

1780. 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

shall be thereof convicted, every such person or persons so offending, for the first offence, shall stand in the pillory for one hour, and shall be publickly whipped on his, her or their bare backs with thirty-nine lashes, well laid on, and at the same time shall have his, her or their ears cut off, and nailed to the pillory; and for the second offence shall be whipped and pillored in like manner, and be branded on the forehead, in a plain and visible manner, with the letters **H. T.** (b)] 1780.

second of-
fence.

III. And whereas persons who have heretofore committed the offence of horse stealing have often escaped from justice, by reason of the insufficiency of the bail taken for their appearance to answer for the same :

IV. *Be it therefore enacted,* That, from and after the publication of this act, no person or persons, who shall be charged with the stealing of any horse, mare or gelding, on the direct testimony of one witness, or who shall be taken with such horse, mare or gelding, in his or her possession, shall be admitted to bail, otherwise than by one or more Justices of the Supreme Court. (c) Horse steal-
ers not to be
baited, un-
less by a
Judge of Su-
preme Court.

V. *And be it further enacted,* That so much of an act of Assembly of the late province of Pennsylvania, entitled *An Act for the advancement of justice, and more certain administration thereof,** and of the supplement thereto, as are contradictory to this act, and no more thereof, are repealed and made void. Repeal.
* Chap. 236

Passed 10th March, 1780.—Recorded in Law Book vol. I. page 360.

(b) For former laws respecting horse stealing, see chap. 236; and the notes there subjoined. See, also, ante. chap. 557, and post. chap. 908, where provision is made for keeping a register of horses sold at auction. The punishment for horse stealing was commuted

to imprisonment at hard labour, by the successive acts for reforming the penal laws. See chap. 1230, 1505, sect. 3.

(c) For the laws respecting bail in criminal cases, see chap. 151, 236, 610; 1121, 1505, sect. 4; 1564, sect. 9.

CHAPTER DCCCLXXXII.

An ACT of free and general pardon and indemnity for the offences therein mentioned.

WHEREAS divers unhappy disputes have heretofore subsisted between some of the subjects of this state, within the city of Philadelphia, which, by mutual misunderstandings, did, on the fourth day of October last, occasion a tumult and breach of the public peace within the said city, wherein sundry persons were unhappily killed in and near the house of James Wilson, Esquire, in Walnut-street, within the said city, for which the several parties concerned therein stand bound by recognizance to answer in due course of law :

II. And whereas, since the said tumult, a cordial quietude has taken place, and as the rigorous prosecution of justice in all cases is not expedient, inasmuch as it may tend to perpetuate enmity and discord between the citizens of the same State, when union and harmony are so necessary against the common enemy; and it being