

## CHAPTER DLVII.

A SUPPLEMENT TO THE ACT, ENTITLED "AN ACT FOR THE ADVANCEMENT OF JUSTICE AND MORE CERTAIN ADMINISTRATION THEREOF." <sup>1</sup>

Whereas in and by the act passed in the fourth year of His Majesty George the First, entitled "An act for the advancement of justice and more certain administration thereof," <sup>1</sup> it is enacted that if any person or persons shall be convicted of maliciously and voluntarily burning the dwelling-house, barn, stable or out-house of another, having corn or hay therein, he or they so offending within this province shall suffer death; but inasmuch as the said offenders are under the said act entitled on prayer to the benefit of clergy, many evil-minded persons have not been deterred by the said provision from the perpetration of the said dangerous and heinous offense:

[Section I.] Be it therefore declared and enacted by the Honorable John Penn, Esquire, Lieutenant-Governor under the Honorable Thomas Penn and Richard Penn, Esquires, true and absolute Proprietaries of the Province of Pennsylvania and counties of Newcastle, Kent and Sussex upon Delaware, by and with the advice and consent of the representatives of the freemen of the said Province in General Assembly met, and by the authority of the same, That if any person or persons, from and after the publication of this act, shall maliciously and voluntarily burn the dwelling-house, or any other house, barn or stable adjoining thereto, or any barn or out-house having corn or hay therein, although the same shall not be adjoining to such dwelling-house, belonging to any other person or persons, and shall be thereof legally convicted, every such person and persons shall suffer death without benefit of clergy, anything in the said recited act to the contrary in any wise notwithstanding.

[Section II.] And be it further enacted by the authority afore-

---

<sup>1</sup> Passed May 31, 1718, Chapter 236.

said, That if any person or persons within this province, after the publication of this act, shall falsely forge and counterfeit any coin of gold or silver which now is or shall be passing or in circulation in this province, every such person or persons so offending and being thereof lawfully convicted shall suffer death without the benefit of clergy; and every person or persons who shall pay or tender in payment any such forged and counterfeited coin of gold or silver, knowing the same to be so forged and counterfeited, and being thereof legally convicted in any court of record in this province, such person or persons shall be sentenced to the pillory for the space of one hour and to have both his or her ears cut off and nailed to the pillory, and be publicly whipped on his or her bare back with twenty-one lashes, well laid on; and moreover every such offender shall forfeit the sum of one hundred pounds, lawful money of this province, one-half to the use of the governor and the other half to the discoverer, with costs and charges of prosecution.

[Section III.] And be it further enacted by the authority aforesaid, That if any person or persons, after the publication of this act, shall feloniously take and carry away any horse, mare or gelding, the property of any other person or persons whatsoever, and shall be thereof legally convicted, every such person or persons shall, for the first offense, restore the said horse, mare or gelding to the owner or owners or pay him, her or them the full value thereof, and also shall pay the costs of prosecution with all such other sums of money as the court shall allow to such owner or owners for his, her or their loss of time, charges and disbursements in the apprehending and prosecuting such offender or offenders, and shall also pay to the governor of this province, for the support of the government thereof, the like value of the horse, mare or gelding, and shall stand in the pillory during the space of one hour and be publicly whipped on his, her or their bare backs with thirty-nine lashes, well laid on, and be committed to the workhouse or gaol of the city or county where such offender shall be convicted for and during any space of time not exceeding six months; and if any person or persons shall be guilty of the like offense a second time and be thereof lawfully convicted, every such person or

persons so offending shall for every such second and other offense restore the property so stolen or pay the value thereof to the owner or owners as aforesaid, and shall pay the costs of prosecution and such other sums of money as the court shall allow to such owners for their loss of time and charges as aforesaid; and shall also pay to the governor of this province, for the support of government, the like value of the horse, mare or gelding so stolen as aforesaid, and shall be publicly whipped with thirty-nine lashes on his or her bare back, well laid on, at the public whipping-post, stand in the pillory during the space of one hour and be committed to the workhouse or gaol of the city or county where such offender shall be convicted, there to be kept at hard labor during any space of time not exceeding three years.

[Section IV.] And be it further enacted by the authority aforesaid, That every person or persons who shall receive or buy of any such felon or felons any horse, mare or gelding, knowing the same to be stolen, and being thereof legally convicted, shall, for the first and every other offense, be adjudged to suffer all and every the pains, penalties and forfeitures which by this act are imposed and directed to be inflicted upon the principal for such offenses respectively on his or her conviction as aforesaid.

[Section V.] And be it further enacted by the authority aforesaid, That so much of the said act of general assembly of this province, entitled "An act for the advancement of justice and more certain administration thereof,"<sup>1</sup> as is herein and hereby altered and supplied be and the same is hereby repealed and made null and void.

Passed February 21, 1767. Referred for consideration by the King in Council, December 17, 1767, and allowed to become a law by lapse of time in accordance with the proprietary charter. See Appendix XXVI, Section II, and the note to the Act of Assembly passed May 31, 1718, Chapter 236.

---

<sup>1</sup> Passed May 31, 1718, Chapter 236.