

NOTES AND DOCUMENTS

The Court Records of Philadelphia, Bucks, and Berks Counties in the Seventeenth and Eighteenth Centuries

The court records of early Pennsylvania contain valuable information about the relationship between law and society, the workings of government and justice, and the meaning of change within family structures. Unfortunately, few historians of seventeenth and eighteenth-century Pennsylvania society have used legal records. Local court records in particular remain untapped sources as a result of their awkward organization and inconvenient disposition in courthouses, state and city archives, and historical societies. Those studying Pennsylvania law and society must grapple with more than the usual problem of deciphering the scrawls of court clerks. They also face the time consuming (or in some cases, impossible) task of locating continuous runs of court records.

Scholars long believed that for the county of Philadelphia only a few miscellaneous colonial court records had survived. Stories of fires in the bowels of City Hall deterred even the most impetuous graduate students from pursuing the search. Historians tended to neglect the few available legal records on the assumption, probably correct, that they could not convey an accurate picture of early Pennsylvania courts. In fact, however, historians were too quick in accepting rumors of total disaster. There exists a complete body of orphans court records for Philadelphia County beginning in 1719, and a large number of common pleas and quarter sessions records as well. Used in conjunction, these documents reveal a great deal about early justice. Court records in the nearby counties are nearly complete and convey additional information about Pennsylvania law and society outside Philadelphia.

Although there is a significant body of legal records, they are inconveniently located. In some states such as Maryland and South Carolina, legislatures have acted to centralize all historical records.

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State archives house county and higher court records from the colonial and early national periods in one location, where they are properly cared for, catalogued, and made available to researchers. Sadly, in Pennsylvania valuable colonial records often are filed away casually in the attics and basements of state and city offices. In several instances unnecessary destruction or loss of eighteenth-century documents has resulted from official negligence and indifference. The most disturbing situation I encountered is the careless official attitude of the Philadelphia City Archives and the Office of the Clerk of the Orphans Court toward the surviving eighteenth-century Orphans Court records. The original dockets are kept in the Office of the Clerk of the Orphans Court in City Hall, rather than in the archives. They are stored on open shelves in an unsupervised area of the office. Volume one of the dockets was "missing" at the time the research for this survey was conducted in 1980. As the survey goes to print, I have been informed that volume two is missing as well. Archivists' treatment of the papers of the orphans Court is equally casual. They are kept in an attic storage area on the ninth floor of City Hall. Here the problem is not so much danger of theft, as destruction. As I sat on the filthy floor (no desk was provided for my work), leafing through early eighteenth-century packets of records, pigeons walked in and out of open, unscreened windows. Water damage in the room indicated not only the danger of open windows, but of outdated plumbing and a leaky roof as well. The rationale for placing valuable historical records in such an area rather than in the official archives is difficult to understand.

Even when Pennsylvania records are housed in official archives, county historical societies, or the Historical Society of Pennsylvania they are sometimes still difficult to use due to the lack of centralization and the absence of accurate descriptive inventories. To gain an understanding of legal issues, several types of records must be used in conjunction but they are currently scattered in different buildings. For common pleas cases, appearance, continuance, judgment, and execution dockets must be consulted, but in Philadelphia diligent researchers will have to trudge the blocks between the City Archives and the Historical Society of Pennsylvania. They will then have to deal with vague or inaccurate descriptions of the dockets. The City Archives guide to collections, for example, lists continuance dockets as appearance dockets. Such lack of precision in the description of legal records

indicates that a more serious state or city policy toward both preservation and cataloging of historical documents is desirable. In particular, the centralization of records is called for, so that senseless destruction will end and historians, both professional and amateur, will be able to obtain access to these unique materials.

The following guide to the county court records of Philadelphia, Bucks, and Berks counties represents an attempt to alleviate the problems of doing research in early Pennsylvania court records. Under the auspices of the Philadelphia Center for Early American Studies, a survey was conducted of all existing orphans, common pleas, and quarter sessions court records for the three jurisdictions. Characteristics such as location, size, and number of pages were noted, as were special qualities of particular documents. A descriptive note including this information for each document appears below. The report also contains a brief discussion of the early Pennsylvania judicial system and an explanation of record organization.

The Courts of Early Pennsylvania

William Penn, whose charter gave him the right to create a judicial system, followed the model familiar to all English men and women when he established the county courts.¹ He provided for three kinds with each one exercising jurisdiction over a particular area of the law. Courts of quarter sessions heard all non-capital criminal cases. Courts

¹ The best historical discussion of the seventeenth-century Pennsylvania court system was written in the nineteenth century. See Lawrence Lewis, "The Courts of Pennsylvania in the Seventeenth Century," *Pennsylvania Magazine of History and Biography* 5 (1881), 141-190. An early twentieth-century publication that is still useful is H. Frank Eshleman, "Our First Civil Courts," *Lancaster County Historical Society Papers* 10 (1906), 416-430. See also the brief analysis of Edwin B. Bronner in "Philadelphia County Court of Quarter Sessions and Common Pleas, 1685," *Pennsylvania Magazine of History and Biography* 77 (1953), 457-466. A useful general account is Erwin C. Surrency, "The Evolution of an Urban Judicial System: The Philadelphia Story, 1683 to 1968," *American Journal of Legal History* 18 (1974), 95-123. For the eighteenth century see William Lloyd, "The Courts of Pennsylvania in the Eighteenth Century," *University of Pennsylvania Law Review* 56 (1908), 28-51, and Thomas R. Meehan, "Courts, Cases, and Counselors in Revolutionary and Post-Revolutionary Pennsylvania," *Pennsylvania Magazine of History and Biography* 91 (1967) 3-34. The specific reference here is to Staughton George, Benjamin M. Nead, and Thomas McCamant, eds., *Charter to William Penn and Laws of the Province of Pennsylvania Passed between the Years 1682 and 1700*. . . . (Harrisburg, Pa., 1943), 83-4. All of the following statutory references are to this volume.

of common pleas handled all civil disputes. Orphans courts managed the administration of decedents' estates and appointed guardians for orphaned children. Judges, appointed by the governor or his deputy, sat four times a year (or oftener if necessary) in each county to hear local disputes.² Three judges were required for a quorum,³ but since each county generally had many more than this number—Chester had seventeen in 1719, for example⁴—reaching a quorum should not have created a problem. Statutes levying fines for the non-attendance of judges also ensured that quorums were met.⁵ Juries could be used for any common law case and were called from lists of freemen.⁶ Judges determined equity cases without juries, as was customary under English law. Also in accordance with English law, Penn created a higher court to hear the most serious cases. The provincial court travelled from county to county on circuit, hearing criminal cases punishable by death, and appeals of civil, equity, and lesser criminal suits.⁷ At the other end of the spectrum, justices of the peace handled all disputes involving property worth less than forty shillings, and there was no appeal from their decisions.⁸

In the seventeenth century the business handled in the various courts underwent several changes, as governing officials tried to determine the best way to administer justice in a colonial setting. The first laws governing the establishment and business of local courts were extremely vague. Government officials must have relied heavily on the good sense of the men they appointed as justices of the peace. Juries, for example, were at first chosen in a haphazard fashion. Before March, 1683 the sheriff simply brought in forty-eight men of his choosing to stand as prospective jurors in capital cases.⁹ But some difficulty must have arisen over this procedure, for at that time the colonial assembly enacted a new law. Noting that great care should be taken in criminal cases punishable by death and "to prevent Corruption," the assembly instituted a new, presumably safer form of choosing juries.¹⁰ Under the new law the

² George, 97, 167.

³ George, 321.

⁴ George, 382-385.

⁵ George, 3, 176.

⁶ George, 117.

⁷ George, 168, 184.

⁸ George, 131.

⁹ George, 117.

¹⁰ George, 129.

names of all the freemen in the county were written on slips of paper, put into a hat, and shaken. A child then reached into the hat and drew names until twelve men acceptable to both the defendant and the prosecutor were found. The settlers thus took great care to ensure the impartiality of justice.

