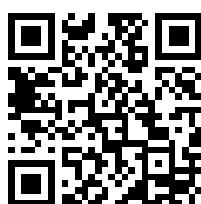

This is a reproduction of a library book that was digitized by Google as part of an ongoing effort to preserve the information in books and make it universally accessible.

Google™ books

<https://books.google.com>



5.01
B.P.

Digitized by Google

Sam Lim
from Std. Egg Eye

2463



THE PENNSYLVANIA
STATE COLLEGE
LIBRARY

*
Gift of
MRS. DANIEL H. HASTINGS
*

THE
PENAL LAWS
OF
PENNSYLVANIA.

PASSED MARCH 31, 1860.

~~LIBRARY~~
THE STATE
COLLEGE

HARRISBURG:
A. BOYD HAMILTON, STATE PRINTER.
1860.

B345.01
T28P

VAARAU
STATO AFF. 2011
REG. NO. 00

REVISED PENAL CODE.

An Act to Consolidate, Revise and Amend the Penal Laws of this Commonwealth.

GENERAL SUMMARY.

TITLE I. *Offences against the State.*

- | | |
|-------------|---------------------------|
| 1. Treason. | 2. Misprision of treason. |
|-------------|---------------------------|

TITLE II. *Offences against Public Justice.*

- | | |
|---|---|
| 3. Escape in criminal cases. | 10. Compounding crimes. |
| 4. Aiding a prisoner in escaping. | 11. Dissuading a witness from testifying. |
| 5. Voluntary escape by officers in criminal cases. | 12. Extortion in taking illegal fees. |
| 6. Escape by negligence of officers or keepers of prisons. | 13. Embracery. |
| 7. Refusal by an officer to arrest or receive an offender, or voluntarily permitting him to escape when in custody. | 14. Perjury and subornation thereof. |
| 8. Obstructing the execution of legal process, rescuing a prisoner in custody, and refusing to aid an officer. | 15. Making false entries, and destroying or abstracting public records. |
| 9. Barratry. | 16. False personating. |
| | 17. Misdemeanors of district attorney. |
| | 18. Mode of proceeding against such district attorney. |

TITLE III. *Offences against the Public Peace.*

- | | |
|---|--|
| 19. Riots, routs, unlawful assemblies and aggravated riots. | 24. Libels. |
| 20. Riotous destruction of buildings or machinery. | 25. Sending a challenge to fight. |
| 21. Forceable entry. | 26. Carrying or delivering a challenge. |
| 22. Forceable detainer. | 27. Concealing the knowledge of a challenge. |
| 23. Threatening letters. | 28. Posting another for not accepting a challenge. |
| | 29. Furious driving and racing. |

TITLE IV. *Offences against Public Morals and Decency.*

- | | |
|---|---|
| 30. Blasphemy. | 39. Incestuous fornication. |
| 31. Disturbing public worship or other public assembly. | 40. Obscene libels. |
| 32. Sodomy. | 41. Seduction. |
| 33. Attempt and solicitation to commit sodomy. | 42. Keeping a disorderly house. |
| 34. Bigamy. | 43. Keeping a bawdy house, or leasing a house for the same. |
| 35. Knowingly marrying the wife or husband of another. | 44. Open lewdness. |
| 36. Adultery. | 45. Abandoning infants. |
| 37. Fornication and bastardy. | 46. Cruelty to animals. |
| 38. Place of trial for the offense. | 47. Violation of sepulchre. |

172029

PENAL LAWS OF PENNSYLVANIA.

TITLE V. *Offences against Public Policy, Economy and Health.*

- | | |
|---|--|
| <p>48. Bribery.
 49. Witness testifying, to be exempt from prosecution.
 50. Taking bribes by electors.
 51. Corruptly influencing and intimidating electors.
 52. Illegal lotteries nuisances.
 53. Erecting and setting up an illegal lottery.
 54. Selling tickets, policies, &c., in an unlawful lottery.
 55. Gambling.
 56. Common gamblers.
 57. Enticing others to visit gambling houses.
 58. No witness exempt from testifying.
 59. Authorizing the seizure of implements to prove the charge.
 60. General authority to seize gambling instruments.</p> | <p>61. No writ of replevin to issue therefor.
 62. Loaning public money by officers.
 63. Depositing public money for gain by officers.
 64. Cashiers of banks prohibited from following any other business or occupation.
 65. Embezzlement by public officers.
 66. Malversation by corporation officers.
 67. Solicitation to commit said offence.
 68. Issuing certificates as currency by corporation officers.
 69. Selling unwholesome provisions, or adulterated liquors or medicines.
 70. Selling poisons.
 71. Importing criminals.
 72. Revealing telegraph dispatches.
 73. Public nuisances.</p> |
|---|--|

TITLE VI. *Offences against the Persons of Individuals.*

- | | |
|---|---|
| <p>74. Murder.
 75. Punishment for murder of the first degree.
 76. Punishment for murder of the second degree.
 77. Petit treason abolished.
 78. Voluntary manslaughter.
 79. Involuntary manslaughter.
 80. Malicious mayhem.
 81. Administering poison, stabbing, cutting or wounding.
 82. Attempting to administer poison, shoot, drown, suffocate or strangle.
 83. Cutting and maiming, with intent to disfigure.
 84. Injuring by any explosive substances.
 85. Causing to explode, or sending an explosive substance.
 86. Administering stupefying mixtures with criminal intent.</p> | <p>87. Death following attempt to procure abortion.
 88. Procuring or attempting to procure abortion.
 89. Concealing the death of a bastard child.
 90. Maltreatment of infants and apprentices.
 91. Rape and carnal knowledge of female children.
 92. What shall be sufficient proof of carnal knowledge.
 93. Assault with intent to commit rape.
 94. Taking or enticing a child away from its parents.
 95. Kidnapping.
 96. Sale of fugitive slaves to be void.
 97. Assault and battery.
 98. Aggravated assault.
 99. Modified verdicts in cases of felonious assaults.</p> |
|---|---|

TITLE VII. *Offences against Personal Property.*

- | | |
|---|---|
| <p>100. Robbery, being armed with an offensive weapon.
 101. Robbery, by threats to accuse of an infamous crime.
 102. Robbery, stealing from the person and by menaces.
 103. Larceny.
 104. Stealing certain property made larceny.
 105. Horse stealing.
 106. Stealing lead, iron, &c., from houses.
 107. Clerks, servants, or other employees, stealing property of their master or employer.
 108. Larceny by bailee.
 109. Receiving stolen goods.
 110. Trial of receiver.
 111. Cheats by fraudulent pretences.
 112. Cheating lodging house keepers.</p> | <p>113. Embezzlement, by trustees, of trust property.
 114. Embezzlement by bankers.
 115. Embezzlement by attorneys in fact.
 116. Embezzlement by officers of banks and other corporations.
 117. Keeping fraudulent accounts.
 118. Wilfully altering, destroying or mutilating books of a corporation.
 119. False statements by officers or members of corporations.
 120. Receiving property fraudulently disposed of.
 121. Punishment for the foregoing misdemeanors.
 122. Construction of the preceding sections.</p> |
|---|---|

- | | |
|--|--|
| 123. No person exempt from answering questions in court.
124. Definition of the words "trustee" and "property," in this title.
125. Embezzlement by consignees and factors.
126. Embezzlement by transporters of merchandise; buying and receiving goods so embezzled.
127. Conspiracy to indict.
128. Conspiracy to defraud. | 129. Fraudulently destroying any deed or other security.
130. Fraudulently secreting or removing property by debtor.
131. Fraudulent insolvency.
132. Punishment of the aforesaid offence.
133. Indictment to be tried at second term.
134. Colluding with an insolvent for concealment of his effects. |
|--|--|

TITLE VIII. Offences against Real Property and Malicious Mischief.

- | | |
|--|---|
| 135. Burglary.
136. Breaking and entering a dwelling house in the day time, with intent to commit felony.
137. Arson.
138. Burning out-houses, &c., and setting fire with intent to burn.
139. Setting fire with intent to defraud insurers.
140. Firing woods.
141. Attempting to blow up building.
142. Malicious injury to railroads.
143. Casting wood, stone, &c., upon a car.
144. Malicious injury to artificial navigation.
145. Wantonly opening or shutting any lock, et cetera. | 146. Destroying any bank or wall.
147. Destroying or damaging bridges, buoys, flag staffs, houses, et cetera.
148. Breaking windows, tearing off knockers, et cetera.
149. Injury to the grounds of the Capitol hill.
150. Drowning any mine or filling up any shaft.
151. Maliciously injuring fire engines or hose.
152. Cutting down timber trees.
153. Removing or destroying land marks.
154. Killing, maiming or wounding cattle.
155. Malicious injury to works of art. |
|--|---|

TITLE IX. Offences against the Coin, and Forgery.

