by an act of April 8, 1826, and Circuit court was held in Chester County in December 1826. Circuit courts were permanently abolished by an act of April 14, 1834. The records described here are those of the Circuit Court of Chester County and Supreme Court of Pennsylvania that were maintained by the Chester County Prothonotary.

**DOCKETS**

**CIRCUIT COURT DOCQUET CHESTER COUNTY** September 1786 - September 1832. 1 vol.

Definition: Record of cases which originally were heard in Chester County Court of Common Pleas and were later removed to the Circuit Court of Chester County. Docket also contains entries for Chester County cases in the supreme court which were unresolved as of the first sitting of the circuit court in May 1800.

Content: Name of plaintiff, defendant, attorneys; court term case first appeared in higher court; dates of rules, orders and pleas in the case; judgment; costs; type of case.

Arrangement: Entries recorded chronologically by court term.

Access: Volume contains an index that is alphabetical by plaintiff's surname.

Missing Records: April 1807 - June 1809, April 1833. The circuit court was not in existence October 1809 - November 1826.

Corresponding Records: Entries in the docket refer to papers in the following series: Supreme Court Papers (September 1783 - December 1799), Circuit Court Papers (May 1800 - December 1806).
CIRCUIT COURT DOCKET OF CHESTER CO. September 1800 - September 1802. 1 vol.

Definition: Record of executions issued in the Circuit Court of Chester County kept by the prothonotary of that court who was also the prothonotary for the Chester County Court of Common Pleas.

Content: Name of plaintiff, defendant and attorney of the judgment plaintiff; court term of execution; type of execution; result of execution; amount of debt and costs of case in court of common pleas, supreme court and circuit court.

Arrangement: Entries recorded chronologically by court term.

Access: Not indexed.

Corresponding Records: Entries in the docket refer to papers in the following series: Circuit Court (May 1800 - December 1806).

Alternative Sources of Information: Circuit Court Docquet Chester County.

PAPERS

SUPREME COURT PAPERS September 1783 - December 1799. .5 cu. ft.

Definition: Papers kept by the prothonotary of Chester County for cases that originally were heard in the Chester County Court of Common Pleas and were later removed to the Supreme Court of Pennsylvania by writs of habeas corpus or writs of certiorari. Papers may include writ from the supreme court, narrative to the supreme court, original writ from the court of common pleas, certified statement of proceedings before the court of common pleas.

Content: Papers may contain name of plaintiff, defendant, their attorneys, prothonotaries and judges of court of common pleas and supreme court; signatures of prothonotaries; type of case; all records of proceedings before court of common pleas; court terms case heard before both courts; filing dates; costs of suit.

Arrangement: Chronologically by court term in which case first appeared in supreme court; within the court term alphabetically by plaintiff's surname.

Access: September 1786 - December 1799 records indexed by plaintiff's surname in Circuit Court Docquet Chester County.

September 1783 - March 1786 records not indexed.

Missing Records: September 1784, 1786, most of 1787, 1791.

Alternative Sources of Information: Circuit Court Docquet Chester County; supreme court records in the Pennsylvania State Archives located in Harrisburg.
For Further Records: Prior to 1783, supreme court records are at the Pennsylvania State Archives. 1800-1806, see Circuit Court Papers. December 1807 - July 1831 see Supreme Court: Writs of Error. After 1831, papers are filed with Appearance Papers series.

CIRCUIT COURT PAPERS May 1800 - December 1806. 1 cu. ft.

Definition: Records kept by the Chester County prothonotary (who also served as prothonotary of the Circuit Court of Chester County) of cases that came before the Circuit Court of Chester County by writs of habeas corpus or certiorari. Papers include case papers, executions and taxed bills of cost.

Content:
1. Case papers contain all records from the case that were previously in the Chester County Court of Common Pleas including writs and narratives, as well as papers generated by the circuit court for the case such as writs (either habeas corpus or certiorari), narratives, and rules of reference. See Series Descriptions for these papers and their content.
2. Executions were directed to the sheriff from the circuit court commanding him to execute the judgment of the court. They may also include an inquisition or inventory of the property upon which the sheriff was instructed to levy. They contain name of plaintiff, defendant, presiding judge of circuit court; names and signatures of clerk of circuit court and sheriff; amount of court fees, debt and judgment; type of execution, description of land and goods; dates; court terms.
3. Taxed bills of cost include name of plaintiff and defendant, type of case, filing date, court term, name and signature of clerk of circuit court, all costs for witnesses (giving their names and number of days attending court), mileage, subpoenas, amount of tax.