Pennsylvania lawmakers were also unsure how to handle the appeals process in the colony. Initially, appeals of civil suits went directly to Penn and his council, but in 1684 the assembly transferred the appeals process to a special provincial court.¹¹ Two of the five provincial justices travelled from county to county each spring and fall on circuit. They heard the appeals of civil and criminal suits, all cases concerning titles to land, and acted as a court of first instance for capital cases.¹² Too soon, however, this system was found to be inconvenient and expensive. The assembly noted that "generallie the Concerns and affairs of each Countie may be heard and determined by the Justices in commission for that County, who may be well presumed to be more particularlie knowing in reference to what action or Complaint shall occur to be Cognizable there."¹³ It therefore returned all cases on land titles to the county courts of common pleas, and ordered all appeals of civil suits to be tried in Philadelphia. Capital cases were still tried by the provincial court travelling on circuit.

The revision did not meet with the approval of the citizens of Pennsylvania, who apparently disliked the idea of prosecuting or defending cases in the capital. In 1690 the assembly once again provided for a travelling provincial court to hear civil suits on appeal, if they involved property worth more than £10.¹⁴ The assembly also attempted to alleviate some of the inconvenience suffered by circuit court judges. The law required them to travel the circuit only if there were actually cases pending that required their attention. The law ordered the provincial court to make the circuit only "when, where and as often as there Shall be Occasion."¹⁵ Since county clerks processed the writs that began the appeals procedure it became their responsibility to notify the justices when their presence was required. Another seventeen years passed be-

¹¹ George, 129.

¹² George, 168.

¹³ George, 177-178.

¹⁴ George, 184.

¹⁵ George, 185.

fore Pennsylvania abandoned this awkward handling of provincial court appearances. In 1707 the assembly finally acted to separate criminal cases involving capital punishment from lower court appeals, providing for commissions of oyer and terminer to travel to any county on demand to hear a capital case. The provincial court still heard appeals twice a year when it made the circuit to each county.¹⁶ Rapid justice in serious criminal cases thus became possible, and must have been a great relief to sheriffs responsible for the appearance of defendants and witnesses at court.

A dispute over the number of justices necessary to constitute a provincial court quorum began in 1707 when the lawmakers enacted a statute enabling only one justice rather than the customary two to ride the circuit alone.¹⁷ In 1710 the new law was abandoned and once again two justices constituted a quorum.¹⁸ Queen Anne repealed the Pennsylvania statutes on courts in 1713, necessitating new legislation, and the faction favoring the use of one justice again held sway. In 1714 the assembly reinstituted the provision allowing a single man to ride the circuit,¹⁹ but within a year the new law was revised and once again two justices were required.²⁰ This rule lasted until 1767 when the legislature again empowered a single justice to hear and determine appeals on circuit.²¹ Such a conflict represented the diverging interests of county residents and provincial lawmakers. Individuals in the colonies generally disliked having their cases determined by single judges; and consequently, disliked establishing equity courts in Pennsylvania and elsewhere in America.²²

A similar debate can be seen in cases involving property worth less than forty shillings, although this disagreement found a resolution more quickly. In 1683 the assembly acted to require two justices of the peace to hear cases involving property of small value, but in 1690 the law was revised to allow single justices to act alone.²³ The new law

¹⁶ George, 322.

¹⁷ George, 320.

¹⁸ George, 323.

¹⁹ George, 352.

²⁰ George, 359.

²¹ George, 408.

²² Stanley N. Katz has discussed the conflict over equity courts in "The Politics of Law in Colonial America: Controversies over Chancery Courts and Equity Law in the Eighteenth Century," *Perspectives in American History* 5 (1971), 257-284.

²³ George, 131, 186.

lasted, indicating that Pennsylvanians were not as concerned with potentially arbitrary decisions that involved only a small amount of property.

In awkward adjustments such as those involving the size of the bench or the location of appeals courts, we can see the colonists groping for a workable system of justice. For the most part they had achieved their goal by the end of the first decade of the eighteenth century. It was largely during the earliest years of settlement that confusion over the administration of justice occurred. Perhaps some of the difficulties were caused by Quaker ideals and dislike of legal dispute. Some early provisions certainly indicate an unwillingness on the part of Quaker law-makers fully to admit the necessity of a judicial system. In 1683, for example, they enacted a statute providing for the appointment of "Common peacemakers" in every precinct.²⁴ Peacemakers' decisions were recognized as valid, but apparently the citizens of Pennsylvania who were disposed to settle their differences at law rather than in Quaker meetings did not avail themselves of the service. In May, 1692 the Assembly voted to annul the law on the basis of lack of use.²⁵ It substituted a similar practice, arbitration, which lasted throughout the period under study.

During the seventeenth century and throughout much of the eighteenth century, the lines separating the business of the common pleas, quarter sessions, and orphans courts were drawn loosely. The same judges presided over all the county courts, and judicial matters easily spilled over from court to court. Equity cases, for example, fell within the purview of the county courts, and in the seventeenth century the judges heard them along with criminal cases at the court of quarter sessions.²⁶ But by 1710, equity cases were being heard at the court of common pleas.²⁷ It did not matter, of course, which court heard the equity cases, since the judges of all three courts were the same men. But for the historian searching for the earliest equity court records, the odd habit of combining equity cases—which usually involved property disputes—with criminal cases, can cause confusion.

²⁴ George, 128.

²⁵ Lawrence Lewis, "The Courts of Pennsylvania in the Seventeenth Century," 5 *Pennsylvania Magazine of History and Biography* (1881), 154. His reference is to 1 Votes of Assembly (May 12, 1692), 62.

²⁶ George, 167.

²⁷ George, 342.

County court judges frequently exercised administrative as well as judicial responsibilities for their jurisdictions. At meetings of courts of quarter sessions they reviewed petitions for licenses by would-be tavernkeepers, supervised the building and upkeep of roads and cartways, set prices for certain commodities, and enforced the law that fences be at least five feet high.²⁸ For a time, judges assessed county taxes.²⁹ They held responsibility for the care of the poor and the management of workhouses and prisons.³⁰ Notes on the administrative business of the courts are interspersed throughout the court records. They are usually set off in a special section devoted to one type of activity, but may fall anywhere in the records, particularly the early ones.

Organization of the Records

Confusion in the law gave way before an increasingly sophisticated judicial system in the eighteenth century. As the General Assembly became more specific about the administration of justice in the local courts, it began to address questions concerning the role of the county court clerk and the method of keeping records. In 1715, for example, the legislature ordered all official court papers, books, and bundles to be placed into the care of the county clerks upon assumption of office.³¹ Previous clerks or their administrators and executors were ordered to turn over the valuable records they had been keeping informally in their homes. Given the tardiness of this ruling, it is fortunate that any seventeenth-century court documents have survived at all.

Surprisingly, it was also late—1710—before the assembly ordered every county to appoint a count clerk “who shall attend upon the said Justices for the entering of all pleas, process, and Matters of Record in the. . . courts.”³² Clerks had existed throughout the early years of settlement, however, for statutes as early as 1683 had specified their fees for performing various tasks—recording a petition, filing a declaration, entering a judgment of the court, etc.³³ Apparently the earliest court clerks performed their duties according to English legal custom

²⁸ George, 136, 139, 285-286, 358-359.

²⁹ George, 146-147, 233.

³⁰ George, 115, 139, 142, 202, 208, 233.

³¹ George, 370-371.

³² George, 333.

³³ George, 148-149, 235.

and practice and functioned without specific local laws to guide them, except in setting fees.

Just as the judges of all three county courts were the same men, so there was only one clerk of the county who handled the business for all the courts. He kept the official records of court proceedings, issued writs, supplied copies of official documents for private and public use, registered wagons and carts, recorded the awarding of bounties, issued licenses, and kept the tax assessors' records.³⁴ The condition of the surviving colonial court records often has depended upon the skills of the clerks. If they were scrupulous in caring for previous clerks' records, we have more complete runs of documents. Even the organization and indexing of individual records depended on the skill of the clerks, whose attention to detail could vary widely. Since they were customary forms for recordkeeping, but not standard ones, there is no uniformity in either content or format in most of the early records.