- | | |
|---|---|
| 156. Counterfeiting coin.
157. Coloring counterfeit coin or any pieces of metal, with intent to pass the same.
158. Impairing the coin.
159. Buying and selling counterfeit coin.
160. Uttering counterfeit gold and silver coin.
161. Making, mending or having possession of coining tools.
162. Offences relating to the copper coin.
163. What shall be sufficient proof of being counterfeit.
164. Counterfeiting bank notes and checks, and altering, passing and selling the same.
165. Having in possession plates, bank notes or bank note paper. | 166. Connecting parts of notes so as to produce more.
167. Having in possession more than ten forged notes, with intent to defraud.
168. Passing notes of fictitious banks.
169. Fraudulent making or altering any written instrument.
170. Forging public seals.
171. Embezzling or corrupting records.
172. Counterfeiting public brands.
173. Counterfeiting trade marks.
174. Having possession of dies, plates, &c., with intent so to use them.
175. Vending goods fraudulently marked.
176. Forged telegraphic messages. |
|---|---|

TITLE X. General Provisions.

- | | |
|---|--|
| 177. Capital punishment.
178. Crimes not provided against to be punished as heretofore.
179. Restitution to be awarded in certain cases, and party aggrieved to be a competent witness. | 180. Accessories.
181. Sentence fulfilled to effect a pardon.
182. Second conviction, after punishment by labor, of similar offences.
183. Acts of Assembly to be strictly pursued.
184. Explanatory of general terms. |
|---|--|

PENAL LAWS OF PENNSYLVANIA.

TITLE I. *Offences against the State.*

Treason.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That if any person owing allegiance to the commonwealth of Pennsylvania, shall levy war against the same, or shall adhere to the enemies thereof, giving them aid and comfort within the state or elsewhere, and shall be thereof convicted on confession in open court, or on the testimony of two witnesses, to the same overt act of the treason whereof he shall stand indicted, such person shall, on conviction, be adjudged guilty of treason against the commonwealth of Pennsylvania, and be sentenced to pay a fine not exceeding two thousand dollars, and undergo an imprisonment, by separate and solitary confinement at labor, not exceeding twelve years.

Mispriision of treason.

SECTION 2. If any person, having knowledge of any of the treasons aforesaid, shall conceal, and not as soon as may be disclose and make known the same to the governor or attorney general of the state, or some one of the judges or justices thereof, such person shall, on conviction, be adjudged guilty of misprision of treason, and shall be sentenced to pay a fine not exceeding one thousand dollars, and undergo an imprisonment, by separate or solitary confinement at labor, not exceeding six years: *Provided always,* That nothing herein contained shall authorize the conviction of any husband or wife for concealing any treasons committed by them respectively.

Proviso.

Escape in criminal cases.

SECTION 3. If any person arrested and imprisoned, charged with an indictable offence, shall break prison, or escape, or shall break prison, although no escape be actually made, such person shall be guilty of a misdemeanor, and on conviction, be sentenced to undergo an imprisonment, by separate or solitary confinement at labor, not exceeding two years, if the criminal charge on which such person stood committed, was a crime or misdemeanor punishable on conviction, by imprisonment by separate or solitary confinement at labor; or to imprisonment not exceeding one year, if such charge was a crime or misdemeanor punishable on conviction, by simple imprisonment without labor; if any prisoner imprisoned in any penitentiary or jail, upon a conviction for a criminal offence, other than murder in the first degree, or where the sentence is for imprisonment for life, shall break such penitentiary or jail, although no escape be actually made by him, such person shall be guilty of a misdemeanor, and upon conviction of said offence, shall be sentenced to undergo an imprisonment, to commence from the expiration of his original sentence, of the like nature, and for a period of time not exceeding the original sentence, by virtue of which he was imprisoned, when he so broke prison and escaped, or broke prison although no actual escape was made by him.

Aiding a prisoner in escaping.

SECTION 4. If any person shall aid or assist a prisoner, lawfully committed or detained in any jail for any offence, to make or to attempt to make his escape therefrom, although no escape

be actually made, or if any person shall convey, or cause to be delivered, to such prisoner, any disguise, instrument or arms proper to facilitate the escape of such prisoner, although no escape or attempt to escape be actually made, he shall, on conviction, be deemed guilty of a misdemeanor, and be sentenced to undergo an imprisonment, by separate or solitary confinement at labor, or by simple imprisonment, not exceeding two years; and if any person shall aid or assist any prisoner to escape, or attempt to escape from the custody of any sheriff, constable, officer or other person who shall have the lawful charge of such prisoner, every person so offending, shall be guilty of a misdemeanor, and on conviction, be sentenced to pay a fine not exceeding five hundred dollars, and to undergo an imprisonment, by separate or solitary confinement at labor, or simple imprisonment, as the court may direct, not exceeding two years.

SECTION 5. If any sheriff, coroner, keeper of any jail, constable or other officer, having any offender, convicted or accused of any crime, in his lawful custody for such crime, shall voluntarily permit or suffer such offender to escape and go at large, every such sheriff, coroner, keeper of jail, constable or other officer so offending, shall be guilty of a misdemeanor, and on conviction, be sentenced to pay a fine not exceeding five hundred dollars, and to undergo an imprisonment, by separate or solitary confinement at labor, or by simple imprisonment, not exceeding five years, and shall moreover by the said sentence be dismissed from office.

SECTION 6. If any keeper, jailor, sheriff, or other officer having a prisoner in his custody or charge, under a criminal conviction, sentence or charge, shall suffer such prisoner through gross negligence to escape, he shall be guilty of a misdemeanor, and on conviction, be sentenced to an imprisonment, not exceeding one year, and to pay a fine not exceeding five hundred dollars.

SECTION 7. If any sheriff, coroner, or keeper of a jail, constable or other officer, shall wilfully, and without reasonable cause, refuse to execute any lawful process directed to him, requiring the apprehension or confinement of any person charged with, or convicted of, a criminal offence, or shall wilfully, and without reasonable cause, omit to execute such process, by which such person shall escape, he shall be guilty of a misdemeanor, and on conviction, be sentenced to an imprisonment not exceeding two years, and a fine not exceeding five hundred dollars.

SECTION 8. If any person shall knowingly, wilfully and forcibly obstruct, resist or oppose any sheriff, coroner other officer of the commonwealth, or other person duly authorized, in serving or attempting to serve or execute any process or order of any court, judge, justice or arbitrator, or any other legal process whatsoever, or shall assault or beat any sheriff, coroner, constable or other officer or person, duly authorized, in serving or executing any process or order as aforesaid, or for and because of having served or executed the same; or if any person shall rescue another in legal custody; or if any person being required by any sheriff, coroner, constable or other officer of the commonwealth, shall neglect or refuse to assist him in the execution of his office in any criminal case, or in the preservation

Voluntary escape by officers in criminal cases.

Escape by negligence of officers or keepers of prisons.

Refusal by an officer to arrest or receive an offender, or voluntarily permitting him to escape when in custody.

Obstructing the execution of legal process, rescuing a prisoner in custody, and refusing to aid an officer.

PENAL LAWS OF PENNSYLVANIA.

of the peace, or in apprehending and securing any person for a breach of the peace, such person shall be guilty of a misdemeanor, and on conviction, be sentenced to an imprisonment not exceeding one year, and to pay a fine not exceeding one hundred dollars, or either, or both, in the discretion of the court.

Barratry.

SECTION 9. If any person shall be proved and adjudged a common barrator, vexing others with unjust and vexatious suits, he shall be guilty of a misdemeanor, and on conviction, be sentenced to pay a fine not exceeding one hundred dollars, or undergo an imprisonment not exceeding one year, or both, or either, at the discretion of the court.

Compounding crimes.

SECTION 10. If any person having a knowledge of the actual commission of any misprision of treason, murder, manslaughter, rape, sodomy, buggery, arson, forgery, counterfeiting, or passing counterfeit money or notes, burglary, house breaking, robbery, larceny, receiving stolen goods or other property by persons knowing them to be stolen, kidnapping, bribery, perjury or subornation of perjury, shall take money, goods, chattles, lands or other reward, or promise thereof to compound or conceal, or upon agreement to compound or conceal the crimes aforesaid, every person so offending shall be guilty of a misdemeanor, and on conviction thereof, be sentenced to pay a fine not exceeding one thousand dollars, and to undergo an imprisonment not exceeding three years.

Dissuading a witness from testifying.

SECTION 11. If any person shall unlawfully dissuade, hinder or prevent, or attempt to dissuade, hinder or prevent any witness from attending and testifying, who may have been required to attend and testify either before any committee of the legislature of this state, or before any civil or criminal court, judge, justice or other judicial tribunal thereof, by virtue of any writ of subpoena or other legal process, or who may have been recognized to attend as a witness on behalf of the commonwealth or of any defendant, before any court having jurisdiction, to testify in any case depending or about to be tried in such court, any person so offending shall be guilty of a misdemeanor, and being thereof convicted, shall be sentenced to pay a fine not exceeding five hundred dollars, and undergo an imprisonment not exceeding one year.

Extortion in taking illegal fees.

