

CHAPTER DCCCLXXIV.

1780.

[Supplement
to this act,
March 28th,
1787, chap.
327b.]

An ACT for re-establishing the charter of the second Presbyterian church in the city of Philadelphia, and for other purposes therein mentioned.

Passed 3d March, 1780.—Private act.—Recorded in Law Book vol. I. page 349.

CHAPTER DCCCLXXV.

An ACT for incorporating the society formed for the relief of poor, aged and infirm masters of ships, their widows and children.

Passed 4th March, 1780.—Private act.—Recorded in Law Book vol. I. page 350. (r)

[(r) This act repealed and supplied the former charter, chap. 609.]

CHAPTER DCCCLXXVII.

An ACT to restore and ascertain the value of divers fines, penalties and forfeitures, hereinafter mentioned, which may be incurred by the breach of certain acts of Assembly of this commonwealth. (s)

IV. AND whereas, by the invasion of this state by the enemy, in the years one thousand seven hundred and seventy-seven, and one thousand seven hundred and seventy-eight, the trustees of the Loan-Office of this state became separated and dispersed, and discharges of mortgages were made by one trustee only :

V. *Be it therefore enacted*, That all and every discharge of any mortgage or mortgages, which have been made by one Trustee, as aforesaid, or which shall hereafter be made by one Trustee, to be appointed by the House of Assembly, shall be taken and held to be good and valid, any thing in any law to the contrary notwithstanding.

Passed 8th March 1780.—Recorded in Law Book vol. I. page 358.

(s) By this act the fines, penalties and forfeitures, declared for the breach of preceding laws, were to be regulated by the price of wheat; but this provision, which was all the act contained, except the sections here reprinted, was repealed, chap. 934, sect. 15, post. [This section is now obsolete and the power vested in the State Treasurer]

CHAPTER DCCCLXXVIII.

An ACT for the amendment of the laws relative to the punishment of treasons, robberies, misprisions of treasons, and other offences. (t)

WHEREAS, in and by the act of Assembly, entitled *An Act for the advancement of justice, and the more certain administration thereof*, made and passed the thirty-first day of May, in the year

(t) For a general reference to the laws respecting the Judicial Department, see *ibid.* chap. 255.

Mortgages may be discharged by one Trustee. [Original act, ante, chap. 672.]

of our Lord one thousand seven hundred and eighteen, the punishment of death is inflicted, in the case of robbery, upon such only as commit the same on or near the highway, so that no adequate provision seems to have been made for punishing the most atrocious robberies, if the same be committed elsewhere :

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II. *Be it therefore enacted, and it is hereby enacted,* That from and after the passing of this act, if any person or persons shall commit robbery, which robbery is done by assaulting another, putting him in fear, and taking from his person money or other goods, to any value whatsoever, whether the same robbery, be committed on or near the highway or elsewhere, in any place or places, whatsoever, within this commonwealth, he or they so offending, his or their counsellors, aiders, comforters and abettors, being thereof duly convicted or attainted, or being indicted, and standing mute, or challenging peremptorily above the number of twenty persons returned to serve of the jury, shall suffer as felons, without benefit of clergy, in like manner as by the laws of this commonwealth is provided in the case of robbers on or near the highway. (u)

Robbery any where felony as on the highway.

III. And whereas the forfeiture of goods and chattels, in the case of manslaughter, is rarely exacted, and the burning in the hand of such felons in more heinous and aggravated instances of this kind of homicide, which may approach nearly to murder, is too light and inadequate a punishment ; to the end, therefore, that the lives of the citizens of this commonwealth may be guarded and preserved from danger,

IV. *Be it enacted,* That in all cases of convictions of manslaughter, other than by stabbing, as described in the act of Assembly herein before mentioned, the said forfeiture shall be removed, and hereafter no more incurred ; but instead thereof the court shall give judgment against such offender of imprisonment, for any time not exceeding two years, and of fine, at the discretion of the court ; and moreover, shall sentence such offender to find security for his good behaviour during life. And in order for the punishment by banishment of offenders, whose lives might be spared, and at the same time whose wicked conduct and example may render it highly dangerous that they should remain and enjoy the benefits of this free state, and to lessen sanguinary punishments : (x)

Forfeiture in manslaughter removed, but imprisonment and fine added.