The dockets of the county courts held the official reports of trial proceedings. Entries were made by the clerk either in small, individual pamphlets (common in the colonial period) or in large volumes that were used until all of the pages were filled. In the former case, the pamphlets were often bound together into larger volumes at some subsequent date. This explains why some court dockets contain pages of various sizes, and also offers an explanation for frequent gaps in the record. It was fairly easy to misplace or lose a small pamphlet; less easy to lose a volume of four or five hundred pages.

Appearance dockets are the sparcest of the common pleas court records. They contain entries for the initial appearance of a case in court. The cases were arranged in order of appearance for an individual court term, and information includes the date, the names of parties and attorneys, the cause of action, a summary of the legal steps taken in the case, and a brief note on the disposition. No information beyond an outline of the case can be gleaned from appearance dockets. Much of the information is in legal abbreviations.

Continuance dockets contain entries on cases that were not determined during the previous court term. For each session of the court, the clerk entered the oldest outstanding cases first, and then in chronological order entered the remaining cases up to and including those that were appearing in court for the first time during that session. Infor-

³⁴ George, 84, 86, 92, 148-149, 322, 333, 371.

mation includes the date of initial litigation on the case, the names of parties and attorneys, the cause of action, confessions of judgment, and a summary of the legal steps taken by the court for cases decided during that court term. If the case were not determined at that time, the entry included no information on court actions. The clerk simply marked the case with the abbreviation "Cont." Continuance dockets contain more detailed information on court activities than appearance dockets. Information such as witnesses' names and statements, descriptions of property under dispute, notes on various requests to the court from parties or attorneys, names of jurors, and court fees appear in continuance dockets but not in appearance dockets.

Execution dockets were records of proceedings on writs of execution issued by courts of common pleas. By an act of assembly in 1715 the county clerk was ordered to keep such special books, which held entries showing the names of parties, the type of writ issued, the date of the writ, the date of commencement of litigation, the date of judgment, the amount of the debt or damages, court costs, sheriff's fees, and the sheriff's brief report on what actions he took in executing the writ.

Clerks recorded judicial decisions in judgment dockets. The volumes include the names of parties and attorneys, the cause of action, the date of commencement of litigation, the date of judgment, the amount of the debt or damages, the court costs, and an abbreviated account of court actions on the case. Clerks kept execution dockets and judgment dockets in the form of charts, with columns for the various entries. As a result they are easy to read and understand, but hold only sketches of courtroom activities.

The dockets of the courts of quarter sessions were different in format from those of the courts of common pleas. Criminal cases tended to be heard and determined in a single court term, rather than being continued from session to session. Dockets for the courts of quarter sessions usually present a total picture of each case, including the names of parties, the charge and plea, the names of jurors and witnesses, the verdict, and the sentence. The names of judges, attorneys, and grand jurors also are noted. In addition to trial records, quarter sessions dockets hold several different kinds of administrative records such as reports of commissioners of the poor, lists of tavernkeepers and peddlers, servants' petitions, the names of overseers of the highways and constables, and recognizances. The courts of quarter sessions also

handled questions concerning the building of roads and bridges within the counties. Residents submitted petitions to the courts requesting new roads or changes in old ones, and the members of the bench appointed commissioners to investigate and report on petitioners' requests. Road petitions are usually the original papers as they were submitted for judicial consideration, while the dockets contain copies of the papers made by the clerk of the court and recorded with other court actions concerning the petitions. There are petitions, maps, and reports of commissioners in the dockets.

A word of caution is in order. Any one docket does not necessarily hold all of the types of information listed above. Docket entries varied considerably according to the competence of the clerk, and some volumes are much more detailed than others. The same is true, in fact, for all of the records—papers, minute books, attachments, etc.—included in this descriptive inventory. Moreover, several of the documents do not fit into the standard pattern of recordkeeping at all. The earliest docket for Philadelphia County, for example, contains cases from both the court of quarter sessions and the court of common pleas. The clerk probably wrote the docket in the unusual, combined format because he found it cheaper and more convenient to record the business of the two courts together. A second interesting feature of this particular record is its organization. The common pleas cases were not divided into separate sections for appearance, continuance, and judgment notations, as were later civil court records, but include a running record of all court activities for each case. The organization of this earliest surviving docket indicates the relatively uncomplicated form of justice administered in the colony during the first years of settlement. Later such a system would not be possible due to the volume of court business.

Combined appearance and continuance dockets were also common in the eighteenth century. They begin with continuing cases and conclude with cases appearing in court for the first time. This procedure varies from the more common format in which appearance dockets and continuance dockets were kept separately. In Philadelphia County, the combined docket was used until at least 1771. For the years after that date, only separate volumes have survived.

While dockets are probably the most valuable records for studying the workings of Pennsylvania justice, other legal documents are also useful. Minute books contain the notes taken by clerks during trials.

Since they were written hurriedly, they tend to be even more poorly organized than the dockets, which represent the final version of the trial records copied and revised from the minutes at greater leisure. Minute books are small volumes, indicating the need to carry them in and out of the courtroom easily. Although they are useful to the historian for the depiction of courtroom procedures, the information included in minutes is generally repetitious of that contained in dockets. Moreover, minutes from the court quarter sessions include only trial records and nothing concerning the administrative functions of the court.

Some jurists kept their own records of court proceedings, which could be even more detailed than the official records. In fact, it is frequently difficult to distinguish the records of private individuals from the records of court clerks. The researcher must search for initialings, notations of personal fees, or comments such as "I appeared" or "Plaintiff told me he was satisfied." The dockets listed in this report as private dockets have such notations and, therefore, it can be assumed that they are personal records. Perhaps the negligent official management of trial reports required conscientious jurists to preserve their own reports.

For the court of common pleas, there were probably four main groups of papers: original papers, judgment notes, executions, and term papers. The first three groups were case papers. Original papers were the first documents submitted to the court and contained the complaint. Judgment notes were issued by the court when a complaint was proved and gave the court's decision. Executions (writs) were then issued to the sheriff which gave him the legal right to seize and sell a defendant's property in, for example, a debt case. The three groups of papers trace the steps in a common pleas court case. Term papers did not concern court cases *per se*. They were individual documents designed to handle a legal or business matter in a single court term. Since they were not continued from term to term, they were called simply "term papers." They include oaths of office, petitions from attorneys, fee schedules, and insolent debtors' petitions.

Some of the surviving documents are miscellaneous papers that were created in isolation and bound together at a subsequent date. Various kinds of individual documents were submitted to the courts by petitioners, plaintiffs, defendants, or county officials. They include attachments for debt, narratives, bonds, auditors' reports, applications

for tavern or peddler licenses, orders to hold special courts, and grand and petit jury lists. In some instances papers have not been placed into bound volumes but remain loose or are filed in legal folders. Many papers are folded in thirds, and unfolding tears them. This is the case with the Philadelphia County Orphans Court papers, which desperately need professional preservation. They should not be opened until some action is taken either to preserve the originals or microfilm them. In Philadelphia County the papers, whether bound or loose, are arranged roughly in chronological order, but are totally miscellaneous and therefore require considerable patience on the part of researchers. Occasionally patience is rewarded by a rare find, as in the case of the complete trial record of a rape case, tried in 1712, which is housed with a group of attachments for debt at the Historical Society of Pennsylvania. In Bucks County the situation is not so chaotic. Mr. Terry McNealy, of the historical society, is working on an organization of the papers of the court of common pleas. He is arranging them by category and providing a detailed descriptive inventory. In Berks County the papers also are arranged by category, but few documents from the eighteenth century have survived.

Sheriffs' deed books contain the information kept by sheriffs on properties sold at public auction in accordance with court orders. They include the names of purchasers and debtors, the type of writ employed for the sale, the price paid for the property, the location of the property, and the circumstances of the sale.

Insolvency petitions and bonds were requests for protection under the terms of insolvent debtors statutes. Each case record includes the names of creditors and the amounts owed to them by the petitioner, what property was owned by the petitioner and its value, and the name of the person (usually one of the creditors) who was given control over the distribution of the debtor's property by the court.

