

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 Repealed by the Act of May 31, 1718, Chapter 236.

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## CHAPTER CXIX.

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### 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;

that whether masters, parents, children, servants or others, they may the better dispose themselves to read and hear the Holy Scriptures of Truth at home, and frequent such meetings of religious worship abroad as may best suit their respective persuasions. And that no tradesman, artificer, workman, laborer or other person whatsoever shall do or exercise any worldly business or work of their ordinary callings on the First day or any part thereof (works of necessity and charity only excepted) upon pain that every person so offending shall, for every offense, forfeit the sum of twenty shillings, to the use of the poor of the place where the offense was committed; being thereof convicted before any justice (either upon his view, confession of the party, or proof of one or more witnesses), and the said justice shall give a warrant, under his hand and seal, to the next constable where such offense shall be committed, to levy the said forfeiture or penalty by distress and sale of the offender's goods and chattels, rendering to the said offender the overplus of the moneys raised thereby.

Provided always, That nothing in this act contained shall extend to prohibit the dressing of victuals in families, cook-shops or victualling-houses, or to watermen landing their passengers on the First day of the week; nor to butchers their killing and selling of meat, or fishermen from selling fish on the morning of the First day of the week, in the Fourth, Fifth and Sixth months, called June, July and August, nor to the crying of milk before nine of the clock in the morning, or after five in the afternoon.

Provided also, That no person shall be impeached, presented or molested for any offense before mentioned in this act, unless he or they be prosecuted for the same within ten days after the offense committed.

[Section II.] And be it further enacted by the authority aforesaid, That no person or persons on the First day of the week shall serve, execute or cause to be served or executed, any writ, precept, warrant, order, judgment or decree (except in case of treason, felony or breach of the peace), but that the serving of any such writ, precept, warrant, order, judgment or decree shall be void to all intents and purposes whatsoever; and the person

or persons so serving or executing the same shall be as liable to the suit of the party grieved, and to answer damages to him for doing thereof, as if he or they had done the same without any writ, precept, warrant, order, judgment or decree at all.

[Section III.] And be it further enacted [by the authority aforesaid], That all persons who are found drinking and tipping in ale houses, taverns or other public-house or place on the First day of the week, commonly called Sunday, or any part thereof, shall, for every offense, forfeit and pay one shilling and six pence to any constable that shall demand the same, to the use of the poor. And all constables are hereby empowered, and by virtue of their office required to search public-houses and places suspected to entertain such tipplers, and them when found quietly to disperse; but in case of refusal, to bring the persons so refusing before the next justice of the peace, who may commit such offenders to the stocks, or bind them to their good behavior, as to him shall seem requisite. And the keepers of such ale-houses, tavern or other public-house or place as shall countenance or tolerate any such practices, being convicted thereof by the view of a single magistrate, his own confession, or the proof of one or more credible witnesses, shall, for every offense, forfeit and pay ten shillings, to be recovered as and for the uses abovesaid.

Provided always, That nothing in this act be construed to prevent victualling-houses or other public-house or place from supplying the necessary occasion of travelers, inmates, lodgers or others on the First day of the week with victuals and drink in moderation, for refreshment only; of which necessary occasion for refreshment, as also moderation, the magistrate before whom complaint is made shall be judge, any law, usage or custom in this province to the contrary notwithstanding.

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 Acts of Assembly passed April 9, 1760, Chapter 456; March 30, 1779, Chapter 833; April 22, 1794, Chapter 1758; March 25, 1805, P. L. 159; April 22, 1829, P. L. 226; April 11, 1845, P. L. 364; February 26, 1855, P. L. 53; April 17, 1855, P. L. 227; April 29, 1867, P. L. 95; April 2, 1873, P. L. 58; April 28, 1873, P. L. 386; May 1, 1873, P. L. 89; May 5, 1876, P. L. 104; June 3, 1878, P. L. 160; May 13, 1887, P. L. 108.