SECTION 12. If any justice, clerk, prothonotary, sheriff, coroner, constable or other officer of this commonwealth, shall wilfully and fraudulently receive or take any reward or fee to execute and do his duty and office, but such as is or shall be allowed by some act of assembly of this commonwealth, or shall receive or take, by color of his office, any fee or reward whatever, not, or more than is allowed as aforesaid, he shall be deemed guilty of a misdemeanor in office, and on conviction, be sentenced to pay a fine not exceeding five hundred dollars, or to undergo an imprisonment not exceeding one year.

Embracery.

SECTION 13. If any person shall attempt to corrupt or influence any juror in a criminal or civil court, or any arbitrator appointed according to law, by endeavoring, either in conversation or by written communication, or by persuasion, promises or entreaties, or by any other private means to bias the mind or judgment of such juror or arbitrator, as to any cause pending in the court to which such juror has been summoned, or in

which such arbitrator has been appointed or chosen, except by the strength of evidence or the arguments of himself or his counsel during the trial or hearing of the case, he shall be guilty of a misdemeanor, and on conviction, be sentenced to pay a fine not exceeding five hundred dollars, or suffer an imprisonment not exceeding one year, or both, or either, at the discretion of the court.

SECTION 14. If any person shall wilfully and corruptly commit wilful and corrupt perjury, or shall by any means procure or suborn any person to commit wilful and corrupt perjury, on his or her oath or affirmation, legally administered either before any committee of the legislature of this commonwealth, or in any judicial proceeding, matter or cause which may be depending in any of the courts thereof, or before any judge, justice, mayor, recorder, alderman or other magistrate, or before any arbitrator, prothonotary, clerk, notary public, commissioner or auditor, appointed by any court of this commonwealth, or in any deposition taken pursuant to the laws of this commonwealth, or the rules, orders and directions of any court, arbitrator or judge thereof, or preparatory and for the purpose of obtaining any rule or order of court, or of a judge or arbitrator, or if any person in taking any other oath or affirmation required, or that may hereafter be required by any act of assembly of this commonwealth, shall be guilty of wilfully and corruptly making a false oath or affirmation; or if any person shall procure or suborn any other person to make any such false oath or affirmation, every person so offending shall be guilty of a misdemeanor, and on conviction, be sentenced to pay a fine not exceeding five hundred dollars, and to undergo an imprisonment, by separate or solitary confinement at labor, not exceeding seven years, and shall be forever disqualified from being a witness in any matter in controversy.

SECTION 15. If any prothonotary, clerk, register, public officer or other person, shall fraudulently make a false entry in, or erase, alter, secrete, carry away or destroy any public record, or any part thereof, of any court or public office of this commonwealth, such person shall be guilty of a misdemeanor, and on conviction shall be sentenced to pay a fine not exceeding one thousand dollars, and to undergo an imprisonment, by separate or solitary confinement at labor, not exceeding two years.

SECTION 16. If any person shall fraudulently and corruptly acknowledge, or procure to be acknowledged, any deed, or any writing authorized to be acknowledged, or any recognizance or judgment, in the name of any other person not privy thereto, or consenting to the same, the person so offending shall be guilty of a misdemeanor, and on conviction, be sentenced to pay a fine not exceeding one thousand dollars, and undergo an imprisonment, by separate or solitary confinement at labor, not exceeding seven years.

SECTION 17. If any district attorney shall wilfully and corruptly demand, take or receive any other fee or reward, than such as is prescribed by law, for any official duties required by law to be executed by him in any criminal proceeding; or if such district attorney shall be guilty of wilful and gross negligence in the execution of the duties of his office, he shall be

guilty of a misdemeanor in office, and on conviction thereof, be sentenced to pay a fine not exceeding one thousand dollars, and to undergo an imprisonment not exceeding one year, and his said office shall be declared vacant. Upon complaint in writing, verified by the oath or affirmation of the party aggrieved, made to the court in which any district attorney shall prosecute the pleas of the commonwealth, charging such district attorney with wilful and gross negligence in the execution of the duties of his office, the said court shall cause notice of such complaint to be given to the said district attorney, and of the time fixed by the said court for the hearing of the same. If, upon such hearing, the court shall be of opinion that there is probable cause for the said complaint, they shall bind over or commit the said district attorney to answer the same in due course of law. If the court shall be of opinion that there is no probable cause for such complaint, they shall dismiss the same with reasonable costs, to be assessed by the court.

Mode of proceeding against such district attorney. SECTION 18. If any district attorney shall be charged according to law, with any crime or misdemeanor, before, or bound over, or committed by any court, to answer for wilful and gross negligence in the execution of the duties of his office, it shall be the duty of the court to appoint some competent attorney thereof, to prepare an indictment against such district attorney, and to prosecute the same on behalf of the commonwealth, until final judgment, to whom a reasonable compensation, to be fixed by the court, shall be paid for his services, out of the county treasury; if such district attorney shall be convicted of any crime, for which he may be sentenced to imprisonment, by separate or solitary confinement at labor, in addition thereto, his said office shall be declared vacant by the court passing such sentence.

TITLE III. *Offences against the Public Peace.*

Riots, routs, unlawful assemblies, and aggravated riots. SECTION 19. If any person shall be concerned in any riot, rout, unlawful assembly, or an affray, and shall be thereof convicted, he shall be guilty of a misdemeanor, and be sentenced to pay a fine not exceeding five hundred dollars, or undergo an imprisonment not exceeding two years, or both, or either, at the discretion of the court; and in case any one is convicted of an aggravated riot, the court may sentence the offender to imprisonment by separate or solitary confinement at labor, not exceeding three years.

Riotous destruction of buildings or machinery. SECTION 20. If any persons riotously and tumultuously assembled together, to the disturbance of the public peace, shall unlawfully and with force, demolish or pull down or destroy, or begin to demolish, pull down, or destroy any public building, private dwelling, church, meeting-house, stable, barn, mill, granary, malt-house or out-house, or any building or erection used in carrying on any trade or manufacture, or any branch thereof, or any machinery, whether fixed or movable, prepared for or employed in any manufacture or any branch thereof, or any steam engine or other engine for sinking, working or draining any mine, or any building or erection used in conducting the business of any mine, or any bridge, wagon-

way, road or trunk, for conveying minerals from any mine, every such offender shall be guilty of a misdemeanor, and being convicted thereof, shall be imprisoned by separate or solitary confinement at labor, or by simple imprisonment, not exceeding seven years.

SECTION 21. If any person shall with violence and a strong ^{Forcible entry.} hand, enter upon or into any lands or buildings, either by breaking open doors, windows or other parts of a house, or by any kind of violence or other circumstances of terror, or if any person after entering peaceably, shall turn out by force or by threats, or menacing conduct, the party in possession, every person so offending shall be guilty of a forcible entry, and on conviction, shall be sentenced to pay a fine not exceeding five hundred dollars, or to undergo an imprisonment not exceeding one year, or both, or either, at the discretion of the court, and to make restitution of the lands and tenements entered as aforesaid.

SECTION 22. If any person shall by force and with a strong ^{Forcible detainer.} hand, or by menaces or threats, unlawfully hold and keep the ^{or} possession of any lands or tenements, whether the possession of the same were obtained peaceably, or otherwise, such person shall be deemed guilty of forcible detainer, and upon conviction thereof, shall be sentenced to pay a fine not exceeding five hundred dollars, or to undergo an imprisonment not exceeding one year, or both, or either, at the discretion of the court, and to make restitution of the lands and tenements unlawfully detained as aforesaid: *Provided*, That no person shall be adjudged guilty of forcible detainer, if such person, by himself, or by those under whom he claims, has been in peaceable possession for three years next immediately preceding such alleged forcible detention.

SECTION 23. If any person shall knowingly send or deliver, ^{Threatening letters.} or utter to any other person, any letter or writing, accusing or threatening to accuse the person to whom such letter or writing shall be sent or delivered, or any other person of any crime or misdemeanor punishable by law with imprisonment at labor, with a view or intent to extort or gain, by means of such threatening letter or writing, any property, money, security or other valuable thing from any person whatsoever, or shall send, deliver or utter any letter or writing threatening to kill or murder any other person, or to burn or destroy any coal breaker, house, barn or other building, or any rick or stack of grain, hay or straw, or other agricultural produce, every such offender shall be guilty of a misdemeanor, and on conviction, be sentenced to an imprisonment by separate or solitary confinement at labor, or by simple imprisonment, not exceeding three years, and to pay a fine not exceeding one thousand dollars.

SECTION 24. If any person shall write, print, publish or exhibit any malicious or defamatory libel, ^{Libels.} tending either to blacken the memory of one who is dead, or the reputation of one who is alive, and thereby exposing him to public hatred, contempt or ridicule, such person shall be guilty of a misdemeanor, and on conviction, be sentenced to pay a fine not exceeding one thousand dollars, or undergo an imprisonment

PENAL LAWS OF PENNSYLVANIA.

not exceeding twelve months, or both, or either, at the discretion of the court.