The lunacy docket for Philadelphia County and the lunacy commission papers for Berks County reveal information on court actions involving the mentally disturbed and the mentally retarded, including both the management of property and the care of the individual. Entries include the names of parties, actions taken by the court, petitions, findings, and accounts. Only a few of the records are from the eighteenth century.

The orphans court records are the most complete records of any

colonial court in Philadelphia County, and are also in excellent condition in Bucks and Berks counties. Both dockets and papers have survived, perhaps because they were used to document land titles and other questions concerning property. Orphans court dockets contain the reports of cases concerning decedents' estates. Although cases were usually continued from term to term, all entries were recorded together in one docket rather than in separate volumes. Partition deeds have survived both in the records of the orphans courts and the common pleas courts. They are the official records of land partitions among heirs and tenants in common, and give information on the names of parties, the nature of the property in question, the names of commissioners and jurors, the terms of agreements, and occasionally, the terms of distributions. Orphans court papers include heirs' petitions, copies of inventories, partitions of land, accounts, and writs.

The mayor's court of the city of Philadelphia served many of the same functions for the city that the courts of quarter sessions served for the counties. It heard criminal cases of a minor nature while serious criminal cases were heard by the provincial court, just as in the counties. Trial records include the names of parties, the charge, the plea, the names of jurors, the judgment, and the sentence. The mayor's court also handled administrative matters and so the records include petitions of persons wishing to open taverns, servants' petitions, requests of women for separate maintenances from their husbands, and records of forfeited recognizances. The concluding pages of each volume consist of miscellaneous records such as lists of public housekeepers, names of new and outgoing constables and overseers of the poor, and registers of wheeled vehicles.

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Abbreviations

CO	Office of the Clerk of Quarter Sessions
PO	Office of the Prothonotary
ORW	Office of the Register of Wills
HSP	Historical Society of Pennsylvania
HSBC	Historical Society of Berks County
City Archives	Philadelphia City Archives

THE COURT RECORDS OF PHILADELPHIA COUNTY
1683-1800

COURT OF COMMON PLEAS

Dockets

Combined Common Pleas and Quarter Sessions Docket : March, 1695 : 1 vol., 34 cm, 86 pp. : HSP/805 (Am. 30365) : Several of the common pleas cases appear in Edwin B. Bronner, "Philadelphia County Court of Quarter Sessions and Common Pleas," *Pennsylvania Magazine of History and Biography* 77 (1953), 457-480. Most of the common pleas cases were not reported, however, because Bronner was more interested in the records of the court of quarter sessions.

Combined Appearance and Continuance Docket : June 1706-June 1766 : 1 vol., 34 cm, 662 pp. : HSP/805 (Am. 370) : Sessions covered are June, Sept., Dec., 1706; April 1707; June, Dec., 1712; March 1713; March, June, Sept., Dec. 1717; June 1732; June 1766. For the sessions of Dec. 1706 and April 1707 there are only appearance dockets, and for June 1766 there is only a continuance docket. The other sessions have both appearance and continuance dockets.

Appearance Docket : June 1722-March 1723 : 1 vol., 34 cm, 108 pp. : HSP/501 (Am. 3095) : Sessions covered are June and Dec. 1722, and March 1723.

Combined Appearance and Continuance Docket : Dec. 1746 : 1 vol., 33 cm, 83 pp. : HSP/805 (Am. 3036, Box 2)

Execution Docket : 1753-1763 : 1 vol., 33 cm, 85 pp. : HSP/805 (Am. 3036, Box 1)

Continuance Docket : June 1754 : Fragment, 33 cm, 15 pp. : HSP/805 (Am. 3035)

Continuance Docket : Dec. 1754 : 1 vol., 33 cm, 52 pp. : HSP/805 (Am. 3036, Box 2)

Combined Appearance and Continuance Docket : March 1757 : 1 vol., 33 cm, 126 pp. : HSP/805 (Am. 3036, Box 1)

Continuance Docket : Dec. 1760 : 1 vol., 33 cm, 92 pp. : HSP/805 (Am. 3036, Box 1)

Combined Appearance and Continuance Docket : March 1768 : 1 vol., 32 cm, 271 pp. : HSP/805 (Am. 3036, Box 1)

Execution Docket : Dec. 1769-Dec. 1771 : 1 vol., 33 cm, 388 pp. : City Archives RG 20.4

Combined Appearance and Continuance Docket : Sept. 1771 : 1 vol., 33 cm, 234 pp. : HSP/805 (Am. 3036, Box 1)

Combined Appearance and Continuance Docket : June 1771 : 1 vol., 33 cm, 216 pp. : HSP/805 (Am. 3036, Box 2)

Continuance Docket : Sept. 1775 : 1 vol., 33 cm, 274 pp. : City Archives RG 20.2 : This volume and the other continuance dockets in the City Archives are listed incorrectly in the archives guide to collections as appearance dockets.

Continuance Docket : 1784 : 1 vol., 33 cm, 714 pp. : City Archives RG 20.2

Continuance Docket : 1785 : 1 vol., 33 cm, 729 pp. : City Archives RG 20.2

Appearance Docket : 1786-1788 : 1 vol., 33 cm, 902 pp. : City Archives RG 20.2

Continuance Docket : 1787 : 1 vol., 33 cm, 701 pp. : City Archives RG 20.2

Continuance Docket : 1788 : 1 vol., 33 cm, 562 pp. : City Archives RG 20.2

Appearance Docket : 1789 : 1 vol., 33 cm, 252 pp. : City Archives
RG 20.2

Appearance Docket : 1790 : 1 vol., 33 cm, 235 pp. : City Archives
RG 20.2

Execution Docket : 1790-1795 : 1 vol., 33 cm, 455 pp. : City Archives
RG 20.4

Appearance Docket : 1791 : 1 vol., 33 cm, 220 pp. : City Archives
RG 20.2

Continuance Docket : 1791 : 1 vol., 33 cm, 580 pp. : City Archives
RG 20.2

Appearance Docket : 1792 : 1 vol., 33 cm, 273 pp. : City Archives
RG 20.2

Appearance Docket : 1793 : 1 vol., 33 cm, 286 pp. : City Archives
RG 20.2

Appearance Docket : 1794 : 1 vol., 33 cm, 333 pp. : City Archives
RG 20.2

Appearance Docket : 1795 : 1 vol., 33 cm, 354 pp. : City Archives
RG 20.2

Appearance Docket : 1796 : 1 vol., 33 cm, 371 pp. : City Archives
RG 20.2

Execution Docket : 1796-1799 : 1 vol., 33 cm, 457 pp. : City Archives
RG 20.4

Appearance Docket : 1797 : 1 vol., 33 cm, 368 pp. : City Archives
RG 20.2

Appearance Docket : 1798 : 1 vol., 33 cm, 361 pp. : City Archives
RG 20.2

Appearance Docket : 1799 : 1 vol., 33 cm, 362 pp. : City Archives
RG 20.2

Appearance Docket : 1800 : 1 vol., 33 cm, 289 pp. : City Archives
RG 20.2

Execution Docket : 1800-1804 : 1 vol., 33 cm, 496 pp. : City Archives
RG 20.4

Lunacy Docket : 1781-1824 : 1 vol., 32 cm, 498 pp. : City Archives
RG 20.7

Minute Books

July 1788-Feb. 1790 : 1 vol., 20 cm, 246 pp. : City Archives RG
20.17

March 1790-Feb. 1791 : 1 vol., 20 cm, 286 pp. : City Archives RG
20.17

March 1791-Jan. 1792 : 1 vol., 20 cm, 308 pp. : City Archives RG
20.17

Private Dockets

Dec. 1738-June 1745 : 1 vol., 34 cm, 377 pp. : HSP/805 (Am.
3035)

Sept. 1745-Dec. 1750 : 1 vol., 34 cm, 377 pp. : HSP/805 (Am.
3035)

Sept. 1763-Sept. 1764 : 1 vol., 33 cm, 45 pp. : HSP/805 (Am.
3035)

March 1765-Dec. 1772 : 1 vol., 32 cm, 429 pp. : HSP/805 (Am.
3035)

March-Dec. 1798 : 1 vol., 38 cm, 176 pp. : HSP/805 (Am. 3036, Box 2)

1758-1776

12 vols., 18.8 cm each, ca. 100 pp. each

HSP/805 (Am. 30923) : The volumes contain records from the court of quarter sessions as well as from the court of common pleas.