Arrangement:
1. Case papers are arranged chronologically by circuit court term case appears; within court term alphabetically by plaintiff's surname.
2. Executions are arranged chronologically by circuit court term executions returned to circuit court; within court term alphabetically by plaintiff's surname.
3. Taxed bills of cost are arranged chronologically by year; within year alphabetically by plaintiff's surname.

Access: Indexed alphabetically by plaintiff's surname in Circuit Court Docquet Chester County.

Missing Records: Internal evidence suggests that a few records are missing.

Alternative Sources of Information: Circuit Court Docquet Chester County (September 1786 - September 1832), Circuit Court Docket of Chester Co. (September 1800 - September 1802).
For Further Records: Prior to 1800, see Supreme Court Papers. For the years 1806-1809 and December 1826-1834, records are no longer extant.

SUPREME COURT: WRITS OF ERROR December 1807 - July 1831. 1 cu. ft.

Definition: Writ issued by the Supreme Court of Pennsylvania to the court of common pleas ordering that all records pertaining to a case in which the defendant disagrees with the judgment of the court of common pleas and believes it to be in error be sent to the supreme court. The defendant becomes the "plaintiff in error." After the supreme court rendered judgment or made a final decree or decision, the records were returned to the court of common pleas with the supreme court's judgment. Papers may include Original Writs, Narratives, Rules of Reference.

Content: Papers may contain name of plaintiff, defendant, attorney of plaintiff in error, judges of supreme court and court of common pleas, prothonotary of supreme court; case numbers and court terms in both courts; supreme court costs; type of case; judgment of supreme court; signed statement by court of common pleas judge and prothonotary certifying correctness of records; entire record of proceedings before court of common pleas.

Arrangement: Alphabetically by surname of plaintiff in error.

Access: Not indexed.

Missing Records: 1808, 1810, 1812, 1815-1816, 1819-1826.

Alternative Sources of Information: Supreme court records in the Pennsylvania State Archives.

For Further Records: Prior to 1783, supreme court records are in the Pennsylvania State Archives. 1783-1799, see Supreme Court Papers series. 1800-1806, see Circuit Court Papers. After 1831, papers are filed with Appearance Papers series.

CIRCUIT COURT TRIAL LISTS March 1828 - July 1833. 1 file folder. (Less than .25 cu. ft.)

Definition: Lists of cases before the circuit court; a rough draft of information later transferred to Circuit Court Docquet Chester County.

Content: Name of plaintiff, defendant and their attorneys; notation of entry in Circuit Court Docquet and page number; type of case; proceedings during the court term.

Arrangement: Chronologically by court term.

Access: Not indexed but researcher can use index (arranged alphabetically by plaintiff's surname) in Circuit Court Docquet Chester County to locate cases.
For Further Records: Trial lists prior to March 1828 are not extant. The circuit court was abolished in 1834.

NON-JUDICIAL RECORDS OF THE PROTHONOTARY

The following records were maintained by the prothonotary as required by law but do not relate specifically to court proceedings.

RECEIPTS FOR PAMPHLET LAWS 1802-1855. 6 vols.

Definition: Books kept for recording signatures of those who received pamphlet laws from the prothonotary such as judges, justices of the peace, township officials, county clerks and officials and public librarians. Pamphlet laws are the acts passed each biennial session by the Pennsylvania General Assembly, published in pamphlet or book form.

Content: Names, signatures and offices held by recipients, date pamphlet laws were distributed, name of prothonotary.

Arrangement: Signatures of recipients are entered by year of pamphlet laws.

Access: Not indexed.

Missing Records: 1808-1813.

For Further Records: Prothonotaries were required by an act of assembly passed March 10, 1817 to keep a receipt book for distribution of pamphlet laws. After 1855 no Receipts for Pamphlet Laws found.


Description: Books kept by the prothonotary for recording voting tallies of the townships and boroughs of Chester County.

Content: Name of township or borough, candidates, electors (for presidential elections), judges and inspectors of election; number of votes received by each candidate, dates of election.

Arrangement: Entries recorded chronologically by year.