Sending a challenge to fight. SECTION 25. If any person within this commonwealth shall challenge another by word or writing to fight at sword, rapier, pistol or other deadly weapon, or if any person so challenged shall accept the said challenge, in either case such person so giving or sending or accepting any such challenge, shall be guilty of a misdemeanor, and being convicted thereof, shall be sentenced to pay a fine not exceeding five hundred dollars, and to undergo an imprisonment, by separate or solitary confinement at labor, not exceeding three years.

Carrying or delivering a challenge. SECTION 26. If any person shall willingly and knowingly carry and deliver any written challenge, or shall verbally deliver any message purporting to be a challenge, or shall consent to be a second in any such intended duel, every such person so offending shall be guilty of a misdemeanor, and being convicted thereof, shall be sentenced to pay a fine not exceeding five hundred dollars, and to undergo an imprisonment, by separate or solitary confinement at labor, not exceeding two years.

Concealing the knowledge of a challenge. SECTION 27. If any person shall have knowledge of any challenge to fight with any deadly weapon, given or received, or in any manner be witness to the fact of such challenge, duel or fighting, not being a second thereto or a party thereto, and shall conceal the same and do not inform thereof, he or she shall be guilty of a misdemeanor, and being convicted thereof, shall be sentenced to pay a fine not exceeding fifty dollars, and to undergo an imprisonment not exceeding twelve calendar months.

Posting another for not accepting a challenge. SECTION 28. If any person shall, in any newspaper or handbill, written or printed, or otherwise, post, publish or proclaim any other person or persons as a coward or cowards, or use any other opprobrious and abusive language towards such person for not accepting a challenge, or fighting a duel, such person or persons so offending, shall, on conviction, be sentenced to pay a fine not exceeding five hundred dollars, and to undergo an imprisonment, by separate or solitary confinement at labor, not exceeding one year.

Furious driving and racing. SECTION 29. If any person shall be maimed, or otherwise injured in person, or injured in property, through or by reason of the wanton and furious driving, or racing, or by reason of the gross negligence or wilful misconduct of the driver of any public stage, mail coach, coachee, carriage or car, employed in the conveyance of passengers, or through or by reason of the gross negligence or wilful misconduct of any engineer or conductor of any locomotive engine or train of railroad cars or carriages, or any captain or other officer of any steamboat employed in the conveyance of passengers, or of goods, wares, merchandize or produce of any description, such driver, engineer, conductor, captain or officer, shall, on conviction thereof, be sentenced to pay a fine not exceeding five hundred dollars, and undergo an imprisonment, by separate or solitary confinement, or by simple imprisonment, not exceeding five years: *Provided*, That the provisions of this act shall not interfere with the civil remedies against the proprietors, and others, to which the injured party may by law be now entitled.

TITLE IV. *Offences against Public Morals and Decency.*

SECTION 30. If any person shall wilfully, premeditately and **blasphemy**, despitefully blaspheme, or speak loosely and profanely of Almighty God, Christ Jesus, the Holy Spirit, or the Scriptures of Truth, such person, on conviction thereof, shall be sentenced to pay a fine not exceeding one hundred dollars, and undergo an imprisonment not exceeding three months, or either, at the discretion of the court.

SECTION 31. If any person shall wilfully and maliciously disturb or interrupt any meeting, society, assembly or congregation, convened for the purpose of religious worship, or for any moral, social, literary, scientific, agricultural, horticultural or floral object, ceremony, examination, exhibition or lecture, such person shall, on conviction, be sentenced to pay a fine not exceeding fifty dollars, and suffer an imprisonment not exceeding three months, or both, or either, at the discretion of the court.

SECTION 32. If any person shall commit sodomy or buggery, **sodomy**. he shall be guilty of felony, and on conviction, be sentenced to pay a fine not exceeding one thousand dollars, and to undergo an imprisonment, by separate or solitary confinement at labor, not exceeding ten years.

SECTION 33. If any person shall unlawfully and maliciously **attempt and solicitation to commit sodomy**, assault another, with the intent to commit sodomy or buggery, or if any person shall wickedly and unlawfully solicit and incite, and endeavor to persuade another, to permit and suffer such person to commit sodomy or buggery with him, such person shall be guilty of a misdemeanor, and being convicted of an assault with the intent aforesaid, or of so inciting another to suffer the act of sodomy or buggery to be committed with him, shall be sentenced to pay a fine not exceeding three hundred dollars, and undergo an imprisonment, by separate or solitary confinement at labor, not exceeding three years.

SECTION 34. If any person shall have two wives or two husbands at one and the same time, he or she shall be guilty of a misdemeanor, and on conviction, be sentenced to pay a fine not exceeding one thousand dollars, and to undergo an imprisonment, by separate and solitary confinement at labor, not exceeding two years, and the second marriage shall be void: *Provided*, That if any husband or wife, upon any false rumor, in appearance well founded, of the death of the other, (when such other has been absent for two whole years,) hath married, or shall marry again, he or she shall not be liable to the penalties of fine and imprisonment imposed by this act.

SECTION 35. If any man or woman being unmarried, shall **knowingly marrying the wife or husband of another**, marry the husband or wife of another person, such man or woman shall, on conviction, be sentenced to pay a fine not exceeding five hundred dollars, and undergo an imprisonment, by separate or solitary confinement at labor, not exceeding two years.

SECTION 36. If any married man shall have carnal connection **adultery**, with any woman not his lawful wife, or any married woman have carnal connection with any man not her lawful husband, he or she so offending shall be deemed guilty of adultery, and on conviction, be sentenced to pay a fine not exceeding five hun-

PENAL LAWS OF PENNSYLVANIA.

dred dollars, and undergo an imprisonment not exceeding one year, or both, or either, at the discretion of the court.

Fornication and bastardy.

SECTION 37. If any person shall commit fornication, and be thereof convicted, he or she shall be sentenced to pay a fine not exceeding one hundred dollars, to the guardians, directors or overseers of the poor of the city, county or township where the offence was committed, for the use of the poor of such city, county or township; and any single or unmarried woman having a child born of her body, the same shall be sufficient to convict such single or unmarried woman of fornication; and the man by such woman charged to be the father of such bastard child, shall be the reputed father, and she persisting in the said charge, in the time of her extremity of labor or afterwards, in open court, upon the trial of such person so charged, the same shall be given in evidence, in order to convict such person of fornication; and such person being thereof convicted, shall be sentenced, in addition to the fine aforesaid, to pay the expenses incurred at the birth of such child, and to give security, by one or more sureties, and in such sum as the court shall direct, to the guardians, directors or overseers of the poor of the city, county or township where such child was born, to perform such order for the maintenance of the said child, as the court before which such conviction is had shall direct and appoint.

Place of trial for the offence.

SECTION 38. If a bastard child is begotten out of the state, and born within the state, or begotten within one of the counties of this state, and born in another, in the latter case, the prosecution of the reputed father shall be in the county where the bastard child shall be born, and the like sentence shall be passed as if the bastard child had been or shall have been begotten within the same county, and in the former case, viz: of a bastard begotten without the state and born within it, the like sentence shall be passed, except in the imposition of a fine, which part of the sentence shall be omitted.

Incestuous fornication.

SECTION 39. If any person shall commit incestuous fornication or adultery, or intermarry within the degrees of consanguinity or affinity, according to the following table, (established by law,) he or she shall, on conviction, be sentenced to pay a fine not exceeding five hundred dollars, and to undergo an imprisonment, by separate or solitary confinement at labor, not exceeding three years; and all such marriages are hereby declared void.

The table of degrees of consanguinity and affinity is as follows:

DEGREES OF CONSANGUINITY.

A man may not marry his mother.

Do.....do.....father's sister.

Do.....do.....mother's sister.

Do.....do.....sister.

Do.....do.....daughter.

Do.....do....the daughter of his son or daughter.

A woman may not marry her father.

Do.....do.....father's brother.

Do.....do.....mother's brother.

Do.....do.....brother.

A woman may not marry her son.

Do.....do.....the son of her son or daughter.

DEGREES OF AFFINITY.

A man may not marry his father's wife.

Do.....do.....son's wife.

Do.....do.....son's daughter.

Do.....do.....wife's daughter.

Do.....do....the daughter of his wife's son or daughter.

A woman may not marry her mother's husband.

Do.....do.....daughter's husband.

Do.....do.....husband's son.

Do.....do.....the son of her husband's son or daughter.

SECTION 40. If any person shall publish or sell any filthy and obscene libel, or shall expose to sale, or exhibit or sell any indecent, lewd and obscene print, painting or statue; or if any person shall keep and maintain any house, room or gallery, for the purpose of exposing or exhibiting any lewd, indecent and obscene prints, pictures, paintings or statues, and shall be convicted thereof, such person shall be sentenced to pay a fine not exceeding five hundred dollars, and undergo an imprisonment not exceeding one year.

SECTION 41. The seduction of any female of good repute, under twenty-one years of age, with illicit connexion under promise of marriage, is hereby declared to be a misdemeanor; and any person who shall be convicted thereof, shall be sentenced to pay a fine not exceeding five thousand dollars, and to undergo an imprisonment, either at labor by separate or solitary confinement, or imprisonment without labor, not exceeding three years, or both, or either, at the discretion of the court: *Provided*, That the promise of marriage shall not be deemed established, unless the testimony of the female seduced is corroborated by other evidence, either circumstantial or positive.