Partition Deeds

1740-1785 : 1 vol., 49 cm, 431 pp. : City Archives RG 20.15

1786-1869 : 1 vol., 50 cm, 258 pp. : City Archives RG 20.15

Sheriffs' Deed Books

1736-1765 : 1 vol., 33 cm, 401 pp. : City Archives RG 20.16

1766-1768 : 1 vol., 33 cm, 239 pp. : City Archives RG 20.16

1769-1787 : 1 vol., 39 cm, 529 pp. : City Archives RG 20.16

1788-1794 : 1 vol., 43 cm, 348 pp. : City Archives RG 20.16

1794-1803 : 1 vol., 43 cm, 322 pp. : City Archives RG 20.16

Insolvency Petitions and Bonds

1790-1818 : 1 cu. ft. : City Archives RG 20.30

Miscellaneous Papers

1697-1732 : 1 vol., 37 cm, 167 pp. : HSP/805 (Am. 3093)

1732-1744 : 1 vol., 37 cm, 182 pp. : HSP/805 (Am. 3093)

1744-1749 : 1 vol., 37 cm, 148 pp. : HSP/805 (Am. 3093)

1749-1821 : 1 vol., 37 cm, 149 pp. : HSP/805 (Am. 3093)

Attachments for Debt : 1702-1741 : 42 attachments; 1 case from Quarter Sessions : HSP/1364 : With the exception of one attachment from 1741, all of the papers predate 1720. The records are very complete. Most give clear presentations of cases, including the charge and defense. Many also include final judgments, but in some instances referrals were made to arbitrators, or orders were made for accounts to be studied. A few cases are incomplete, and some have torn pages, but otherwise these records are in excellent condition. The case from quarter sessions is a complete record of a rape case, tried in 1712, in which a pardon for the rapist was obtained from the Lieutenant Governor.

Attachments for Debt : 1706-1714 : 17 attachments; 1 slander case : HSP/805 (Am. 3047) : These case records all concern suits for "trespass on the case," and with the exception of the one slander case, are for debt. The records vary in quality with some containing complete reports including complaint, defense, and decision. Others recite only the complaint, or only the complaint and defense.

COURT OF QUARTER SESSIONS

Dockets

1685-1686 : 1 vol., 35 cm, 76 pp. : HSP/805 (Am. 3092)

Combined Common Pleas and Quarter Sessions Docket : March 1695 : 1 vol., 34 cm, 86 pp. : HSP/805 (Am. 30365) : The cases from quarter sessions have been published. See the note under this docket for the court of common pleas.

Dec. 1753-Dec. 1760 : 1 vol., 34 cm, 295 pp. : City Archives RG 21.2

March 1761-March 1766 : 1 vol., 34 cm, 268 pp. : City Archives
RG 21.2

June 1766-March 1770 : 1 vol., 34 cm, 264 pp. : City Archives RG
21.2

Sept. 1773-Sept. 1780 : 1 vol., 34 cm, 350 pp. : City Archives RG
21.2

Dec. 1780-Dec. 1785 : 1 vol., 34 cm, 360 pp. : HSP/805 (Am.
30924)

Dec. 1790-Dec. 1795 : 1 vol., 34 cm, 368 pp. : City Archives RG
21.2

March 1796-Dec. 1799 : 1 vol., 34 cm, 517 pp. : City Archives RG
21.2

March 1800-June 1802 : 1 vol., 34 cm, 436 pp. : City Archives RG
21.2

Grand Jury Presentments

August 1715-April 1790 : 1 vol., 37 cm, 195 pp. : HSP/805 (Am.
3093, vol. 5) : In this volume of grand jury presentments there are
many notes on verdicts.

Minute Books

Dec. 1799-June 1800 : 1 vol., 34 cm, 60 pp. : City Archives RG
21.4

Private Dockets

1758-1776 : 12 vols., 18.8 cm each, ca. 100 pp. each : HSP/805

(Am. 30923) : The volumes contain records from the court of common pleas as well as from the court of quarter sessions.

Road Petitions

1685-1800 : 27 cu. ft. : City Archives RG 21.26 : There are two indices to the petitions. One is organized chronologically within counties (the counties include Philadelphia 1700-1870, Montgomery 1703-1784, and Berks 1715-1752), and the other is organized by the names of the roads and bridges.

1718-1775 : 1 pamphlet, 37 cm, 21 pp. : HSP/805 (Am. 30360)

Road Dockets

Jan. 1685-Sept. 1788 (1827) : 1 vol., 39 cm, 76 pp. : City Archives RG 21.25 : The volume consists of copies of road petitions. Few papers are from the seventeenth century. At the end of the volume are three pages from an 1827 sheriff's report regarding the sale of property.

Sept. 1700-Sept. 1740 : 1 vol., 39 cm, 366 pp. : City Archives RG 21.25

Dec. 1740-Dec. 1771 : 1 vol., 39 cm, 466 pp. : City Archives RG 21.25

March 1772-Dec. 1795 : 1 vol., 39 cm, 352 pp. : City Archives RG 21.25

March 1796-March 1805 : 1 vol., 39 cm, 358 pp. : City Archives RG 21.25

ORPHANS COURT

All of the dockets listed below are housed in the Office of the Clerk of the Orphans Court, City Hall. The papers are all stored in the attic storage rooms on the ninth floor of City Hall.

Docket, 1719-1734 : 1 vol., Missing, June 1980 : Corresponding papers: 42 folders

Docket, April 1734-May 1746 : 1 vol., 33 cm, 178 pp., Missing, July 1982 : Corresponding Papers: 188 folders

Docket, May 1746-May 1752 : 1 vol., 33 cm, 162 pp. : Corresponding Papers: 121 folders

Docket, May 1752-April 1757 : 1 vol., 33 cm, 256 pp. : Corresponding Papers: 158 folders

Docket, June 1757-Dec. 1761 : 1 vol., 33 cm, 243 pp. : Corresponding Papers: 229 folders

Docket, Dec. 1761-May 1763 : 1 vol., 33 cm, 266 pp. : Corresponding Papers: 104 folders

Docket, June 1766-June 1769 : 1 vol., 33 cm, 269 pp. : Corresponding Papers: 113 folders

Docket, July 1769-Oct. 1772 : 1 vol., 33 cm, 348 pp. : Corresponding Papers: 225 folders

Docket, Nov. 1772-Dec. 1775 : 1 vol., 33 cm, 358 pp. : Corresponding Papers: 189 folders

Docket, (?) 1776-Nov. 1782 : 1 vol., 33 cm, 459 pp. : Corresponding Papers: 263 folders

Docket, Nov. 1782-Nov. 1784 : 1 vol., 33 cm, 415 pp. : Corresponding Papers: 276 folders

Docket, Jan. 1785-Aug. 1786 : 1 vol., 33 cm, 250 pp. : Corresponding Papers: 136 folders

Docket, Sept. 1786-Jan. 1789 : 1 vol., 33 cm, 443 pp. : Corresponding Papers: 248 folders

Docket, Jan. 1789-Feb. 1791 : 1 vol., 33 cm, 352 pp. : Corresponding Papers: 185 folders

Docket, March 1791-Nov. 1793 : 1 vol., 33 cm, 358 pp. : Corresponding Papers: 175 folders

Docket, Nov. 1793-July 1798 : 1 vol., 33 cm, 536 pp. : Corresponding Papers: 570 folders

Docket, July 1798-March 1800 : 1 vol., 33 cm, 249 pp. : Corresponding Papers: 311 folders

MAYOR'S COURT OF THE CITY OF PHILADELPHIA

Dockets

July 1759-April 1764 : 1 vol., 34 cm, 252 pp. : City Archives RG 130.1

Oct. 1767-Jan. 1771 : 1 vol., 32 cm, 166 pp. : HSP/805 (Am. 30353)

Oct. 1779-April 1782 : 1 vol., 34 cm, 274 pp. : City Archives RG 130.1

July 1782-July 1785 : 1 vol., 34 cm, 268 pp. : City Archives RG 130.1

June 1789-March 1792 : 1 vol., 34 cm, 368 pp. : City Archives RG 130.1

June 1792-Jan. 1796 : 1 vol., 34 cm, 436 pp. : City Archives RG 130.1

March 1796-April 1802 : 1 vol., 34 cm, 631 pp. : City Archives RG 130.1

1749-1821 : 1 vol., 37 cm, 149 pp. : HSP/805 (Am. 3093, vol. 4) : The documents are interfiled with papers from the court of common pleas.

