

A C T S

OF THE

General Assembly of Pennsylvania.

Passed during the eighth General Assembly, which commenced 5th December, 1797, and ended 4th April, 1798.

THOMAS MIFFLIN GOVERNOR.
ROBERT HARE, SPEAKER OF THE SENATE.
GEORGE LATIMER, SPEAKER OF THE HOUSE OF
REPRESENTATIVES.

1798.

CHAPTER MDCCCCL.

An ACT extending the powers of the Judges of the Supreme Court and Common Pleas.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the Supreme Court and several Courts of Common Pleas in this state, shall have power, in any action depending before them, on motion, and upon good and sufficient cause shewn, by affidavit or affirmation, and due notice thereof being given, to require the parties, or either of them, to produce books or writings in their possession or power, which contain evidence pertinent to the issue; and if either party shall fail to comply with such order, and to produce such books or writings, or to satisfy said courts why the same is not in the party's power so to do, it shall be lawful for the said courts, if the party so refusing shall be a plaintiff, to give judgment for the defendant as in cases of non-suit, and if a defendant, to give judgment against him or her by default, as far as relates to such parts of the plaintiff or plaintiffs demand, or the defendant or defendants defence, to which the books or papers of the party is alleged to apply.*

Power of the courts to compel the production of books and papers.

Passed 27th February, 1798.—Recorded in Law Book No. VI. page 211.