

forded to any of the inhabitants thereof, who have resided therein for the space of two years next before his, her or their imprisonment, shall be extended and afforded, under the same rules, regulations, exceptions and restrictions, and on the same terms and conditions, to all and every such person and persons, as are in and by the said acts of General Assembly, or any of them, mentioned, notwithstanding he, she or they has or have not resided, or shall not have resided, within this commonwealth for any time before his, her or their imprisonment.

[*Provided nevertheless*, That nothing herein contained shall extend to, or operate against any other creditor or creditors of any such insolvent debtor or debtors, than him, her or them, at whose suit or suits such insolvent debtor or debtors is, are or shall be imprisoned: *And provided further*, That the provisions herein contained shall not extend to any person, who is or shall be imprisoned, at the suit or suits of one or more person or persons, for any debt or debts exceeding one hundred pounds in the whole.]

SECT. IV. And whereas it has been found, on experience, that the long confinement for small debts, fines or forfeitures, of those who are incapable of making satisfaction, tends to the distress of their families, as well as to the public injury, by the burthens created, and idle habits contracted thereby: For remedy whereof, *Be it further enacted by the authority aforesaid*, That every person who now is, or hereafter shall be confined in any gaol within this commonwealth, in execution or otherwise, for any debt or debts, sum or sums of money, or fine or fines, forfeiture or forfeitures, none of which do or shall exceed the sum of five pounds, exclusive of costs, and has or shall have remained so confined for the space of thirty days, shall be discharged from such confinement, and not be liable to be again imprisoned for the same; and the Sheriff, Gaoler or Keeper of the gaol, in which such person is or shall be confined as aforesaid, shall, upon application to him by the person so confined, discharge him or her out of custody, if detained for such debt or debts, sum or sums of money, fine or forfeiture, only, and for no other cause.

Passed 27th March, 1789.—Recorded in Law Book No. III. page 491.

## CHAPTER MCCCCI.

*An ACT for granting trials at Nisi Prius in the county of Philadelphia.*

SECT. I. WHEREAS the periods for holding the several terms of the Supreme Court at Philadelphia have, by experience, been found too short for the despatch of and expediting the business of the said court, owing partly to the great length of time necessary to the discussion of many important and complex cases, which have been there determined, whereby many other trials have been unavoidably postponed, and partly to a portion of each term being necessarily allotted for arguments of points of law, and motions in actions removed from the several counties in the state; and it is con-

1789.

But not to operate against any other but the plaintiffs; nor if the debts exceed 100 pounds. [See act of 16th Feb'y, 1799.]

Relief in cases of imprisonment for small debts, fines and forfeitures.

[See the notes to chap. 255, vol. I, pa. 131, for all the acts respecting the judiciary system, and the various alterations therein.]

1789.

ceived; that a power in the said court to hold courts of *Nisi Prius*, for the trial of such issues in fact as are or shall be depending in the said Supreme Court, either by removal, or otherwise, from the city or county of Philadelphia, would greatly expedite the determination of the business in the said Supreme Court, and be a greater relief to such suitors, as should not be able, from want of time, to procure trials at bar :

SECT. II. *Be it therefore enacted, and it is hereby enacted by the Representatives of the Freemen of the commonwealth of Pennsylvania, in General Assembly met, and by the authority of the same,* That, from and after the passing of this act, the Justices of the said Supreme Court in term time, or a majority of them in vacation, shall be empowered, and they are hereby enjoined, when occasion shall require, to direct the holding of courts of *Nisi Prius* in the city of Philadelphia, for the city and county of Philadelphia, before them, or any one or more of them, on such days and times as they shall nominate and appoint, and, for that purpose to direct the usual process to issue, returnable at such times, during the sitting of the same courts of *Nisi Prius*, as they shall see fit, for the trial of all such issues in fact as are or shall be depending in the said Supreme Court, in pleas, either civil or criminal, originally instituted in the said Supreme Court, or brought thither by writs of removal, appeals, or otherwise, from any civil or criminal jurisdiction in the city or county of Philadelphia, already erected, or hereafter to be erected; and, generally, to do, execute and perform all and every such acts, matters and things, and put in practice all such powers, authorities, jurisdictions and privileges, as by the present existing laws relative to courts of *Nisi Prius* for other counties within this commonwealth, or which in any manner respect the same, are enjoined and required of, or are given and granted to, the said Justices of the said Supreme Court, or to any one of the same Justices.