SECTION 42. If any person shall keep and maintain a common, ill-governed and disorderly house or place, to the encouragement of idleness, gaming, drinking or other misbehaviour, to the common nuisance and disturbance of the neighborhood or orderly citizens, he or she shall be guilty of a misdemeanor, and on conviction, be sentenced to pay a fine not exceeding five hundred dollars, or to undergo an imprisonment not exceeding one year, or both, or either, at the discretion of the court.

SECTION 43. If any person shall keep and maintain a common bawdy house, or place for the practice of fornication, or shall, knowingly, let or demise a house, or part thereof, to be so kept, he or she shall be guilty of a misdemeanor, and on conviction, be sentenced to pay a fine not exceeding one thousand dollars, and to undergo an imprisonment not exceeding two years.

SECTION 44. If any person shall commit open lewdness, or any notorious act of public indecency, tending to debauch the morals or manners of the people, such person shall be guilty of

PENAL LAWS OF PENNSYLVANIA.

a misdemeanor, and on conviction, be sentenced to pay a fine not exceeding one hundred dollars, or undergo an imprisonment not exceeding one year, or both, or either, at the discretion of the court.

Abandoning infants.

SECTION 45. If the father or mother of any child, under the age of seven years, or any person to whom such child shall have been confided, shall expose such child in any highway, street, field, house, outhouse or other place, with intent to wholly abandon it, such person shall be guilty of a misdemeanor, and upon conviction thereof, be sentenced to an imprisonment not exceeding twelve months, and to pay a fine not exceeding one hundred dollars.

Cruelty to animals.

SECTION 46. If any person shall wantonly and cruelly beat, torture, kill or maim any horse or other domestic animal, whether belonging to himself or another, every such person so offending shall be guilty of a misdemeanor, and on conviction, be sentenced to pay a fine not exceeding two hundred dollars, or undergo an imprisonment not exceeding one year, or both, or either, at the discretion of the court.

Violation of sepulchre.

SECTION 47. Any person who shall wilfully and maliciously destroy, mutilate, deface, injure or remove any tomb, monument, grave stone or other edifice, placed in any cemetery or grave yard, appropriated to and used for the interment of human beings in this commonwealth, or shall wilfully and maliciously injure, destroy or remove any fence, railing or other work for the protection or ornament of such places of interment, or shall wilfully open any tomb, vault or grave, within the same, and clandestinely remove any body or remains therefrom, or maliciously destroy any tree or shrubbery growing in such cemetery or grave yard, shall be guilty of a misdemeanor, and on conviction of either of the said offences, be sentenced to undergo an imprisonment not exceeding one year, or to pay a fine not exceeding one hundred dollars, or both, or either, at the discretion of the court.

TITLE V. Offences against Public Policy, Economy and Health.

Bribery.

SECTION 48. If any person shall directly or indirectly, or by means of, and through any artful and dishonest device whatever, give or offer to give any money, goods or other present or reward, or give or make any promise, contract or agreement, for the payment, delivery, or alienation of any money, goods or other bribe, in order to obtain or influence the vote, opinion, verdict, award, judgment, decree, or behaviour of any member of the general assembly, or any officer of this commonwealth, judge, juror, justice, referee or arbitrator, in any bill, action, suit, complaint, indictment, controversy, matter or thing whatsoever, depending or which shall depend before him or them, such person shall be guilty of a misdemeanor, and on conviction, be sentenced to pay a fine not exceeding five hundred dollars, and to undergo an imprisonment by separate or solitary confinement at labor, not exceeding one year; and the member of assembly, or officer, judge, juror, justice, referee, or arbitrator, who shall accept or receive, or agree to accept or receive such bribe, shall be guilty of a misdemeanor, and on conviction, be sentenced to

pay a fine not exceeding one thousand dollars, and to undergo an imprisonment, by separate or solitary confinement at labor, not exceeding five years.

SECTION 49. No witness shall be excused from testifying in any criminal proceeding, or in any investigation or inquiry before either branch of the general assembly, or any committee thereof, touching his knowledge of the aforesaid crimes, under any pretence or allegation whatsoever; but the evidence so given, or the facts divulged by him, shall not be used against him in any prosecution under this act: *Provided*, That the accused shall not be convicted on the testimony of an accomplice, unless the same be corroborated by other evidence, or the circumstances of the case.

SECTION 50. If any elector, authorized to vote at any public election, shall directly or indirectly accept or receive, from any person, any gift or reward in money, goods, or other valuable thing, under an agreement or promise, express or implied, that such elector shall give his vote for any particular candidate or candidates at such election, or shall accept or receive the promise of any person that he shall thereafter receive any gift or reward in money, goods, or other valuable thing, any office, appointment or employment, public or private, or any personal or pecuniary advantage whatsoever, under such an agreement or promise, express or implied, such elector shall be guilty of a misdemeanor, and shall, on conviction of either of the said offences, be sentenced to pay a fine not exceeding one hundred dollars, and undergo an imprisonment not exceeding six months.

SECTION 51. Any person who shall directly or indirectly give, or offer to give, any such gift or reward to any such elector, with the intent to induce him to vote for any particular candidate or candidates at such election, or shall directly or indirectly procure or agree to give any such gift or reward to such elector, with the intent aforesaid, or shall, with the intent to influence or intimidate such elector to give his vote for any particular candidate or candidates at such election, give, offer, or promise to give to such elector, any office, place, appointment or employment, or threaten such elector with dismissal or discharge from any office, place, appointment or employment, public or private, then held by him, in case of his refusal to vote for any particular candidate or candidates at such election, the person so offending shall be guilty of a misdemeanor, and on conviction, be sentenced to pay a fine not exceeding five hundred dollars, and undergo an imprisonment not exceeding two years.

SECTION 52. All lotteries, whether public or private, for money, goods, wares or merchandize, chattels, lands, tenements, hereditaments, or other matters or things whatsoever, are hereby declared to be common nuisances; and every grant, bargain, sale, conveyance or transfer of any goods or chattels, lands, tenements or hereditaments which shall be made in pursuance of any such lottery, is hereby declared to be invalid and void.

SECTION 53. If any person shall, within this state, either publicly or privately, erect, set up, open, make or draw any such lottery as aforesaid, or be in any way concerned in the managing, conducting or carrying on the same, he shall be guilty of a misdemeanor, and on conviction, be sentenced to pay a fine

PENAL LAWS OF PENNSYLVANIA.

not exceeding one thousand dollars, and undergo an imprisonment, by separate or solitary confinement at labor, not exceeding one year.

Selling tickets or policies in an unlawful lottery. SECTION 54. If any person shall sell or expose to sale, or cause to be sold or exposed to sale, or shall barter or exchange, or cause or offer to be bartered or exchanged, or shall advertise, or cause to be advertised for sale, barter or exchange, any lottery ticket or share, or part thereof, or any lottery policy, or any writing, certificate, bill, token or other device, purporting or intending to entitle, or represented as entitling the holder or bearer, or any other person, to any prize to be drawn in any lottery, or any part of such prize, or any interest therein, such person shall be guilty of a misdemeanor, and, on conviction, be sentenced to an imprisonment, by separate or solitary confinement at labor, not exceeding two years, and to pay a fine not exceeding one thousand dollars. The purchaser of such ticket, policy or device, shall not be liable to any prosecution or penalty by virtue of this or any other law of the commonwealth, and shall, in all respects, be a competent witness to prove the offence. Any indictment under this act shall be deemed and adjudged good and sufficient, which describes the offence in the words of this law, although it does not set out the name or location of such lottery, nor set out in words and figures, the ticket, policy or device sold, bartered or exchanged, or offered or advertised to be sold, bartered or exchanged.

Gambling.

SECTION 55. If any person shall set up or establish, or cause to be set up or established, in any house, room, out-house, tent, booth, arbor or other place whatsoever, any game or device of address, or hazard, with cards, dice, billiard balls, shuffle boards, or any other instrument, article or thing whatsoever, heretofore or which hereafter may be invented, used and employed, at which money or other valuable thing may or shall be played for, or staked or betted upon; or if any person shall procure, permit, suffer and allow persons to collect and assemble in his house, room, out-house, booth, tent, arbor or other place whatsoever, under his control, for the purpose of playing at, and staking or betting upon such game or device of address, or hazard, money or other valuable thing; or if any person being the owner, tenant, lessee or occupant of any house, room, out-house, tent, booth, arbor or other place whatsoever, shall lease, hire or rent the same, or any part thereof, to be used and occupied, or employed, for the purpose of playing at, or staking and betting upon such game or device of address, or hazard, for money or other valuable thing, the person so offending in either of the enumerated cases, shall be guilty of a misdemeanor, and on conviction, be sentenced to pay a fine not exceeding five hundred dollars, and undergo an imprisonment not exceeding one year. The owner of such house, room, out-house, tent, booth, arbor or other place whatsoever, who shall have knowledge that any such game or device of address, or hazard, as aforesaid, has been set up in or upon the said premises, and shall not forthwith cause complaint to be made against the person who has set up or established the same, shall be deemed and held to have knowingly leased, hired or rented the said premises for the said unlawful purposes: *Provided*, That this act shall not be construed to apply to games of

Proviso.

recreation and exercise, such as billiards, bagatelle, ten pins, et cetera, where no betting is allowed.