Access: Not indexed.

Missing Records: None.

Alternative Source of Information: Newspaper accounts of election returns.

For Further Records: Books begin in conformity to an act of July 2, 1839 that required prothonotaries to record all election returns in a book for that purpose. Post 1908 volumes are in the Chester County Archives.
ELECTION OF JUSTICES 1874-1897. 1 cu. ft., unprocessed.

Definition: Papers relating to the election of justices of the peace. Papers include letter from justice and certificate of election.

Content:
1. Letter from recently elected justice of the peace is sent to the prothonotary notifying him of acceptance of position and intent to serve. It contains dates of letter, filing of paper, election; township or borough of justice; name and signature of newly elected justice; name of former justice (if other than newly elected justice).
2. Certificate of election of justice of the peace verifies that the justice was elected to the office. It contains name of person elected, judge and inspectors of election (and their signatures); date and place election occurred.

Arrangement: Chronologically by date filed; the two different papers are filed separately.

Access: Not indexed.

Missing Records: Undetermined.


For Further Records: None.

PHYSICIANS' REGISTRATIONS July 1881 - March 1905. 1 cu. ft.

Definition: Copies of medical diplomas submitted to the prothonotary by physicians registering to practice medicine in the commonwealth of Pennsylvania.

Content: Name of physician, college or university that conferred the degree of doctor of medicine, professors and college president; date degree conferred.

Arrangement: Numerically. Numbers assigned chronologically by date copy of diploma filed with the prothonotary.

Access: Numbers on copy of diploma correspond with Medical Register which is indexed alphabetically by physician's surname.

Missing Records: July 1899 - September 1900, November 1900 - March 1902, April 1902 - December 1904.

Alternative Source of Information: Medical Register.

For Further Records: Series begins in 1881 by virtue of an act to register physicians passed June 1881. After 1905, the registration function was removed from the county prothonotary to the state registrar of vital statistics.
MEDICAL REGISTER July 1881 - January 1922. 1 vol. (A).

Description: Docket kept by the prothonotary for recording the registrations of practitioners of medicine or surgery.

Content: Name, place of birth and residence of physician; name of college or university that conferred the degree of doctor of medicine; date degree conferred; affidavit of physician before prothonotary; signature of physician and prothonotary; date of affidavit; times and places of practice in Pennsylvania since 1871.

Arrangement: Entries recorded chronologically by date of affidavit.

Access: Register contains an index that is alphabetical by physician's surname.

Missing Records: None.

Corresponding Records: Entries in the docket refer to papers in the following series: Physicians' Registrations.

For Further Records: Series begins in 1881 by virtue of an act of June 1881 requiring the registration of medical practitioners with prothonotaries. After 1922 no Medical Register found.

VETERINARY REGISTER June 1889 - December 1915. 1 vol. (A).

Description: Docket kept by the prothonotary for recording the registrations of veterinarians.

Content: Name, place of birth and residence of veterinarian; name of college or university that conferred the veterinary degree; date degree conferred; times and places of continuous practice in Pennsylvania since April 11, 1884; affidavit of veterinarian before prothonotary; signature of veterinarian and prothonotary; date of affidavit.

Arrangement: Entries recorded chronologically by date of affidavit.

Access: Register contains an index that is alphabetical by veterinarian's surname.

Missing Records: None.

For Further Records: Series begins in 1889 by virtue of an act of April 1889 requiring the registration of veterinarians. An act passed May 5, 1915 repealed the 1889 legislation. Veterinarians no longer had to register with the county prothonotary, but with the state board of veterinary medical examiners.
TAX LIEN DOCKET  1891-1911.  1 vol.

Description:  Docket kept by prothonotary for recording liens (i.e., charges or claims) against property with unpaid taxes.

Content:  Name of county treasurer and obligor (delinquent tax payer); location, description and amount of property; amount of tax which was unpaid; amount of lien; date of lien; filing date; number assigned to lien; if lien satisfied, date of satisfaction with signature of prothonotary.

Arrangement:  Entries recorded chronologically by date tax lien filed.

Access:  Docket contains an index that is alphabetical by obligor's surname and contains location of property, amount of tax, date and page number of entry.

Missing Records:  None.

Corresponding Records:  Entries in the docket refer to papers in the following series:  Tax Liens.