THE COURT RECORDS OF BUCKS COUNTY 1684-1800

COURT OF COMMON PLEAS

All of the seventeenth and eighteenth-century records of the court of common pleas are housed in the Historical Society of Bucks County in Doylestown.

Dockets

Combined Common Pleas and Quarter Sessions Docket : Feb. 1684-June 1731 : 1 vol., 34 cm, 567 pp. : Sessions covered are Feb. 1684 to Dec. 1705, June 1708 to Sept. 1713, and June 1726 to June 1731. Parts of the volume have been published as *Records of the Courts of Quarter Sessions and Common Pleas of Bucks County, 1684-1700* (Meadville, Pa. 1943).

Appearance Docket : Sept. 1727-June 1739 : 1 vol., 34 cm, 760 pp.

Execution Docket : Dec. 1732-Nov. 1803 : 1 vol., 34 cm, 902 pp.

Appearance Docket : Dec. 1739-Dec. 1749 : 1 vol., 34 cm, 549 pp.

Continuance Docket : March 1742-Dec. 1749 : 1 vol., 33 cm, 571 pp.

Appearance Docket : March 1750-Dec. 1759 : 1 vol., 33 cm, 601 pp.

Continuance Docket : March 1750-Dec. 1754 : 1 vol., 33 cm, 372 pp.

Continuance Docket : March 1755-Dec. 1759 : 1 vol., 33 cm, 291 pp.

Appearance Docket : March 1760-Dec. 1767 : 1 vol., 34 cm, 438 pp.

Continuance Docket : March 1760-Dec. 1764 : 1 vol., 333 cm, 303 pp.

Continuance Docket : March 1765-Dec. 1769 : 1 vol., 34 cm, 511 pp.

Execution Docket : June 1766-Sept. 1775 : part of one vol., 34 cm, 108 pp. : This docket may be found at the end of the appearance docket for March 1767 to Dec. 1769.

Appearance Docket : March 1767-Dec. 1769 : 1 vol., 34 cm, 263 pp.

Continuance Docket : March 1765-Dec. 1769 : 1 vol., 34 cm, 511 pp.

Appearance Docket : March 1770-June 1776 : 1 vol., 33 cm, 425 pp.

Continuance Docket : March 1770-Dec. 1774 : 1 vol., 34 cm, 533 pp.

Judgment Docket : June 1770-Dec. 1773 : part of one vol., 33 cm, 169 pp. : The volume is termed "Judgment Docket A" by the Historical Society. It consists of smaller volumes that have been bound together. Judgments for the years 1787 to 1792 are also included.

Appearance Docket : Sept. 1777-June 1784 : 1 vol., 32 cm, 368 pp.

Continuance Docket : March 1775-March 1785 : 1 vol., 35 cm, 560 pp.

Continuance Docket : 1776-June 1787 : part of one vol., 34 cm, 200 pp. : The volume contains two kinds of records, those for continuing cases as listed here, and judgments. The judgment docket covers the years 1779 to 1787.

Judgment Docket : June 1779-Sept. 1787 : part of one vol., 34 cm, 174 pp. : The volume also contains the records of continuing cases for

the years 1776 to 1787.

Appearance Docket : March 1788-Nov. 1794 : 1 vol., 35 cm, 614 pp.

Continuance Docket : Sept. 1775-May 1792 : 1 vol., 33 cm, 469 pp. : For this continuance docket and those following, the most important identifying date is the concluding one. Clerks in Bucks County began to take records in a slightly different form at this time, not recording cases term by term as they reappeared, but one time only. They returned to the initial entry to note changes in the status of the case as it progressed through the judicial process.

Continuance Docket : Dec. 1782-Feb. 1798 : 1 vol., 34 cm, 359 pp.

Judgment Docket : Dec. 1787-May 1792 : part of one vol., 33 cm, 178 pp. : The volume is termed "Judgment Docket A" by the Historical Society. It also contains judgments for the years 1770 to 1773.

Appearance Docket : Feb. 1795-Nov. 1803 : 1 vol., 35 cm, 707 pp.

Continuance Docket : March 1788-Aug. 1803 : 1 vol., 33 cm, 301 pp.

Continuance Docket : May 1795-Nov. 1808 : 1 vol., 33 cm, 370 pp.

Minutes

Sept. 1781-Dec. 1784 : 1 vol., 23 cm, 498 pp.

March 1785-Nov. 1794 : 1 vol., 23 cm, 592 pp.

Papers

The Historical Society recently has acquired all of the surviving eighteenth-century papers from the Bucks County court of common pleas. The processed papers are described below. All of the papers are available to researchers.

Original Papers : 1718-1800 : 15,269 documents : The papers were the first documents submitted to the court to commence a suit at law. They state the nature of the complaint.

Judgment Notes : 1781-1801 : 846 documents : The notes are basically two kinds of records, narratives and confessions of judgment. The narratives were submitted to the court by plaintiffs and outline their grievances. The confessions of judgment were submitted by defendants in cases of debt.

Executions : 1745-1787 : 4373 documents : The papers are writs issued to county sheriffs by the court of common pleas ordering property seizures and sales pursuant to court decisions. They show the names of parties, the type of writ, and the specific orders to the sheriff. On the back of each writ are notes from the sheriff indicating his activities with regard to the property, including valuations, sales, and failures to sell for want of buyers.

Term Papers : 1733-1801 : 835 documents : The papers are varied, consisting of miscellaneous documents that were submitted to the court during a single court term and not carried forward to the next. They include official reports such as oaths of office, petitions by attorneys to try cases before the court, trial lists, notes on court fees (including the court of quarter sessions), sheriffs' fees, and clerks' fees. Papers relating to individual cases include petitions by plaintiffs, petitions for leniency by insolvent debtors, accounts of prisoners' debts, reports of arbitrators and commissioners on lunacy committees, accounts and reports submitted as evidence, and testimonies.

Partition Papers : 1750-1800 : 52 partitions : The papers are filed in individual file folders, one case per folder. Labels for each folder give the date of the case, the names of parties, and occasionally, references to the corresponding docket entries. The papers consist of narratives, writs, and summons in partition. There is a name index.

COURT OF QUARTER SESSIONS

All of the records for the court of quarter sessions are located in the

Historical Society of Bucks County, with the exception of the road dockets. They remain in the office of the clerk of quarter sessions in the Doylestown courthouse.

Dockets

Combined Common Pleas and Quarter Sessions Docket : Feb. 1684-June 1731 : 1 vol., 34 cm, 567 pp.

June 1715-Dec. 1753 : 1 vol., 34 cm, 606 pp.

March 1754-Dec. 1782 : 1 vol., 34 cm, 672 pp.

Dec. 1782-May 1801 : 1 vol., 35 cm, 660 pp.

Road Dockets

In addition to the original dockets listed here, there is also a one volume certified copy for the years 1721-1850. Researchers must use this volume unless they obtain special permission in advance.

Dec. 1721-Feb. 1800 : 1 vol., 38 cm, 174 pp.

June 1747-March 1763 (Aug. 1774) : 1 vol., 34 cm, 179 pp.

Papers

In addition to the normal criminal papers which have already been described, the Bucks County quarter sessions papers include the records of the "Courts to Try Negroes." All of the following quarter sessions records are in the Historical Society.