SECTION 56. If any person shall keep or exhibit any gaming Common gam-table, establishment, device or apparatus, to win or gain money biers. or other property of value, or aid, assist, or permit others to do the same; or if any person shall engage in gambling for a livelihood, or shall be without any fixed residence, and in the habit or practice of gambling, he shall be deemed and taken to be a common gambler, and upon conviction thereof, shall be sentenced to an imprisonment, by separate or solitary confinement at labor, not exceeding five years, and to pay a fine not exceeding five hundred dollars.

SECTION 57. If any person shall through solicitation, invitation or device, persuade or prevail on any other person to visit any room, building, arbor, booth, shed or tenement, or other place kept for the use of gambling, such person shall be guilty of a misdemeanor, and upon conviction thereof, be sentenced to pay a fine not exceeding five hundred dollars, and besides, shall be civilly responsible and liable to pay back to any person induced by him to enter such gambling house, any sum he may have lost at play therein.

SECTION 58. No witness shall be excused, under any allegation No witness ex- or pretence whatsoever, in any prosecution or proceeding for ^{empt from testi-} unlawful gambling, from giving his testimony touching the same; but no evidence given, or facts divulged by him, shall be used or employed against him in any criminal prosecution whatever.

SECTION 59. If an affidavit be made and filed before any magistrate, before whom complaint has been made of the commission of either of the crimes provided against in the three preceding sections, setting forth that the affiant has reason to believe, and does believe, that the person charged in such complaint has upon his person, or at any other place named in said affidavit, any gaming table, device or apparatus, the discovery of which might lead to establish the truth of such charge, the said magistrate shall, by his warrant, command the officer who is authorized to arrest the person so charged, to make diligent search for such table, device or apparatus, and if found, to bring the same before such magistrate; and the officer so seizing, shall deliver the same to the magistrate before whom he takes the prisoner, who shall retain possession, and be responsible therefor until the discharge, commitment or letting to bail of the person so charged; after which such officer shall retain such table, device or apparatus, subject to the order of the court before which such offender may be required to appear, until his discharge or conviction; and in case of the conviction of such person, the gaming table, device or apparatus shall, by the direction of the court, be destroyed.

SECTION 60. It shall and may be lawful for any sheriff, constable or other officer of justice, with or without warrant, to seize upon, secure and remove any device or machine of any kind, character or description whatsoever, used and employed for the purposes of unlawful gaming as aforesaid, and to arrest, with or without warrant, any person setting up the same. And it shall be the duty of such sheriff, constable or other officer, to make return, in writing, to the next court of quarter sessions

General authori-
ty to seize gam-
bling instruments.

PENAL LAWS OF PENNSYLVANIA.

of the proper county, setting forth the nature and description of the device or machine so seized upon, and the time, place and circumstances under which such seizure was made ; and the said court, upon hearing the parties, if they should appear, if satisfied that such device or machine was employed and used for the purpose of unlawful gaining as aforesaid, shall adjudge the same forfeited, and order it to be publicly destroyed, and at the same time order such reasonable costs and charges to the seizing officer as they shall deem adequate and just, to be paid by the owner or possessor of such device or machine, or in case of his default, or in case he cannot be found, to be paid as costs are now by law paid upon indictments ; and such adjudication shall be conclusive evidence to establish the legality of such seizure, in any court of this commonwealth, in any cause in which the question of its legality shall arise ; and in any case in which a decree of forfeiture shall not be pronounced, if said court shall, upon the evidence, be satisfied that there was probable cause for the seizure, they shall certify the same, which certificate shall be a bar to any action brought against the officer for or on account of such seizure, in those cases in which the said officer returns, or offers to return such device or machine ; and in all cases shall prevent a recovery in damages, for any sum beyond the real value of the device or machine seized.

No writ of replevin to issue therefor.

SECTION 61. No writ of replevin shall issue for any device or machine, seized as aforesaid, nor shall any action be instituted for or on account of such seizure, until the court shall have first adjudicated upon the premises ; but such writ or action shall forthwith, on motion, be quashed and abated by the court in which it shall be sued or brought.

Loaning public money by officers

SECTION 62. If any officer of this commonwealth, or of any city, borough, county or township thereof, shall loan out, with or without interest, or return therefor, any money or valuable security received by him, or which may be in his possession, or under his control by virtue of his office, he shall be guilty of a misdemeanor in office, and on conviction be sentenced to pay a fine not exceeding one thousand dollars, and undergo an imprisonment, by separate or solitary confinement at labor, not exceeding five years, and if still in office, be adjudged thereafter incapable of exercising the same, and the said office shall be forthwith declared vacant by the court passing the sentence.

Depositing public money for gain by officers.

SECTION 63. If any such officer shall enter into any contract or agreement with any bank, corporation or individual, or association of individuals, by which said officer is to derive any benefit, gain or advantage from the deposit with such bank, corporation or individual, or association, of any money or valuable security held by him, or which may be in his possession, or under his control by virtue of his said office, he shall be guilty of a misdemeanor, and on conviction, be sentenced to pay a fine not exceeding one thousand dollars, and to undergo an imprisonment not exceeding one year, and if still in office, be adjudged thereafter incapable of exercising the same, and the said office shall be forthwith declared vacant by the court passing sentence.

SECTION 64. If any cashier of any bank of this commonwealth shall engage directly or indirectly in the purchase or sale of

stock, or in any other profession, occupation or calling, other than that of his duty as cashier, he shall be guilty of a misdemeanor, and being thereof convicted, shall be sentenced to pay a fine not exceeding five hundred dollars.

SECTION 65. If any state, county, township or municipal officer of this commonwealth, charged with the collection, safe keeping, transfer, or disbursement of public money, shall convert to his own use, in any way whatsoever, or shall use by way of investment in any kind of property or merchandize, any portion of the public money entrusted to him for collection, safe keeping, transfer or disbursement, or shall prove a defaulter, or fail to pay over the same when thereunto legally required by the state, county or township treasurer, or other proper officer or person authorized to demand and receive the same, every such act shall be deemed and adjudged to be an embezzlement of so much of said money as shall be thus taken, converted, invested, used or unaccounted for, which is hereby declared a misdemeanor; and every such officer, and every person or persons whomsoever aiding or abetting, or being in any way accessory to said act, and being thereof convicted, shall be sentenced to an imprisonment, by separate or solitary confinement at labor, not exceeding five years, and to pay a fine equal to the amount of the money embezzled.

SECTION 66. It shall not be lawful for any councilman, burgess, trustee, manager or director of any corporation, municipality or public institution, to be at the same time a treasurer, secretary or other officer, subordinate to the president and directors, who shall receive a salary therefrom, or be the surety of such officer, nor shall any member of any corporation or public institution, or any officer or agent thereof, be in anywise interested in any contract for the sale or furnishing of any supplies, or materials to be furnished to, or for the use of any corporation, municipality or public institution of which he shall be a member or officer, or for which he shall be an agent, nor directly nor indirectly interested therein, nor receive any reward or gratuity from any person interested in such contract or sale; and any person violating these provisions, or either of them, shall forfeit his membership in such corporation, municipality or institution, and his office or appointment thereunder, and shall be held guilty of a misdemeanor, and on conviction thereof be sentenced to pay a fine not exceeding five hundred dollars: *Provided*, That nothing in this section contained, shall prevent *Proviso*, a vice president of any bank from being a director of such bank, or of receiving a salary as vice president.

SECTION 67. Any person who shall contract for the sale, or sell any supplies or materials as aforesaid, and shall cause to be interested in any such contract or sale, any member, officer or agent of any corporation, municipality or institution, or give or offer to give any such person any reward or gratuity, to influence him or them in the discharge of their official duties, shall not be capable of recovering any thing upon any contract or sale, in relation to which he may have so practised or attempted to practice corruptly, but the same shall be void, and such party shall be guilty of a misdemeanor, and on conviction

to follow no other business or occupation.

Embezzlement by public officers.

Malversation by corporation officers.

Solicitation to commit said offense.

thereof, be sentenced to pay a fine not exceeding five hundred dollars.

Issuing certificates as currency by corporation officers.

SECTION 68. If any officer of any municipal or other corporation, not authorized by law, shall be instrumental in, or shall consent to or connive at the making or issuing of any note, bill, check, ticket or order, intended to be used as currency, he shall be guilty of a misdemeanor, and on conviction thereof, be sentenced to pay a fine not exceeding one thousand dollars for each offence, and to undergo an imprisonment not exceeding six months.

Selling unwholesome provisions or adulterated liquors or medicines.