For Further Records:  No dockets found prior to 1891. From 1925-1947, dockets are in the prothonotary's office.

TAX LIENS  1891-1900.  .5 cu. ft., unprocessed.

Definition:  Papers relating to a statutory lien existing in favor of the county upon the land of a person charged with unpaid taxes. It bound the person for the taxes assessed upon the land, which could be foreclosed for non-payment, by judgment of court or sale of land.

Content:  Name of person who owed tax, prothonotary, tax collector of township or borough where property was located, treasurer of Chester County (and his signature); township or borough of property; location of property; type of tax owed; year(s) owed; whether owner is a non-resident or occupier of property; amount of tax due plus 10% penalty; date of lien; number assigned to lien.

Arrangement:  Chronologically by date filed.

Access:  Indexed alphabetically by obligor's surname in Tax Lien Docket.

Missing Records:  Undetermined.

Alternative Source of Information:  Tax Lien Docket.

For Further Records:  Series begins in 1891. After 1900, papers are in the prothonotary's office.
DENTAL REGISTER  November 1897 - January 1946.  1 vol. (No. 1).

Description: Docket kept by the prothonotary for recording the registrations of dentists.

Content: Name, place of birth and residence of dentist; name of college or university that conferred the dental degree; date conferred; times and places of practice in Pennsylvania; date license granted by state board of dental examiners or state board of health; affidavit of dentist before prothonotary; signature of dentist and prothonotary; date of affidavit.

Arrangement: Entries recorded chronologically by date of affidavit.

Access: Register contains an index that is alphabetical by dentist's surname.

Missing Records: None.

For Further Records: Series begins in 1897 by virtue of an act of July 1897 requiring the registration of dentists with prothonotaries. After 1946 no Dental Register found.

REGISTRY OF AUTOMOBILES  April 1903 - November 1905.  1 vol. (No. 1).

Description: Docket kept by the prothonotary for recording copies of applications for the registrations of automobiles.

Content: Name and residence of automobile owner, number assigned to application, date of application, name and number of manufacturer of automobile.

Arrangement: Entries recorded chronologically by date of application.

Access: Register contains an index that is alphabetical by owner's surname.

Missing Records: None.

For Further Records: Series begins in 1903 by virtue of an act of April 1903 requiring the registration of automobiles with prothonotaries. State licensing for operation of motor vehicles began January 1, 1906 by an act of the legislature approved April 19, 1905.

OSTEOPATHIC REGISTER  June 1909 - May 1911.  1 vol. (No. 1).

Description: Docket kept by the prothonotary for recording the registrations of osteopaths.

Content: Affidavit of osteopath containing his name, signature, and place of residence; name of college or university that
conferred the osteopathic degree; date degree conferred; signature of prothonotary.

Arrangement: Entries recorded chronologically by date of affidavit.

Access: Register contains an index that is alphabetical by osteopath's surname.

Missing Records: None.

For Further Records: Prior to 1909, osteopaths were registered in Medical Register. An act of March 1909 required the prothonotary to keep a separate volume of osteopaths. No Osteopathic Register found for years after 1911.
GLOSSARY

Action, personal -- action brought to enforce an obligation made by the defendant's contract. Personal actions are brought to recover debt or damages.

Action, real -- action brought for recovery of land.

Affidavit -- statement or declaration of facts written and sworn to or affirmed before an officer having authority to administer an oath.

Alias writ -- a second writ issued in the same case after the original writ had been issued and had proved ineffectual.

Allow -- to approve, permit, grant. To sanction, either directly or indirectly.

Appeal -- removal of a case from a lower court to a higher court for the purpose of correcting or reversing the lower court's decision. It has a common law origin and is a continuation of the original suit.

Assumpsit -- promise assumed or undertaken to perform some act or pay something to another. It may be in writing or oral, but is not under seal.

Attachment -- process beginning with a writ commanding the sheriff to seize the defendant or his property or effects as security for the satisfaction of judgment the plaintiff may recover. It is used against absconding, concealed or fraudulent debtors.

Audita querella -- writ in an action brought by a judgment defendant for relief from the consequences of the judgment.

A vinculo matrimonie -- "from the bond of matrimony." A type of divorce which completely dissolves the marriage contract.

Bail piece -- formal entry of recognizance or special bail in civil actions, signed before the proper officer and filed in the court where the action is pending.