V. *Be it enacted,* That it shall and may be lawful to and for the President or Vice-President and Council of this commonwealth, upon the prayer of any person or persons under sentence of death for treason or felony, to grant to such person or persons a pardon, so far as respects his, her or their lives, consonant with the limitations of the constitution, on condition, that such person or persons shall within a limited time depart from this state to foreign parts

Council may pardon, on condition of departing the United States.

(u) The punishment of imprisonment at hard labour is now substituted for capital punishment in the case of robbery, (chap. 1230, 1505, 1766.) In case a prisoner stands mute, &c. the plea of not guilty shall be entered, and the trial proceed, as if he had pleaded himself, (chap. 1572, sect. 5.) The convict, in case of robbery, or burglary, shall be sentenced to make restitution, or pay

the value of the goods stolen. *Ibid.* sect. 9.

(x) The act of the 22d April, 1794, chap. 1766, abolishes the punishment of death in all cases, except murder of the first degree. For the extension of the statute against stabbing, see chap. 236, sect. 9. For the existing punishment of voluntary, or involuntary, manslaughter, see chap. 1766, sect. 7.

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beyond the sea, and that he or they shall not return into this state, or any of the United States of America; and that if any person or persons so pardoned on the condition aforesaid shall break the same condition, by not departing within the said time, or by returning again into this state, or any of the United States aforesaid, the same pardon shall be void, and such person or persons, not departing, or returning as aforesaid, shall suffer death, according to the sentence which had been before pronounced against them. (y)

In treason none to suffer, save the offender, after peace with Britain, &c.

VI. *And be it further enacted*, That no attainder of treason to be had, from and after the end of the present war between the United States of America and Great Britain, and the acknowledgment of the Independency of the said United States by the King of Great-Britain, shall extend to the disinheriting of any heir, nor to the prejudice of any person or persons, other than the offender. And in order to the detecting and punishing, in some measure, persons accused of treason or misprision of treason by one witness, and at the same time to avoid confounding very different degrees of guilt in the same punishment, and for removing doubts concerning the legality thereof. (z)

Persons charged with treason may be proceeded against as for misdemeanor.

VI. *Be it enacted and declared*, That in all cases where any charge is made upon oath or affirmation against any person or persons, of facts amounting to treason, or misprision of treason, it shall and may be lawful for the Attorney-General, with the leave of the court, to proceed against and charge such person or persons with a misdemeanor, and give in evidence any act or acts of treason, or misprision of treason, by one witness, on the trial, or other proper and legal testimony, and such person or persons, upon conviction, shall suffer as in cases of misdemeanor. (a)

Passed 8th March, 1780.—Recorded in Law Book vol. I. page 359.

(y) The power to remit fines and forfeitures, and grant reprieves and pardons, except in cases of impeachment, is now vested in the Governor. Constitution, art. 2, sect. 9.

(z) This provision was made absolute, (chap. 1505, sect. 2,) and now, by the 19th sect. of the 9th art. of the existing constitution, it is declared "that

no attainder shall work corruption of blood, nor, except during the life of the offender, forfeiture of estate to the commonwealth." A similar provision, in the case of attainders for treason, is contained in the 3d sect. of the 3d art. of the federal constitution.

(a) For the law respecting treason, see ante. chap. 729.

CHAPTER DCCCLXXIX.

An ACT to increase the punishments of horse stealing.

WHEREAS the punishments heretofore provided against the crime of horse stealing have not proved sufficient to deter evil minded persons from the commission thereof: For remedy whereof,

Punishment for first offence;

II. [*Be it enacted, and it is hereby enacted*, That if any person or persons, from and after the passing of this act, shall feloniously take and carry away any horse, mare or gelding, of the property of any other person or persons, or of the United States of America, and