SECTION 69. If any person shall sell or expose for sale, the flesh of any diseased animal, or any other unwholesome flesh, knowing the same to be diseased or unwholesome, or sell or expose for sale unwholesome bread, drink or liquor, knowing the same to be unwholesome, or shall adulterate for the purpose of sale, or sell any flour, meal or other article of food, any wine, beer, spirits of any kind, or other liquor intended for drinking, knowing the same to be adulterated, or shall adulterate for sale, or shall sell, knowing them to be so adulterated, any drugs or medicines, such person so offending shall be guilty of a misdemeanor, and upon conviction be sentenced to pay a fine not exceeding one hundred dollars, or undergo an imprisonment not exceeding six months, or both, or either, at the discretion of the court.

Selling poisons.

SECTION 70. No apothecary, druggist or other person, shall sell or dispose of by retail, any morphia, strychnia, arsenic prussic acid, or corrosive sublimate, except upon the prescription of a physician, or on the personal application of some respectable inhabitant of full age, of the town or place in which such sale shall be made; in all cases of such sale, the word poison shall be carefully and legibly marked or placed upon the label, package, bottle, or other vessel or thing in which such poison is contained; and when sold or disposed of, otherwise than under the prescription of a physician, the apothecary, druggist, or other person selling or disposing of the same, shall note in a register, kept for that purpose, the name and residence of the person to whom such sale was made, the quantity sold, and the date of such sale; any person offending herein, shall be guilty of a misdemeanor, and on conviction, be sentenced to pay a fine not exceeding fifty dollars.

Importing criminals.

SECTION 71. If any master or commander of any ship, boat or other vessel, arriving from any foreign country, place or port, at any port, harbor or place within this commonwealth, shall knowingly bring with him any person, either as a passenger, working hand or otherwise, who shall have been convicted of any offence in any foreign country or place, which, if committed within this commonwealth, would have subjected the offender to imprisonment at labor, with intent to land such person or permit him to land, such master or commander shall be guilty of a misdemeanor, and on conviction thereof, be sentenced to pay a fine not exceeding three hundred dollars, and undergo an imprisonment not exceeding one year.

Revealing telegraph dispatches.

SECTION 72. If any superintendent, operator or other person, who may be engaged in any telegraph line, shall use, or cause to be used, or make known, or cause to be made known, the con-

tents of any dispatch, or any part thereof, sent from or received at any telegraph office in this commonwealth, or in anywise unlawfully expose another's business or secret, or in anywise impair the value of any correspondence so sent or received, such person shall be guilty of a misdemeanor, and on conviction, be sentenced to pay a fine not exceeding five hundred dollars, and to undergo an imprisonment not exceeding six months, or both, or either, at the discretion of the court.

SECTION 73. Any person who shall erect, set up, establish, Public nuisances maintain, keep up or continue, or cause to be erected, set up, established, maintained, kept up or continued, any public or common nuisance, shall be guilty of a misdemeanor, and on conviction, shall be sentenced to pay a fine, and suffer an imprisonment, or either, or both, according to the discretion of the court under the circumstances of the case; and where the said nuisance shall be in existence at the time of the conviction and sentence, it shall be lawful for the court, in its discretion, to direct either the defendant or the sheriff of the proper county, at the expense of the defendant, to abate the same: *Provided also*, That all obstructions to private roads, laid out according to law, shall be nuisances, which would be nuisances in cases of obstructions to public roads or highways.

TITLE VI. *Offences against the Persons of Individuals.*

SECTION 74. All murder which shall be perpetrated by means **Murder** of poison, or by lying in wait, or by any other kind of wilful, deliberate and premeditated killing, or which shall be committed in the perpetration of, or attempt to perpetrate any arson, rape, robbery or burglary, shall be deemed murder of the first degree, and all other kinds of murder shall be deemed murder of the second degree; and the jury before whom any person indicted for murder shall be tried, shall, if they find such person guilty thereof, ascertain in their verdict whether it be murder of the first or second degree; but if such person shall be convicted by confession, the court shall proceed, by examination of witnesses, to determine the degree of the crime, and to give sentence accordingly.

SECTION 75. That every person convicted of the crime of murder of the first degree, his aiders, abettors and counsellors, shall be sentenced to suffer death by hanging by the neck; and it shall be the duty of the clerk of the court wherein such conviction takes place, and he is hereby required, within ten days after such sentence, to transmit a full and complete record of the trial and conviction to the governor of this commonwealth.

SECTION 76. Every person duly convicted of the crime of murder of the second degree, shall, for the first offence, be sentenced to undergo an imprisonment, by separate or solitary confinement, not exceeding twelve years, and for the second offence, for the period of his natural life.

SECTION 77. Every person liable at any former period to be prosecuted for petit treason, shall in future be indicted, proceeded against, and punished as is directed in other kinds of murder.

SECTION 78. Every person convicted of any voluntary manslaughter, shall be sentenced to pay a fine not exceeding one **Voluntary manslaughter.**

PENAL LAWS OF PENNSYLVANIA.

thousand dollars, and to undergo an imprisonment, by separate or solitary confinement at labor, or simple imprisonment, not exceeding twelve years, and in the discretion of the court, to give security for good behaviour during life, or for any less time, according to the nature and enormity of the offence.

Involuntary manslaughter.

SECTION 79. If any person shall be charged with involuntary manslaughter, happening in consequence of an unlawful act, it shall and may be lawful for the district attorney, with the leave of the court, to waive the felony and to proceed against and charge such person with a misdemeanor, and to give in evidence any act or acts of manslaughter; and such person, on conviction, shall be sentenced to pay a fine not exceeding one thousand dollars, and to suffer an imprisonment not exceeding two years, or the district attorney may charge both wilful and involuntary manslaughter in the same indictment, in which case the jury may acquit the party of one, and find him or her guilty of the other charge.

Malicious mayhem.

SECTION 80. If any person on purpose, and of malice aforethought, by lying in wait, shall unlawfully cut out or disable the tongue, put out an eye, slit the nose, cut off the nose, ear or lip, or cut off or disable any limb or member of another, or brand another with intention in so doing to maim or disfigure such person, or shall voluntarily, maliciously and of purpose, pull or put out an eye, or bite off the nose, ear, lip, limb or member, or any part of the nose, ear, lip, limb or member of his opponent while fighting, or otherwise, every such offender shall be guilty of a misdemeanor, and on conviction, be sentenced to pay a fine not exceeding one thousand dollars, three-fourths parts whereof shall be for the use of the party grieved, and undergo an imprisonment, by separate or solitary confinement at labor, not exceeding five years: *Provided also*, That the party grieved shall, in such prosecution, be received as a competent witness, his credibility to be judged of by the jury as in other cases.

Proviso.

Administering poison, stabbing or wounding.

SECTION 81. If any person shall administer, or cause to be administered or taken by another, any poison or other destructive thing, or shall stab, cut or wound any person, or shall, by any means whatsoever, cause any person bodily injury, dangerous to life, with intention, in any of the cases aforesaid, to commit murder, such person shall be guilty of felony, and shall, on conviction, be sentenced to pay a fine not exceeding one thousand dollars, and to undergo an imprisonment, by separate or solitary confinement at labor, not exceeding seven years.

Attempting to administer poison, shoot or cut, &c.

SECTION 82. If any person shall attempt to administer any poison, or other destructive thing, or shall attempt to cut or stab or wound, or shall shoot at any person, or shall, by drawing a trigger, or in any other manner, attempt to discharge any kind of loaded arms at any person, or shall attempt to drown, suffocate or strangle any person, with intent, in any of the cases aforesaid, to commit the crime of murder, he shall, although no bodily injury be effected, be guilty of felony, and be sentenced to pay a fine of one thousand dollars, and undergo an imprisonment, by separate or solitary confinement, not exceeding seven years.

Cutting and maiming with intent to disfigure.

SECTION 83. If any person, unlawfully and maliciously, shall shoot at any person, or shall, by drawing a trigger, or by any

other manner, attempt to discharge any kind of loaded arms at any person, or shall stab, cut or wound any person, with intent, in any of the cases aforesaid, to maim, disfigure or disable such person, the person so offending shall be guilty of felony, and on conviction, be sentenced to pay a fine not exceeding five hundred dollars, and undergo an imprisonment, by separate or solitary confinement at labor, not exceeding three years.

SECTION 84. If any person shall unlawfully, wilfully and maliciously, by the explosion of gunpowder, or other explosive substance, burn, maim, disfigure, disable, or do grievous bodily harm to any person, he shall be guilty of felony, and on conviction, be sentenced to pay a fine not exceeding five hundred dollars, and to undergo an imprisonment, by separate or solitary confinement, not exceeding three years.

SECTION 85. If any person shall unlawfully and maliciously cause any gunpowder, or other explosive substance, to explode, or send or deliver to, or cause to be taken and received by, any person any explosive substance, or any other dangerous or noxious thing, or cast or throw at or upon, or otherwise apply to any person, any corrosive fluid, or other destructive or explosive substance, with intent, in any of the cases aforesaid, to burn, maim, disfigure or disable any person, or to do some grievous bodily harm to such person, he shall be guilty of felony, and on conviction, be sentenced to pay a fine not exceeding five hundred dollars, and undergo an imprisonment, by separate or solitary confinement at labor, not exceeding three years.