SECT. III. And whereas rules for the striking of special juries are often taken by defendants in the said court, for the mere purpose of delaying the recovery of undisputed debts, which practice has also a tendency to postpone the determination of litigated causes: *It is therefore enacted by the authority aforesaid,* That no rule, on the defendant's application, for a trial by special jury in the said Supreme Court, or at *Nisi Prius*, of any issue, in any of the said civil actions, except in cases where the title to real estate shall be in question, shall hereafter be granted, unless the defendant, or some person for him, shall previously make and file an affidavit in the said court, that he conceives there is a just and legal cause of defence against the plaintiff's demand in the said action, or against some part thereof.

SECT. IV. *And be it further enacted by the authority aforesaid,* That so much of an act of General Assembly, entitled "An act for the better regulation of juries," as provides or enacts, "that every special jury shall be struck thirty days, at the least, before the day of the return of the process for summoning such jury to attend; and that the party entering a rule for such special jury shall forthwith serve a copy thereof on the attorney of the other party, together with a copy of the list of jurors so to be struck, and due notice to

The Supreme Court may direct courts of *Nisi Prius* in Philadelphia county. See act of 20th of March, 1810.]

No rule for a special jury, on the application of defendants, is to be allowed, without affidavit of a defence.

Repeal of the section respecting the striking special juries.

[The whole of the act recited in this section has been since repealed.]

attend to strike the same, at the office of the Prothonotary or Clerk of the Court," shall be, and the same is hereby, repealed, and made null and void. 1789.

Passed 27th March, 1789.—Recorded in Law Book No. III. page 495-6. (s)

(s) See an act passed April, 1811, of Philadelphia, for the trial of civil for establishing a new court in the city causes.

## CHAPTER MCCCII.

*An ACT to prevent the granting of Special Courts on the plaintiff's application.*

SECT. I. WHEREAS the granting of Special Courts, on the application of plaintiffs, under pretence of their sudden departure out of this commonwealth, has been found, on experience, to be attended with much injury to the good people thereof, by giving to foreigners an undue preference in the decision of causes: For remedy whereof,

SECT. II. *Be it enacted, and it is hereby enacted, by the Representatives of the Freemen of the commonwealth of Pennsylvania, in General Assembly met, and by the authority of the same,* That so much of an act of General Assembly of this commonwealth, entitled "A supplement to an act, entitled "An act for establishing courts of justice in this province,"\* as authorizes or requires the Justices of the Supreme Court, or of any Court of Common Pleas within this commonwealth, to grant to any plaintiff or plaintiffs a special court or courts, or to hear and determine any suit, cause or action, without the usual imparlances, be, and the same is hereby, repealed.

Special courts not to be granted on the motion of plaintiffs. (\* Ante. p. 17, chap. 955.)

Passed 27th March, 1789.—Recorded in Law Book No. III. page 494.

## CHAPTER MCCCIII.

*An ACT to prevent the importation of convicts into this commonwealth.*

SECT. I. WHEREAS it hath been represented to this House by the United States in Congress assembled, that a practice prevails of importing felons convict into this state, under various pretences, which said felons convict, so imported, have been sold and dispersed among the people of this state, whereby much injury hath arisen to the morals of some, and others have been greatly endangered in their lives and property: For remedy whereof,

SECT. II. *Be it enacted, and it is hereby enacted by the Representatives of the Freemen of the commonwealth of Pennsylvania, in General Assembly met, and by the authority of the same,* That, from and after the first day of May next, no captain or master of any vessel, or any other person or persons, shall knowingly or willingly import, bring or send, or cause or procure to be imported,

Penalty on importing felons convict into this state.