

CHAPTER CXVII.

AN ACT AGAINST BURGLARY.

[Section I.] Be it enacted by John Evans, Esquire, by the Queen's royal approbation Lieutenant-Governor under William Penn, Esquire, absolute Proprietary and Governor-in-Chief of the Province of Pennsylvania and Territories, by and with the advice and consent of the freemen of the said Province in General Assembly met, and by the authority of the same, That whosoever shall break into any mansion-house, whether inset or outset, edifices or buildings within this province with intent to commit felony, shall be publicly whipped with twenty-one stripes on his or her bare back, well laid on, and suffer six months' imprisonment at hard labor; and shall moreover make fourfold satisfaction for what he or she shall be proved to have taken out of the said mansion-house or building; and if unable to make such satisfaction, then he or she shall make satisfaction by servitude for the same as the court shall adjudge. And if such offense shall be committed in the night time the offender shall be whipped and make satisfaction as aforesaid, and suffer twelve months' imprisonment at hard labor and be branded on the forehead with the letter T; and for the second offense shall suffer imprisonment during life.

Passed January 12, 1705-6. Allowed to become a law by lapse of time, in accordance with the proprietary charter, having been considered by the Queen in Council, October 24, 1709, and not acted upon. See Appendix II, Section III, and the Act of Assembly passed May 31, 1718, Chapter 236 and note thereto.

CHAPTER CXVIII.

AN ACT AGAINST ROBBING AND STEALING.

[Section I.] Be it enacted by John Evans, Esquire, by the Queen's royal approbation Lieutenant-Governor under William Penn, Esquire, absolute Proprietary and Governor-in-Chief of

the Province of Pennsylvania and Territories, by and with the advice and consent of the freemen of the said Province in General Assembly met, and by the authority of the same, That if any person shall be legally convicted of stealing or fraudulently and feloniously taking or carrying away of any living goods or cattle from any the inhabitants or others within this province, and the same goods or cattle stolen be found alive and returned to the owner at his or her dwelling house, the felon shall make double satisfaction besides the goods returned; and if the goods or cattle be not found and returned to the owner thereof, then the felon shall make fourfold satisfaction, and the justices at the court of quarter-sessions where such felon shall be convict shall order the felon to be publicly whipped, not exceeding twenty-one lashes, besides such satisfaction as aforesaid, and to wear a Roman T for six months as hereafter is expressed. And in case the goods stolen be dead goods or merely personal goods, and not restored as aforesaid, and being under the value of five shillings, the felon or thief shall pay to the owner thereof fourfold; but if the goods so stolen amount to the value of five shillings or upwards, then the felon or thief shall pay unto the owner fourfold, and be whipped on his or her bare back, not exceeding twenty-one lashes, and be ordered by the court to wear a mark or badge of their thievery upon the outside of his or her outer garment in open view upon the outer part of the left arm betwixt the elbow and the shoulder, at all times when he or she shall travel or be seen from his or her habitation or plantation where he or she shall live on every day from sun rising to sun setting, for the space of six months; which mark or badge of his or her thievery shall be a Roman T, not less than four inches in length each way and an inch in breadth, of a different color from his or her outer garment, either red, blue or yellow, as the justices of the said court shall direct. And if such felon or thief shall at any time during the said term of six months be found without the said badge or mark of thievery, any one justice of the peace, upon his own knowledge or proof of others, shall order such felon or thief to be whipped, for the first offense, not exceeding twenty-one lashes; and for the second offense, he or she offending as aforesaid shall receive

thirty-nine lashes upon his or her bare back, well laid on, and be branded with the letter T on the forehead, or be banished out of this government, never to return again upon such penalty as the court shall think fit to lay upon such persons.

And if any person shall be lawfully convicted of robbery, he or she shall be punished, for the first offense as for stealing by this act, and be branded on the forehead with the letter T; and for the second offense shall be imprisoned at hard labor during life to the behoof of the public.

And for the prevention of concealment or connivances of thievery:

[Section II.] Be it enacted by the authority aforesaid, That if any person or persons shall agree or compound to take satisfaction for any stealing or goods stolen, such person shall forfeit twice the value of the sums agreed for or taken. But no person shall be debarred from taking his goods back which are stolen, provided he prosecute the felon.

Passed January 12, 1705-6. Allowed to become a law by lapse of time, in accordance with the proprietary charter, having been considered by the Queen in Council, October 24, 1709, and not acted upon. See Appendix II, Section III, and the Act of Assembly passed March 27, 1712-13, Chapter 198. Repealed by the Act of May 31, 1718, Chapter 236.

CHAPTER CXIX.

AN ACT TO RESTRAIN PEOPLE FROM LABOR ON THE FIRST DAY OF THE WEEK.

To the end that all people within this province may with the greater freedom devote themselves to religious and pious exercises:

[Section I.] Be it enacted by John Evans, Esquire, by the Queen's royal approbation Lieutenant-Governor under William Penn, Esquire, absolute Proprietary and Governor-in-Chief of the Province of Pennsylvania and Territories, by and with the advice and consent of the freemen of the said Province in General Assembly met, and by the authority of the same, That according to the example of the primitive Christians, and for the ease of the creation, every First day of the week, commonly called Sunday, all people shall abstain from toil and labor;