Banc -- full bench, full court.

Bond -- contract under seal to pay a certain sum of money, whereby the maker or obligor promises and binds himself, his administrators, executors and heirs to pay the sum. It also

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1Definitions based on Henry Campbell Black, Black's Law Dictionary (St. Paul, Minn.: West Publishing Co., 1933, 3rd ed.).
contains a clause stating that upon performance of a certain condition the obligation shall be void.

Capias ad respondendum (capias) -- writ commanding the sheriff to take and safely keep the defendant, so that he may be brought before the court on a certain day to answer the plaintiff in the action.

Capias ad satisfaciendum (ca. sa.) -- writ of execution issued after recovering judgment. It commands the sheriff to take and safely keep the person named so that he may be brought before the court on a certain day to satisfy the damages or debt recovered by the judgment.

Cepi corpus -- I have taken the body, i.e., arrested the defendant. A response written on a writ of capias by the arresting officer.

Certiorari -- writ issued by a higher court instructing a lower court to send up to the former all records of a case, certifying their correctness and completeness for review or trial.

Cesset executio -- a stay of execution.

Chancery -- equity; a court of equity. (See also equity.)

Chattels -- personal property.

Common recovery -- in conveyance of land, a feigned or fictitious suit brought to remove impediments limiting the right of the possessor to transfer title. The suit was most commonly used to remove an entail.

Coram -- before; in the presence of.

Curia advisari vult (cur. adv. vult. or c. a. v.) -- the court will advise; the court will consider.

De bene esse -- conditionally. A phrase used for proceedings which are provisional and could change at a later date.

Debitum sine brevi (D. S. B.) -- also known as debit sans breve, a debt without writ. A debt by confession of judgment without suit.

Declaration -- see Narrative.

Deed poll -- deed made by one party only (e.g., a sheriff's deed), as opposed to a deed executed between two or more parties.

Defalk -- to set off one claim from another; deducting a debt due to one from a debt owed to another.
Demurrer -- objection made by one party to his opponent's pleading alleging that he should not answer it because of a defect in law in the pleading.

Deposition -- written evidence taken from a witness in response to a series of written questions, not in open court, but in pursuance of a commission issued by the court. Also, a statement made orally on oath or affirmation, out of court, before a representative of the court.

Distrain -- to take as a pledge property of another and keep it until an obligation is performed or until the property is replevied by the sheriff.

Distringas -- writ directing the sheriff to distrain the goods or chattels of a defendant in order to compel his appearance in court.

Dower -- portion of a husband's real estate granted by law to his widow for life for her support and the raising of her children.

Ejectment -- action both for the recovery of the possession of land and for damages for the unlawful detention of its possession.

Entail -- action limiting inheritance by preventing sale of the land and establishing a succession of owners.

Equity -- system of jurisprudence administered by certain courts that are empowered to decree impartial and equal justice as between two persons whose rights or claims are in conflict. In an equity or chancery case there is no trial by jury and a judge can make decisions that oppose accepted common law precedents.

Error, writ of -- writ issued by a higher court to a lower one, ordering that all records be sent up regarding a case in which the defendant disagrees with the judgment of the lower court and believes it to be in error.

Escheat -- property reverting to the state when there is no individual competent to inherit.

Estrepement, writ of -- writ to prevent waste which occurs by stripping the land to the injury of the party to whom the land will revert. It is usually issued in ejectment cases.

Execution -- final stage of suit. It is a writ issued to the sheriff or a constable requiring him to execute the court's judgment. Includes fieri facias, capias ad satisfaciendum, venditioni exponas, liberari facias, habere facias possessionem, and levari facias.
Ex parte -- for one party only.

Fee simple -- estate in which the owner is entitled to the whole property with unconditional power of disposition during his life.

Feigned issue -- issue made up by the consent of parties and sent to court for the purpose of obtaining the jury's verdict on a disputed matter of fact in which the court does not have jurisdiction or is unwilling to decide. It rests upon a supposititious wager between the parties.

Fictitious action -- action brought to obtain the court's opinion on a point of law, not for settlement of any controversy between the parties.

Fieri facias (fi. fa.) -- writ of execution directing the sheriff to levy and obtain the amount of a judgment from the property of a judgment debtor.

Freeholder -- person possessing an estate in land or other real property of indeterminate duration.