Box 1, 1697-1732 : 159 documents

Box 2, 1733-1743 : 201 documents

Box 3, 1744-1752 : 319 documents

Box 4, 1753-1756 : 215 documents

Box 5, 1757-1758 : 250 documents

Box 6, 1759-1760 : 295 documents

Box 7, 1761-1762 : 308 documents

Box 8, 1763-1764 : 322 documents

Box 9, 1765-1766 : 276 documents

Box 10, 1767-1770 : 316 documents

Box 11, 1771-1779 : 300 documents

Box 12, 1780-1784 : 227 documents

Box 13, 1785-1794 : 244 documents

Box 14, 1795-1798 : 276 documents

Box 15, 1799-1801 : 284 documents

Miscellaneous Petitions

Overseers of the poor and overseers of the highways submitted petitions to the court of quarter sessions, asking for court action on specific problems. These petitions as well as petitions from peddlers, servants, and masters are included.

Box 1, 1728-1754 : 214 documents

Box 2, 1755-1765 : 300 documents

Box 3, 1766-1807 : 280 documents

Box 4, 1800-1807 : 795 documents

Coroners' Views and Inquisitions

Box 1, 1710-1810 : 146 documents

Tavern License Petitions

Box 1, 1742-1750 : 287 documents

Box 2, 1751-1756 : 294 documents

Box 3, 1757-1762 : 336 documents

Box 4, 1763-1769 : 304 documents

Box 5, 1770-1783 : 248 documents

Box 6, 1784-1796 : 189 documents

Box 7, 1797-1805 : 226 documents

Constables' Returns

The returns are short notes from constables reporting information on persons licensed to sell liquor, illegitimate children, and the names of men serving during the year as constables and overseers of the poor. The folders are arranged alphabetically by township.

Box 1, 1743-1809 : 579 documents

ORPHANS COURT

Dockets

The dockets for the orphans court are all located in the office of the register of wills in the Doylestown courthouse.

Jan. 1684-June 1752 : 1 vol., 37 cm, 217 pp. : Certified Copy

Sept. 1752-Sept. 1765 : 1 vol., 38 cm, 431 pp.

June 1766-March 1776 : 1 vol., 37 cm, 415 pp. : Certified Copy

March 1776-March 1787 : 1 vol., 37 cm, 487 pp. : Certified Copy

June 1787-Feb. 1801 : 1 vol., 40 cm, 468 pp.

Papers

The papers of the orphans court have been acquired by the Historical Society. For the seventeenth and eighteenth centuries there are 1307 case files. Papers include accounts, petitions, court orders, partitions of real estate, copies of inventories, and writs. There is a name index to the cases.

1683-1692 : files 1-26

1713-1728 : files 27-33

1730-1739 : files 34-66

1740-1749 : files 67-113

1750-1759 : files 114-286

1760-1769 : files 287-460

1770-1779 : files 461-658

1780-1789 : files 659-976

1790-1799 : files 977-1247

1800-1809 : files 1248-1886

THE COURT RECORDS OF BERKS COUNTY
1752-1800

COURT OF COMMON PLEAS

Dockets

Continuance Docket : May 1753 : 1 pamphlet, 41 cm, 26 pp. : PO

Combined Appearance and Continuance Docket : Aug. 1753 : microfilm, 41 pp. : HSBC, Film EA 55

Continuance Docket : Feb. 1754 : 1 pamphlet, 41 cm, 43 pp. : PO

Appearance Docket : May, Nov. 1754 : microfilm, 57 pp. : HSBC, Film EA 55

Appearance Docket : Aug. 1754 : 1 pamphlet, 37 cm, 28 pp. : xerox copy (original is missing) : PO

Continuance Docket : Feb. 1755 : 1 pamphlet; 34 cm, 31 pp. : PO

Appearance Docket : May, Aug. 1755 : microfilm, 47 pp. : HSBC, Film EA 55

Continuance Docket : Aug. 1755 : microfilm, 12 pp. : HSBC, Film EA 55

Appearance Docket : 1756 : microfilm, 93 pp. : HSBC, Film EA 55

Continuance Docket : Feb. 1758 : 1 pamphlet, 34 cm, 33 pp. : PO

Continuance Docket : Aug., Nov. 1758 : microfilm, 74 pp. : HSBC, Film EA 55

Continuance Docket : Feb. 1760 : microfilm, 31 pp. : HSBC, Film EA 55

Continuance Docket : Nov. 1760 : 1 pamphlet, 42 cm, 25 pp. : HSBC, Box 25

Continuance Docket : Feb. 1761 : 1 pamphlet, 42 cm, 23 pp. (microfilm also available) : HSBC, Box 25 and Film EA 55

Continuance Docket : May 1762 : 1 pamphlet, 42 cm, 28 pp. (microfilm also available) : HSBC, Box 25 and Film EA 55

Continuance Docket : Nov. 1762 : 1 pamphlet, 39 cm, 33 pp. : PO

Continuance Docket : 1763 : Microfilm, 149 pp. : HSBC, Film EA 55 : The original manuscripts for the Feb. and Nov. sessions are also in the Historical Society, Box 25.

Appearance Docket : 1764-1765 : 1 vol., 43 cm, 328 pp. : PO

Continuance Docket : Feb. 1764 : 1 pamphlet, 42 cm, 56 pp. (microfilm also available) : HSBC, Box 25 and Film EA 55

Continuance Docket : Nov. 1764 : fragment, 39 cm, 70 pp. : PO

Continuance Docket : Feb., Aug. 1765 : part of one vol., 41 cm, 146 pp. : PO

Continuance Docket : May 1765 : 1 pamphlet, 39 cm, 31 pp. : PO

Execution Docket : May 1765-Feb. 1769 : 1 vol., 35 cm, 209 pp. : PO

Continuance Docket : May, Aug. 1766 : part of 1 vol., 41 cm, 189 pp. : PO

Continuance Docket : Nov. 1766 : part of one vol., 35 cm, 153 pp. : PO

Continuance Docket : 1767 : 1 vol., 34 cm, 502 pp. : PO

Appearance Docket : 1768-1769 : 1 vol., 33 cm, 360 pp. : PO

Continuance Docket : Feb.-Aug. 1768 : incomplete vol., 34 cm, 412 pp. : PO

Continuance Docket : 1769 : 1 vol., 35 cm, 651 pp. : PO : There is an eighteenth-century copy of the continuance docket for May 1769 in the Historical Society: 1 vol., 33 cm, 131 pp., Box 25.

Execution Docket : May 1769-Aug. 1771 : 1 vol., 33 cm, 178 pp. : PO

Appearance Docket : date unclear, probably the 1760's : 1 pamphlet, 37 cm, 16 pp. (microfilm also available) : HSBC, Box 25 and Film EA 55

