

1767. must, therefore, be continued under a new rule. 1 Dallas, 405.

A rule for trial, or *non pros*, was taken in September term, 1787, and notice at bar was entered on the docket. The cause was afterwards continued generally till January term 1789, when the plaintiff moved to put off the trial: But by the Court, the rule for tri-

al, or *non pros*, was continued; and as new notice is necessary. 1 Dallas, 410. (*Note to former edition.*) And see the notes and miscellaneous cases of Practice, ante. chap. 255, pa. 150, and the act to regulate arbitrations and proceedings in Courts of Justice, passed March 21st, 1806, (chap. 2686.)

CHAPTER DLVII.

A SUPPLEMENT to the act, entitled An Act for the advancement of justice, and more certain administration thereof. (o)

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*, 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 offence:

Persons convicted of maliciously burning any house, barn, &c. to suffer death, without benefit of clergy.

Be it therefore declared and enacted, 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, any thing in the said recited act to the contrary in any wise notwithstanding. (*p*)

Persons convicted of counterfeiting gold or silver coin to suffer death, without benefit of clergy.

II. *And be it further enacted*, 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,

Penalty on persons tendering counterfeited gold or silver coin in payment, knowing it to be such, &c.

(*o*) For the original act, and a general reference to the penal laws, see ante. chap. 236. For the laws relating to the Judiciary department, see ante. chap. 255. (*Note to former edition.*)

(*p*) The punishment of arson, or of being accessory thereto, has been com-

muted into confinement at hard labour, chap. 1766. For the antecedent modifications of the punishment, and a definition of the objects to which arson extends, see ante. chap. 236, sect. 13. (*Note to former edition.*)

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. (q) 1767.

[III. *And be it further enacted*, 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 offence, 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 work-house 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 offence a second time, and be thereof lawfully convicted, every such person or persons so offending shall, for every such second and other offence, 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 work-house or gaol of the city or county, where such offender shall be convicted, there to be kept at hard labour during any space of time, not exceeding three years.] (r)

IV. *And be it further enacted*, 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 offence, 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 offences respectively, on his or her conviction as aforesaid.

V. *And be it further enacted*, That so much of the said act of General Assembly of this province, entitled *An Act for the advance-*

(q) The punishment of this offence is changed to confinement at hard labour, (chap. 1765.) (Note to former edition.)

(r) The punishment of this offence is changed to confinement at hard labour,

see chap. 1505. See, likewise, chap. 879, where the above section was repealed and supplied. For regulating the sales of horses at public auction, see chap. 908. (Note to former edition.)

Punishment to be inflicted on persons convicted of horse-stealing, &c.

Penalty on persons receiving stolen horses knowing them to be such.

1767. *ment of justice, and more certain administration thereof,* as is*
 herein and hereby altered and supplied, be, and the same is hereby,
 * Chap. 236. repealed, and made null and void.

Passed 21st February, 1767.—Recorded A. vol. V. page 153.

CHAPTER DLVIII.

An ACT to appoint certain persons, therein named, Supervisors and Directors of the road and bridge over Hollander's creek, leading to the west district of Greenwich Island, and to enable them to lay such rates and assessments, from time to time, on all lands in the said district, accommodated by the road and bridge aforesaid, as may be found necessary, for supporting, maintaining and keeping the same in good repair.

Passed 21st February, 1767.—Recorded A. vol. V. page 169.

CHAPTER DLX.

An ACT to amend the act, entitled an Act for establishing Courts of Judicature within this province. (s)

[WHEREAS it has been found inconvenient for the Judges of the Supreme Court of this province to ride the circuit, and to try the issues joined in the said Court, in causes removed from the respective counties of Chester and Bucks, on the days and times appointed for that purpose, in and by the act of General Assembly of this province, passed in the eighth year of his Majesty George the first, entitled *An Act for establishing Courts of Judicature within this province*, whereby a practice has been introduced of trying all issues in fact, joined in causes which have been removed from the several counties thereof into the said court, at the city of Philadelphia, which has often obliged the parties, jurymen and witnesses, to attend from the most remote parts of the province at the said city, to their very great, and unnecessary expense and grievance: For remedy whereof, we the Representatives of the freemen of the province of Pennsylvania, do pray that it may be enacted, *And be it enacted*, That so much of the said recited act of General Assembly, as relates to the Governor's appointing and commissionating three Supreme Judges only, and to the nomination and appointment of the days and times for riding to and holding the Circuit and Nisi Prius Courts in the said counties of Chester and Bucks respectively, shall be and is hereby declared to be, repealed, null and void; and that there shall be four persons of known integrity and ability commissionated by the Governor of this province for the time being, by several distinct patents or commissions,

Repeal of parts of a former law.

Four Judges of the Supreme Court to be commissionated

(s) For a general reference to all the acts respecting the Judiciary Department, see ante. chap. 255, and respecting the penal law, see ante. chap. 236. (*Note to former edition.*)