Freeman -- person owning a specific amount of land and residing in the province with the right to elect or be elected as a representative in government.

Garnishee -- person who has money or property in his possession belonging to a defendant, or who owes the defendant a debt. The money, property or debt is attached in his hands with notice not to pay or deliver it over until the end of the suit.

Grand jury -- jury of inquiry, summoned and returned by the sheriff to each session of the court of quarter sessions (criminal court). Their duty is to receive complaints and accusations in criminal cases, hear evidence adduced on the part of the state, and find bills of indictment in cases where they are satisfied a trial ought to be held.

Habeas corpus -- writ for the purpose of bringing a party before a court or a judge.

Habere facias possessionem (habere facias, hab. fa.) -- writ directing the sheriff to place land recovered in an ejectment case into the hands of the successful party in the case.

Hereditaments -- goods, lands and other items capable of being inherited.

Homine replegiando -- writ to remove a person from the custody of a private individual in the same manner as replevin of goods.
Imparle -- time given to either party in a suit to answer the pleading of the other. It amounts to a continuance of the action.

Inquiry, writ of -- writ directing the sheriff, by a jury of twelve men, to inquire into the amount of a plaintiff's demand and assess his damages after the plaintiff has obtained a judgment by default on an undetermined claim.

Inquisition -- court-ordered valuation of real estate in debt or damage cases. Twelve men summoned by the sheriff determine whether the rents and profits of the estate will be sufficient within seven years to satisfy judgment along with interest and costs of suit.

In vacation -- time between court terms.

Jury -- a given number of men (usually twelve) selected by law, and sworn (or affirmed) to inquire into certain matters of fact and declare the truth upon evidence put before them.

Levari facias (lev. fa.) -- writ of execution directing the sheriff to take mortgaged premises on which the defendant had defaulted payment, expose them to sale, and pay the sum recovered by the judgment to the plaintiff.

Levy -- to raise money for which an execution has been issued.

Liberari facias (lib. fa.) -- writ of execution issued by the court to the sheriff in cases where a jury of inquiry found that land of the defendant could satisfy debt in a judgment within seven years. It ordered the sheriff to deliver the defendant's land to the plaintiff for that period or until the debt was paid.

Mandamus -- we command. Writ issued from a court of superior jurisdiction, directed to a private or municipal corporation or an inferior court, commanding the performance of a specified act, or directing the restoration of rights to the complainant of which he was illegally deprived.

Messuage -- dwelling house. Term used in wills, deeds and other court documents.

Narrative -- first of formal statements of facts and circumstances of the plaintiff's cause of action. Written by the plaintiff's attorney, it is also known as a declaration.

Nihil dicit -- he says nothing. Judgment against a defendant who does not plead or answer the plaintiff's narrative within the limited time allowed.
Nil debit -- he owes nothing. A plea in which the defendant disputes the facts set forth in a narrative on actions of debt for simple contract.

Nisi -- unless. Judgment which will conclude the defendant's rights unless within the prescribed time he shows cause to set it aside or successfully appeals.

Nisi Prius -- a court held for the trial of issues of fact before a jury and one presiding judge.

Non assumpsit -- defendant's plea that he did not undertake or promise as alleged.

Non compos mentis -- general term for mental derangement.

Non culpabilis (non. cul.) -- not guilty.

Non est factum -- plea by the defendant denying the execution of the instrument sued upon in point of fact, but not in point of law.

Non est inventus (N. E. I.) -- he is not found. Inscription on a writ by the sheriff if he cannot find the defendant.

Non prosequitur (non pros.) -- judgment in favor of a defendant when a plaintiff does not take steps in an action at law during the time prescribed by the court for that purpose.

Non sum informatus -- I am not informed; I have not been instructed. Type of judgment by default entered when a defendant's attorney announces that he has not been informed of the answer to be given by him.

Nulla bona (N. B.) -- no goods. A return made by the sheriff on a writ of execution when he has not found any goods belonging to the defendant on which he could levy.

Obligee -- person in favor of whom an obligation is contracted (plaintiff).

Obligor -- person engaged to perform some obligation (defendant).

Original writ -- writ used to begin personal actions. Includes summons, capias, replevin, attachments (domestic and foreign), and scire facias.

Parol contracts -- all contracts which are not contracts of record under seal.