Appearance Docket : 1770-1772 : 1 vol., 34 cm, 404 pp. : PO

Continuance Docket : 1770 : 1 vol., 33 cm, 538 pp. : PO

Continuance Docket : 1771 : 1 vol., 34 cm, 394 pp. : PO

Execution Docket : Nov. 1771-Nov. 1775 : 1 vol., 34 cm, 228 pp. : PO

Continuance Docket : 1772 : 1 vol., 34 cm, 348 pp. : PO

Appearance Docket : Feb. 1773-May 1776 : 1 vol., 35 cm, 482 pp. : PO

Continuance Docket : Feb. 1773 : part of one vol., 35 cm, 124 pp. : PO

Continuance Docket : Feb. 1773-May 1775 : 1 vol., 34 cm, 579 pp. : PO

Execution Docket : Feb. 1776 : 1 pamphlet, 33 cm, 18 pp. : HSBC, Box 23

Appearance Docket : Feb.-Aug. 1778 : 1 pamphlet, 34 cm, 26 pp. : HSBC, Box 23

Execution Docket : Aug. 1778 : fragment, 33 cm, 4 pp. : HSBC, Box 23

Appearance Docket : 1779-1782 : 1 vol., 34 cm, 318 pp. : PO

Continuance Docket : Feb. 1779-Aug. 1783 : 1 vol., 33 cm, 491 pp. : PO

Execution Docket : Feb. 1779-Aug. 1787 : 1 vol., 34 cm, 396 pp. : PO

Appearance Docket : 1783-1784 : 1 vol., 34 cm, 338 pp. : PO

Continuance Docket : Nov. 1783-Nov. 1785 : 1 vol., 43 cm, 361 pp. : PO

Appearance Docket : 1785-1786 : 1 vol., 34 cm, 306 pp. : PO

Continuance Docket : Aug. 1786 : 1 vol., 43 cm, 260 pp. : PO

Continuance Docket : Nov. 1786-Nov. 1789 : 1 vol., 43 cm, 466 pp. : PO

Appearance Docket : 1787-1788 : 1 vol., 34 cm, 384 pp. : PO

Execution Docket : Nov. 1787-Aug. 1790 : 1 vol., 33 cm, 223 pp. : PO

Appearance Docket : 1789-1790 : 1 vol., 34 cm, 300 pp. : PO

Continuance Docket : 1790-1796 : 1 vol., 44 cm, 384 pp. : PO

Execution Docket : Nov. 1790-Jan. 1797 : 1 vol., 34 cm, 262 pp. : PO

Appearance Docket : Feb. 1791-April 1794 : 1 vol., 33 cm, 426 pp. : PO

Appearance Docket : Aug. 1794-Jan. 1797 : 1 vol., 33 cm, 354 pp. : PO

Appearance Docket : April 1797-Aug. 1798 : 1 vol., 33 cm, 300 pp. : PO

Continuance Docket : Jan. 1797-Aug. 1804 : 1 vol., 44 cm, 561 pp. : PO

Execution Docket : April 1797-April 1802 : 1 vol., 34 cm, 350 pp. : PO

Appearance Docket : Nov. 1798-Jan. 1800 : 1 vol., 32 cm, 230 pp. : PO

Appearance Docket : April 1800-April 1801 : 1 vol., 33 cm, 254 pp. : PO

Minutes

Nov. 1765-May 1767 : 1 pamphlet, 21 cm, 31 pp. : HSBC, Box 23

Jan. 1793 : 1 pamphlet, 21 cm, 14 pp. : HSBC, Box 23

Case Lists (Issue Books) : May 1767 : 1 pamphlet, 41 cm, 28 pp. : HSBC, Box 25

Feb. 1768 : 1 pamphlet, 42 cm, 30 pp. : HSBC, Box 25

Aug. 1778-Feb. 1788 : 1 pamphlet, 33 cm, 68 pp. : HSBC, Box 25

Index to Judgment Dockets

Feb. 1754-Nov. 1769 : 1 vol., 49 cm, 94 pp. : HSBC, Box 25

May 1770-May 1775 : 4 pamphlets, 40 cm, 60 pp. : HSBC, Box

25 : The indices are listed in the Historical Society's guide to collections as judgment dockets. They contain, however, only the names of parties, the date of the judgment, and whether or not there was a confession of judgment. No information on charge, plea, or verdict is included. References are given to the court term and year of the decision. It appears, therefore, that the pamphlets are indices to judgment dockets rather than the dockets themselves. There are also three volumes of indices to defendants in the prothonotary's office in the Reading courthouse.

Sheriff's Deed Books

May 1768-Nov. 1792 : 1 vol., 33 cm, 171 pp. : PO

Nov. 1778-Nov. 1821 : 1 vol., 33 cm, 270 pp. : PO

May 1787-April 1815 : 1 vol., 33 cm, 336 pp. : PO

Records of Bail

Nov. 1778-Nov. 1821 : 1 vol., 33 cm, 270 pp. : PO

May 1786-Nov. 1792 : 1 vol., 33 cm, 171 pp. : PO

May 1787-April 1815 : 1 vol., 33 cm, 336 pp. : PO

Papers

All papers for the Berks County court of common pleas are housed in the Agricultural Building, where storage facilities are provided for the Courthouse. To use the records, researchers must contact the office of the prothonotary in advance.

Writs : 1752-1800 : 14 cu. ft. : Boxes 1-7

Promissory Notes : 1758-1871 : 2 cu. ft. : Box 54 : Only one small

folder holds notes from the eighteenth century.

Petitions : 1793-1825 : 2 cu. ft. : Box 100

The petitions were submitted in actions concerning real property titles, usually for confirmation of titles. They show the names of parties, the date, a description of the property, and the decision of the court.

Appeals : 1769-1840 : 2 cu. ft. : Box 103 : The records are papers that were filed with the court of common pleas on appeals from decisions of justices of the peace. They include all of the information on the cases, including transcripts of the trials, and the decision. Most of the papers are from the nineteenth century.

Affidavits : 1764-1868 : 2 cu. ft. : Box 104

Certiorari Writs : 1779-1844 : 2 cu. ft. : Box 106

Insolvency Proceedings : 1 cu. ft. : Box 112 : The papers are petitions, accounts, reports, and writs.

Arbitration Papers : 1752-1843 : 14 cu. ft. : Boxes 116-122 : The records are reports submitted to the court during arbitration proceedings.

Writs of Execution : 1762-1807 : 8 cu. ft. : Boxes 153-157

Pleadings : 1770-1801 : 2 cu. ft. : Box 254 : The pleadings are miscellaneous papers filed in common pleas cases, including bonds, interrogatories, testimonies, judicial opinions, petitions to supply lost deeds, petitions concerning adoptions, and agreements.

Bonds : 1764-1870 : less than 1 cu. ft. : Box 302

Lunacy Commission Papers : 1787-1885 : less than 1 cu. ft. : Box 306 : The papers are petitions to the court for the appointment of commissioners to investigate the competency of an individual, including requests for the nomination of guardians. The papers give the

names of the parties, the names of commissioners, and official affidavits.

Miscellaneous Records : 1752-1830 : 2 cu. ft. : Box 104 : The papers include accounts, exceptions, and court orders.

COURT OF QUARTER SESSIONS

Dockets

All of the dockets are in the form of unbound pamphlets, 34 cm in length. They begin in 1767 and run consecutively to 1800 except for the following sessions, which are missing: Feb. and Aug. 1767, Feb. 1768, May 1772, May and Aug. 1773, Aug. and Nov. 1776, Feb. and Aug. 1778, and Feb. 1791. There are 1042 pp. of records. With the exception of one pamphlet, Nov. 1791, which remains in the office of the clerk of quarter sessions in the Reading courthouse, they are located in the Historical Society of Berks County. All of the pamphlets except that for Nov. 1791 have been microfilmed. The original dockets are in Box 23. The film is EA 56.

Road Petitions

1767-1770 : 1 vol., 33 cm, 108 pp. : CO

1776-1784 : 1 vol., 33 cm, 66 pp. : CO

Road Dockets

1752-1825 : 1 vol., 45 cm, 607 pp. : CO

1800-1802 : 1 vol., 34 cm, 345 pp. : CO

Draft Books

1752-? : 1 vol., 45 cm, 381 pp. : CO : The volume consists of road maps and township boundaries recorded pursuant to a Pennsylvania act of assembly of 1811.

Record Book of the Overseers of the Poor of Cumru Township : 1755-1783 : 1 vol., 33 cm, 72 pp. : CO

Record Book of the Overseers of the Poor of Reading Township : 1767-1825 : 1 vol., 33 cm, 190 pp. : PO

"Non-Omittas Book" : 1796-1817 : 1 vol., 33 cm, 54 pp. : CO : The volume consists of writs issued to sheriffs for service, showing the names of the parties, the charge, the date, and the required time of appearance in court.

ORPHANS COURT

The records for the orphans court are located in the office of the register of wills in the Reading courthouse.

Dockets

May 1752-Nov. 1767 : 1 vol., 39 cm, 272 pp.

Feb. 1768-Nov. 1782 : 1 vol., 40 cm, 350 pp.

Nov. 1782-Dec. 1787 : 1 vol., 43 cm, 317 pp.

Jan. 1788-Jan. 1811 : 1 vol., 44 cm, 437 pp.

Papers

Administrators Bonds : 1750-1801 : 5 legal file drawers

Accounts and Reports : 1779-1885 : 88 legal file drawers

Accounts, 1751-1885 : 55 legal file drawers

Appeals from the Register : 1760-1883 : 1 legal file drawer

Miscellaneous Papers : 1754-1922 : 3 legal file drawers : The papers include orders from the court to auditors regarding sales, reports submitted by auditors, petitions, writs of partition, and accounts.

