

ceed for default of payment against all and every the persons to whom the said monies, or any part thereof, have been lent in like manner, and to the same effect, as in and by the said before recited act is enjoined and directed to the Trustees in and by the said act appointed; and all other the powers and authorities, which to the former Trustees, or any of them, in and by the said recited act of Assembly was committed or entrusted.

1778.

VII. *And be it further enacted*, That in case of the death, refusal or removal of either, or any or all the said Trustees, it shall and may be lawful for the General Assembly for the time being, by their resolve, to be entered on their minutes, to nominate and appoint others in their stead and room.

Assembly
may re-ap-
point new
Trustees by
resolve.

VIII. *And be it further enacted*, That every thing in the said before recited act contained, which is not consistent with this present act, from henceforth shall be, and hereby is, repealed and made void.

Repeal.

Passed 23d December 1777.—Recorded in Law Book vol. I. page 150. (e)

(e) The duties prescribed in the fourth section are now transferred to the State Treasurer, after having been vested in the Managers of the Pennsylvania Hospital, by an act passed April 4th 1805, (post. chap. 2600)—and see the original act, ante pa. (chap. 672, and the notes thereto subjoined.)

pointed new Trustees in the room of the original Trustees, who had neglected or refused further to act, and prescribed an oath or affirmation to be taken by them, and directed them to retain the monies paid in, until the further orders of the General Assembly, &c. is obsolete.

The residue of the act, which ap-

CHAPTER DCCLXV.

An ACT for establishing a new seal for the Supreme Court, and for altering the place of holding the said Court, and the courts of Oyer and Terminer, and General Gaol Delivery, in the counties of Chester and Bucks, for a limited time.

WHEREAS, since the late glorious revolution, it is become expedient and proper to have a new seal for the Supreme Court, and the Courts of Oyer and Terminer and General Gaol delivery of this state: *Be it enacted, and it is hereby enacted*, That a new seal shall be procured and made, under the direction of the Prothonotary or Clerk of the said Supreme Court, having the arms of the state engraven thereon, with such other devices as the Justices of the said Court shall direct, with an inscription round the edge, and near the extremity thereof in these words, to wit: *Seal of Supreme Court of Pennsylvania*, and with the figures 1776 underneath the arms; and that the same, from and after the receipt thereof by the Prothonotary of said Court, shall be the seal of the said Courts, and used as such upon all occasions whatsoever; the expense of which seal shall be paid for by a draught of the Prothonotary upon the Treasurer of this state, who is hereby directed to pay the same out of the public monies in his hands: And the seal of any of the Justices of the said Courts is hereby established as the seal of the said

New seal
and device.

1778. Courts, until such new seal shall be made and received by the said Prothonotary.

Passed 2d January, 1778.—Recorded in Law Book vol. I. page 155. (*f*)

(*f*) The remaining sections of the army kept possession of Philadelphia. act merely provided for holding the Supreme Court at such places as the laws, see chap. 255; and to the judicial Judges should direct, while the British laws, see chap. 236.

CHAPTER DCCLXVI.

An ACT to prevent the imprisonment of soldiers for small debts; and also to prevent the inlistment of soldiers within the bounds of the Commonwealth of Pennsylvania, by any officers of the other states, until the quota of this state be completed.

WHEREAS it would be highly injurious to the common cause of this and the other United States of America, in our present necessary defence, to permit the imprisonment of soldiers for small debts: Therefore,

II. *Be it enacted, and it is hereby enacted,* That no soldier duly inlisted in the service of this or any other of the United States of America, shall be arrested or imprisoned by virtue of any writ or other process for debt or any breach of civil contract, issuing out of any court, of law or other legal jurisdiction within this Commonwealth, unless there be indorsed on the said writ, or other process, an affidavit, on oath or affirmation, that the defendant therein named, is justly indebted to the plaintiff therein mentioned, in a sum of money exceeding fifty dollars; and in case it shall happen that any soldier, so *bona fide* inlisted, and in actual service, shall be so arrested, the Justices of the Supreme Court of this Commonwealth, and the Justices of the Peace of the several counties thereof, and each and every of them, is hereby enjoined, empowered and required, upon application of the said soldier or his officer or officers, to discharge the said soldier from the said arrest or imprisonment: And all Sheriffs and other officers are hereby enjoined and required, that they do not arrest any persons whom they may or shall know to be regularly inlisted soldiers, unless such affidavit be endorsed on the said process, under the penalty of twenty pounds, to be recovered by the said soldier or the commanding officer of the company to which he belongs, by action of debt, in any Court of record within this state.

Passed 2d January, 1778.—Recorded in Law Book vol. I. page 156. (*g*)

(*g*) In Mr. Dallas's edition, vol. 1, pa. 749—it is said, the operation of this act ceased with the war—It is not printed in that edition, and is also omitted in the last 8vo. edition—But in consequence of the following case, the Editor has deemed it to be his duty to restore the act to its place in this edition.

At *Nisi Prius* at Wilkes-Barrè, May Assizes, 1792. *Coram M^r Kean, C. J. and Yates, J.*

Thomas Wright v. John Quinn.

A motion was made to discharge *John Quinn*, a soldier enlisted by *Capt. John Cook*, in the service of the United States, from his imprisonment, under the act of Assembly of January 2d, 1778.

No soldier to be arrested, unless affidavit of debt above fifty dollars.