Partition -- dividing of lands held by joint tenants or tenants
in common into distinct portions so that they may hold the land in severalty.

Petit jury -- ordinary jury of twelve men for the trial of a civil or criminal case.

Plene administravit -- plea by an executor or administrator of an estate that he has fully administered all the assets that have come to his hands, and that no assets remain out of which the plaintiff's claim could be satisfied.

Pluries -- often; frequently. When an original and alias writ have been issued and proved ineffectual, a third writ (pluries) may be issued. It has the same effect as the first two writs.

Praecipe quod reddat -- writ directing the defendant to restore the possession of land. It is used at the beginning of a common recovery suit.

Precipe (praecipe) -- written order, signed by the plaintiff's attorney and addressed to the prothonotary, requesting him to issue a particular writ.

Prerogative writ -- writ issued by the court when proper cause is shown; includes writs of procedendo, mandamus, habeas corpus and certiorari.

Procedendo -- writ by which a case which was removed from an inferior to a superior court is sent down again to the same court to be proceeded with there. It is issued if it appears to the superior court that it was removed on insufficient grounds.

Process returnable -- writs returnable to a particular court term. A list in a docket entry for a court term of all writs returnable to that court term, i.e., a list of all writs compelling action on the part of the defendant in the court term named.

Prothonotary -- clerk of the court of common pleas.

Recognizance -- obligation of record entered into before a court or justice of the peace with the condition to perform a particular act. It differs from a bond in that it is an acknowledgment of a former debt upon record.

Rejoinder -- defendant's second pleading; his answer to the plaintiff's reply (replication to his first plea).

Replevin -- personal action brought to recover possession of goods unlawfully taken. It is a redelivery to the owner of the pledge or item taken in distress.
Replevin, personal -- action to remove a man from prison or from the custody of any private person. It took the place of the old writ de homine replegiando. As a means of inquiring into the legality of an imprisonment, it has been superseded by the writ of habeas corpus.

Return -- sheriff's act of bringing back to the court a writ which he was required to serve or execute, with a brief account of his doings, the time and mode of service or execution, or his inability to accomplish it. It is also the indorsement made by the officer upon the writ, with a brief account of the above.

Scire facias (sci. fa.) -- writ to revive a judgment or to have execution of the judgment.

Secundum regulum (sec. reg.) -- according to the rule; by rule.

Solvit ad diem -- he paid at the day. A plea in an action of debt on a bond, that the defendant paid the money on the day mentioned in the condition.

Summons -- writ which commands the sheriff to notify the defendant that an action has been commenced against him and requiring him to appear in court on a certain day to answer the complaint in the action.

Supersedeas -- writ with a command to stay the proceedings at law.

Sur -- on; upon; over. In titles of real actions, "sur" is used to point out what the writ was founded upon.

Surety -- person who binds himself for the payment of a sum of money, or for the performance of something else, for another.

Tarde venit -- return made by the sheriff to a writ when it came to him too late to be executed before the return date.

Tenements -- term signifying all that may be held permanently. It includes land, rent and other rights and interests concerning land.

Testatum -- writ of execution directed to the sheriff in another county when the defendant and/or his goods are believed to be in that county, commanding that sheriff to execute the writ.

Transcript -- official copy of records pertaining to a case, sent up to a court of higher jurisdiction, such as in a writ of error or certiorari.

Traverse jury -- jury impaneled to try an action or prosecution.
Trespass on the case -- commonly called "case," an action to recover damages resulting to a party from the wrongful act of another, unaccompanied by direct or immediate force.

Trial by proviso -- trial brought by the defendant when the plaintiff neglects to proceed to trial.

Trover -- action on the case to recover the value of personal goods wrongfully converted by another for his own use.

Venditioni exponas (ven. ex.) -- you expose to sale. Writ of execution requiring a sale to be made. It is directed to the sheriff after he has levied upon goods or lands under a fi. fa., and made return that they remain unsold for want of buyers.

Venire facias (ven. fa.) -- writ directing sheriff to "cause to come" before the court on the day mentioned twelve men of the county to act as a jury for a trial.

Writ -- order issued to the sheriff from the court of common pleas with its seal, in the name of the king, queen, or state, directing him to perform a specific action.

Yeoman -- commoner; a freeholder under the rank of gentleman.

