

the party, at whose cost the same was so repaired or set [up,] may have either his action at law, or have the same determined as in cases of debts under forty shillings, as the case may require.

Passed February 24, 1720-21. Apparently never considered by the Crown, but allowed to become a law by lapse of time in accordance with the proprietary charter. See Appendix IV, Section II, and Hill's letter and Fane's opinion in Appendix V, Section I, and the Acts of Assembly passed November 27, 1700, Chapter 56; March 26, 1762, Chapter 481; March 9, 1771, Chapter 624; April 15, 1782, Chapter 982; June 21, 1839, P. L. 370; April 5, 1849, P. L. 409; April 22, 1850, P. L. 549; April 27, 1852, P. L. 442; May 7, 1855, P. L. 464; April 11, 1856, P. L. 319; May 20, 1857, P. L. 590; March 11, 1862, P. L. 109; March 22, 1865, P. L. 538; May 6, 1870, P. L. 1303; May 23, 1874, P. L. 230; June 23, 1885, P. L. 142; June 8, 1893, P. L. 260.

CHAPTER CCXLIII.

AN ACT FOR THE TRIAL AND PUNISHMENT OF LARCENY UNDER FIVE SHILLINGS.

Whereas small or petty larcenies are frequently committed within this province, by persons unable to maintain themselves in prison until prosecution can be made, or to pay the costs of such prosecution, or to make such restitution and forfeiture, upon conviction, as by law is now required; by means whereof a public charge is created, with many other great inconveniences; for the better preventing whereof:

[Section I.] Be it enacted by William Keith, Esquire, Governor of the Province of Pennsylvania, &c., 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 or persons, from and after the publication hereof, shall be convicted, either by his, her or their own confession, or the testimony of other credible evidence, before any two magistrates of the city of Philadelphia, or before any two justices of the peace in their respective counties within this province, of having feloniously stolen any money, goods or chattels, the same being under the value of five shillings, such person

shall have judgment to be immediately and publicly whipped upon his or her bare back, not exceeding fifteen lashes, or be fined, for the first offense, at the discretion of the said magistrates in any sum not exceeding twenty shillings, and to make restitution, if able, to the party wronged; and shall also pay the charges of prosecution and whipping, or shall be sent to the workhouse, to be kept at hard labor.

And for want of such workhouse, to be committed to prison for such charges, for any time not exceeding twelve days, any act of this government to the contrary notwithstanding.

[Section II.] Provided always, and be it further enacted, That if the person or persons charged with such larcenies be free, and request to be tried at the general sessions or court of record, to be held for the said city or counties respectively, the same shall be granted by the said magistrates, he or they giving security for their appearance to answer, or the person so appealing shall be committed, as is usual in such cases. But if the person charged with such larcenies be a servant, he or she shall not have any appeal, unless the master, mistress or friend of such servant, shall become surety for his or her appearance at the next court, as is usual in such cases.

[Section III.] And be it further enacted, That one or more of the magistrates, who shall give judgment by virtue of this act, shall keep fair records of his or their proceedings therein.

Passed February 24, 1720-21. Apparently never considered by the Crown, but allowed to become a law by lapse of time in accordance with the proprietary charter. See Appendix IV, Section II, and Hill's letter and Fane's opinion in Appendix V, Section I, and the Act of Assembly passed September 15, 1786, Chapter 1241. Repealed by Act passed April 5, 1790, Chapter 1516.