

## CHAPTER DCCCLXXXIX.

AN ACT FOR THE AMENDMENT OF THE LAW RELATIVE TO THE PUNISHMENT OF TREASONS, ROBBERIES, MISPRISONS OF TREASON AND OTHER OFFENSES.

(Section I, P. L.) Whereas in and by the act of assembly, entitled "An act for the advancement of justice and the more certain administration thereof,"<sup>1</sup> made and passed the thirty-first day of May, in the year of our Lord one thousand seven hundred and eighteen, the punishment of death is inflicted in the case of robbery upon such only as commit the same on or near the highway, so that no adequate provision seems to have been made for punishing the most atrocious robberies if the same be committed elsewhere:

[Section I.] (Section II, P. L.) Be it therefore enacted and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That from and after the passing of this act, if any person or persons shall commit robbery, which robbery is done by assaulting another, putting him in fear and taking from his person money or other goods to any value whatsoever, whether the same robbery be committed on or near the highway or elsewhere in any place or places whatsoever within this commonwealth, he or they so offending his or their counsellors, aiders, comforters and abettors, being thereof duly convicted or attainted, or being indicted and standing mute, or challenging peremptorily above the number of twenty persons returned to serve of the jury, shall suffer as felons without benefit of clergy, in like manner as by the laws of this commonwealth is provided in the case of robbers on or near the highway.

(Section III, P. L.) And whereas the forfeiture of goods and chattels, in the case of manslaughter, is rarely exacted, and

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<sup>1</sup> Chapter 236.

the burning in the hand of such felons in more heinous and aggravated instances of this kind of homicide which may approach nearly to murder is too light and inadequate a punishment. To the end, therefore, that the lives of the citizens of this commonwealth may be guarded and preserved from danger:

[Section II.] (Section IV, P. L.) Be it enacted by the authority aforesaid, That in all cases of convictions of manslaughter other than by stabbing, as described in the act of assembly hereinbefore mentioned, the said forfeiture shall be removed and hereafter no more incurred; but instead thereof the court shall give judgment against such offender of imprisonment for any time not exceeding two years, and of fine at the discretion of the court, and, moreover, shall sentence such offender to find security for his good behavior during life. And in order for the punishment by banishment of offenders whose lives might be spared, and at the same time whose wicked conduct and example may render it highly dangerous that they should remain and enjoy the benefits of this free state, and to lessen sanguinary punishments:

[Section III.] (Section V, P. L.) Be it enacted by the authority aforesaid, That it shall and may be lawful to and for the president or vice-president and council of this commonwealth, upon the prayer of any person or persons under sentence of death for treason or felony to grant to such person or persons a pardon so far as respects his, her or their lives, consonant with the limitations of the constitution on condition that such person or persons shall, within a limited time, depart from this state to foreign parts beyond the sea, and that he or they shall not return into this state or any of the United States of America; and that if any person or persons so pardoned on the condition aforesaid shall break the same condition by not departing within the said time or by returning again into this state or any of the United States aforesaid, the same pardon shall be void, and such person or persons not departing or returning as aforesaid shall suffer death according to the sentence which had been before pronounced against them.

(Section IV.) (Section VI, P. L.) And be it further enacted

by the authority aforesaid, That no attainder of treason to be had from and after the end of the present war between the United States of America and Great Britain, and the acknowledgement of the independency of the said United States by the King of Great Britain shall extend to the disinheriting of any heir, nor to the prejudice of any person or persons other than the offender. And in order to the detecting and punishing in some measure persons accused of treason or misprisons of treason by one witness and at the same time to avoid confounding very different degrees of guilt in the same punishment and for removing doubts concerning the legality thereof:

[Section V.] (Section VII, P. L.) Be it enacted and declared by the authority aforesaid, That in all cases where any charge is made upon oath or affirmation against any person or persons of facts amounting to treason or misprison of treason it shall and may be lawful for the attorney-general, with the leave of the court, to proceed against and charge such person or persons with a misdemeanor and give in evidence any act or acts of treason or misprison of treason, by one witness on the trial, or other proper and legal testimony and such person or persons, upon conviction, shall suffer as in cases of misdemeanor.

Passed March 8, 1780. See the notes to the Acts of Assembly passed May 31, 1718, Chapter 236; February 11, 1777, Chapter 740. The Act in the text was repealed by the Act of Assembly passed March 31, 1860, P. L. 427, sec. 79. Recorded L. B. No. 1, p. 359, &c.

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## CHAPTER DCCCXC.

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### AN ACT TO INCREASE THE PUNISHMENTS OF HORSE STEALING.

(Section I, P. L.) Whereas the punishments heretofore provided against the crime of horse stealing have not proved sufficient to deter evil-minded persons from the commission thereof:

For remedy whereof:

[Section I.] (Section II, P. L.) Be it enacted and it is hereby