A transcription of the Upland Court docket. The court operated under the Duke of York's Laws and had legislative as well as judicial powers. It was discontinued after William Penn became proprietor of Pennsylvania. The volume also includes a history of the Delaware Valley area from the 1630s through the 1670s noting the importance of the Swedes and the Dutch. Not indexed.


A comprehensive history of Delaware County including information on the civil and judicial systems. It is a useful supplement to Futhey and Cope's History of Chester County, Pennsylvania.


The volume includes the texts of the Duke of York's Laws, Charter of the Province of Pennsylvania, the Frames of Government, Laws Agreed Upon in England, the Great Law, and acts passed by the provincial council and general assembly from 1683-1699. The introduction discusses the background, government and administration of the province.


A standard legal dictionary from which this guide's glossary has borrowed heavily.

Brightly, Frederick C., ed. Purdon's Digest. 2 volumes, 11th ed. Philadelphia: Kay and Brother, 1885.

Known as Brightley's Purdon's Digest, these volumes are arranged alphabetically by subject and contain references to statutes (with dates) as they pertain to different subjects. Indexed.

A transcription of the minutes of the Philadelphia County Court of Quarter Sessions, 1695. In the section preceding the transcription, Bronner discusses several common pleas cases, and provides a historical sketch of county court from 1681 through 1695.


A transcription of the first court docket of Chester County from September 1681 - March 1696/7. Several entries have been expurgated. Indexed.


This volume is mainly concerned with the colonization of Pennsylvania, and includes the numerous drafts of the first Frame of Government, letters and other pertinent material, as well as detailed annotations for each document. Indexed.


The most comprehensive history of Chester County, this work contains information on a wide variety of topics including the civil and judicial systems. Indexed.


A compilation of the laws and ordinances that shaped the judicial system in Pennsylvania such as the Duke of York's Laws, the royal charter and frames of government, and laws passed by the general assembly of Pennsylvania from 1682-1700. The volume also contains historical notes on the early government and legislative councils and assemblies of Pennsylvania from 1623-1700.

An examination of Chester County court records from January 20, 1697/8 to November 29, 1710, showing the court as a governing body as well as a dispenser of justice. Hagy also discusses court procedure and functions, the court and the Quakers, and compares the Chester County court with courts in Bucks County, Pennsylvania and Burlington, New Jersey.


A transcription of the second volume of the Chester County court records from June 1697 - November 1710. Indexed.


The full text of all acts passed during the sessions of Pennsylvania's general assembly. Indexed.


An examination of Pennsylvania county courts from the implementation of the Duke of York's Laws in the 1670s through the proprietorship of William Penn and the beginning of the eighteenth century. The article focuses on the evolution of the judicial system, the types of cases before the court, how the court functioned, the role and duties of the provincial council, and includes brief sketches of early lawyers and justices.


An excellent description of the establishment and development of courts in Pennsylvania from the time of Dutch settlement in the mid-seventeenth century through the legal revisions of the first half of the nineteenth century.
MacElree Wilmer W. *Side Lights on the Bench and Bar of Chester County.* West Chester, Pa., 1918.

An anecdotal and biographical look at Chester County's court and its participants written by a long-time Chester County attorney.


The entire text of all laws passed from 1700-1809 with notes regarding the status of each act. Appendices in the volumes of colonial laws contain papers such as letters from Pennsylvania government officials to England and opinions of the privy council of the acts passed by the general assembly. Indexed.


Published under the legislature's authority, this set contains all titles of the acts of the legislature in chronological order, but gives only the text of those acts still in force at time of publication. Current laws are annotated and supplemented with references to legal decisions pertaining to the act. Indexed.


A history of Delaware County, including the years prior to its division from Chester County in 1789, containing a substantial amount of information on the history of the early courts.


Prepared by the Pennsylvania Historical Survey, this book summarizes the county records surveys done under the auspices of the Works Progress Administration. Included are overviews of county offices and agencies, containing their histories, a discussion of their duties and a description of their records (with dates) and various laws pertaining to the office.

An examination of the Pennsylvania Supreme Court from the late seventeenth century through 1834. The article traces the evolution of the court through the various laws which affected its development and jurisdiction.


A comprehensive history and examination of the English judicial system from 1689-1835 which influenced the establishment of county courts and offices in provincial Pennsylvania.
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