

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 March 27, 1789. Recorded L. B.No. 3, p. 491. See the note to the Act of Assembly passed February 14, 1729-30, Chapter 315.

CHAPTER MCDXII.

AN ACT FOR GRANTING TRIALS AT NISI PRIUS IN THE COUNTY OF PHILADELPHIA.

(Section I, P. L.) Whereas the periods for holding the several terms of the supreme court at Philadelphia have by experience been found too short for the dispatch 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 conceived 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 great relief to such suitors as should not be able from want of time to procure trials at bar.

[Section I.] (Section II, P. L.) 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:

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:

[Section II.] (Section III, P. L.) It is therefore enacted by the authority aforesaid, That no rule on the defendants application for a trial by special 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 ad legal cause of defence against the plaintiff's demand in the said action or against some part thereof.

[Section III.] (Section IV, P. L.) 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"¹

¹ Passed March 19, 1785, Chapter 1138.

as provides or enacts "that every special jury shall be struck thirty days at 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 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.

Passed March 27, 1789. Recorded L. B. No. 3, p. 495.

CHAPTER MODXIII.

AN ACT TO PREVENT THE GRANTING OF SPECIAL COURTS ON THE PLAINTIFF'S APPLICATION.

(Section I, P. L.) 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 thereof:

[Section I.] (Section II, P. L.) 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.

Passed March 27, 1789. Recorded L. B. No. 3, p. 494.

¹ Passed April 10, 1782, Chapter 966.