

CHAPTER CLI.

AN ACT FOR BAILING OF PRISONERS AND ABOUT IMPRISONMENT.

[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 all prisoners shall beailable by one or more sufficient sureties, to be taken by one or more of the judges or justices that have cognizance of the fact, unless for such offenses as are or shall be made felonies of death by the laws of this province. And at least every half year there shall be a gaol-delivery in every county of this province, where imprisonment is not the punishment: and that gaolers shall not oppress their prisoners; and that all prisoners shall be free as to room; and all prisoners shall have liberty to provide themselves with bedding, food and other necessaries during their imprisonment. And that the public allowance shall be two pence per day, and no more. And that the respective prisons shall be work-houses (until others are provided) for felons, thieves, vagrants and loose and idle persons, whereof one shall be in each respective county of this province. And that no person or persons shall be obliged to answer to any indictment or presentment, unless the prosecutor's name be inserted thereon. And if any person or persons shall be imprisoned or prosecuted without probable cause, he, she or they shall have double damages against the informer or prosecutor to be recovered by an action at common law.

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.