SECTION 86. If any person shall unlawfully apply or administer to another, any chloroform, laudanum, or other stupefying and overpowering drug, matter or thing, with intent thereby to enable such offender, or any other person, to commit, or with the intent to assist such offender, or other person, in committing any felony, every such offender shall be guilty of a felony, and being convicted thereof, shall be sentenced to pay a fine not exceeding five hundred dollars, and undergo an imprisonment, by separate and solitary confinement at labor, not exceeding five years.

SECTION 87. If any person shall unlawfully administer to any woman, pregnant or quick with child, or supposed and believed to be pregnant or quick with child, any drug, poison or other substance whatsoever, or shall unlawfully use any instrument or other means whatsoever, with the intent to procure the miscarriage of such woman, and such woman, or any child with which she may be quick, shall die in consequence of either of said unlawful acts, the person so offending shall be guilty of felony, and shall be sentenced to pay a fine not exceeding five hundred dollars, and to undergo an imprisonment, by separate or solitary confinement at labor, not exceeding seven years.

SECTION 88. If any person, with intent to procure the miscarriage of any woman, shall unlawfully administer to her any poison, drug or substance whatsoever, or shall unlawfully use any instrument, or other means whatsoever, with the like intent, such person shall be guilty of felony, and being thereof convicted, shall be sentenced to pay a fine not exceeding five

Injuring by explosive substances.

Causing to explode or sending explosive substances.

Administering stupefying mixtures with criminal intent.

Death following attempt to procure abortion.

Procuring or attempting to procure abortion.

PENAL LAWS OF PENNSYLVANIA.

Conealing the death of a bastard child.

hundred dollars, and undergo an imprisonment, by separate or solitary confinement at labor, not exceeding three years.

Maltreatment of infants and apprentices.

SECTION 89. If any woman shall endeavor privately, either by herself or the procurement of others, to conceal the death of any issue of her body, male or female, which, if it were born alive, would by law be a bastard, so that it may not come to light, whether it was born dead or alive, or whether it was murdered or not, every such mother, being convicted thereof, shall suffer an imprisonment, by separate or solitary confinement at labor, not exceeding three years; and if the grand jury shall, in the same indictment, charge any woman with the murder of her bastard child, as well as with the offence aforesaid, the jury by whom such woman shall be tried, may either acquit or convict her of both offences, or find her guilty of one and acquit her of the other, as the case may be.

Rape and carnal knowledge of female children.

SECTION 90. If any master or mistress of an apprentice, or any person having the legal care and control of any infant, being legally liable to provide for such apprentice or infant, necessary food, clothing or lodging, and shall wilfully, and without lawful excuse, refuse or neglect to provide the same, or when the master or mistress, or person having the legal care and control of such apprentice or infant, shall unlawfully and maliciously assault such apprentice or infant, whereby his life shall be endangered, or his health shall have been, or shall be likely to be permanently injured, such master, mistress or other person, on being thereof convicted, shall be guilty of a misdemeanor, and be sentenced to pay a fine not exceeding five hundred dollars, or to undergo an imprisonment not exceeding two years, or both, or either, at the discretion of the court.

Proof of carnal knowledge.

SECTION 91. If any person shall have unlawful carnal knowledge of a woman, forcibly and against her will, or who, being of the age of fourteen years and upwards, shall unlawfully and carnally know and abuse any woman child under the age of ten years, with or without her consent, such person shall be adjudged guilty of felonious rape, and on conviction, be sentenced to pay a fine not exceeding one thousand dollars, and to undergo an imprisonment, by separate or solitary confinement at labor, not exceeding fifteen years.

Assault with intent to commit rape.

SECTION 92. It shall not be necessary, in any case of rape, sodomy or carnal abuse of a female child, under the age of ten years, to prove the actual emission of seed, in order to constitute a carnal knowledge, but the carnal knowledge shall be deemed complete upon proof of penetration only.

Enticing a child from its parents.

SECTION 93. If any person shall be guilty of committing an assault and battery upon a female, with intent, forcibly and against her will, to have unlawful carnal knowledge of such female, every such person shall be guilty of a misdemeanor, and on conviction, be sentenced to pay a fine not exceeding one thousand dollars, and to undergo an imprisonment, by separate or solitary confinement at labor, not exceeding five years.

SECTION 94. If any person shall maliciously, either by force or fraud, lead, take or carry away, or decoy or entice away, any child, under the age of ten years, with the intent to deprive its parent or parents, or any other person having the lawful charge or care of such child, of the possession of such child,

by concealing and detaining such child from such parent or parents, or other person or persons having the lawful charge or care of it, or with intent to steal any article of apparel or ornament, or other thing of value or use, upon or about the person of such child, to whomsoever such article may belong, or shall receive and harbor, with any such intent as aforesaid, any such child, knowing the same to have been so by force or fraud led, taken or carried, or decoyed or enticed away as aforesaid, every such person shall be guilty of a misdemeanor, and upon conviction thereof, be sentenced to pay a fine not exceeding two thousand dollars, and to undergo an imprisonment, by separate or solitary confinement at labor, not exceeding seven years: *Provided always,* That no person who shall have claimed to be the father of any illegitimate child, or to have any legal right to the possession of such child, shall be liable to be prosecuted by virtue hereof, on account of getting possession of such child, out of the possession of the mother or other person having lawful charge thereof.

SECTION 95. If any person or persons shall, by force or violence, take and carry away, or cause to be taken or carried away, or shall, by fraud or false pretence, entice or cause to be enticed, or shall attempt so to take, carry away or entice, any free negro or mulatto from any part of this commonwealth, to any other place whatsoever out of this commonwealth, with a design and intention of selling and disposing of, or of causing to be sold, or of keeping and detaining, or of causing to be kept and detained, such free negro or mulatto, as a slave or servant for life, or for any term whatsoever, every such person or persons shall be guilty of a misdemeanor, and on conviction thereof, shall be sentenced to pay a fine not exceeding two thousand dollars, one-half whereof shall be paid to the person or persons who shall prosecute for the same, and the other half to this commonwealth, and to undergo an imprisonment, by separate or solitary confinement at labor, not exceeding twelve years. If any person or persons shall hereafter knowing sell, transfer or assign, or shall knowingly purchase, take a transfer or assignment of any free negro or mulatto, for the purpose of fraudulently removing, exporting or carrying such free negro or mulatto out of this state, with the design or intent, by fraud or false pretences, of making him or her a slave or servant for life, or for any term whatsoever, every person so offending shall be guilty of a misdemeanor, and, on conviction thereof, shall be sentenced to pay a fine not exceeding two thousand dollars, one-half whereof shall be paid to the person or persons who shall prosecute for the same, and the other half to this commonwealth, and at the discretion of the court, to undergo an imprisonment, by separate or solitary confinement at labor, not exceeding twelve years. No judge of any of the courts of this commonwealth, nor any alderman or justice of the peace of said commonwealth, shall have jurisdiction or take cognizance of the case of any fugitive from labor, from any of the United States or territories, under any act of congress; nor shall any such judge, alderman or justice of the peace of this commonwealth, issue or grant any certificate or warrant of removal of any such fugitive from labor, under any act of congress; and

if any alderman or justice of the peace of this commonwealth shall take cognizance or jurisdiction of the case of any such fugitive, or shall grant or issue any certificate or warrant of removal as aforesaid, then, and in either case, he shall be deemed guilty of a misdemeanor in office, and shall, on conviction thereof, be sentenced to pay, at the discretion of the court, any sum not exceeding one thousand dollars, the one-half to the party prosecuting for the same, and the other half to the use of this commonwealth. If any person or persons claiming any negro or mulatto, as a fugitive from servitude or labor, shall, under any pretence of authority whatsoever, violently and tumultuously seize upon and carry away to any place, or attempt to seize and carry away in a riotous, violent, tumultuous and unreasonable manner, and so as to disturb or endanger the public peace, any negro or mulatto, within this commonwealth, either with or without the intention of taking such negro or mulatto before any district or circuit judge, the person or persons so offending against the peace of this commonwealth shall be guilty of a misdemeanor, and on conviction thereof, shall be sentenced to pay a fine not exceeding one thousand dollars, and further, to be imprisoned in the county jail, for any period at the discretion of the court, not exceeding three months.

Sale of fugitive slaves to be void.

SECTION 96. All sales that shall hereafter be made within this state, of any fugitive from service or labor, who at the time of such sale shall be within the limits of this state, shall be utterly null and void; and if any person, under color or pretence of any such sale or sales, shall seize, arrest, or by intimidation, seduction or fraud, shall remove or cause to be removed from this state, any such fugitive thus sold, or attempted to be sold, the person so offending shall forfeit and pay the sum of five hundred dollars, one-half thereof to the use of this commonwealth, and the other half to the use of the party suing for the same.

Assault and battery.

SECTION 97. Any person who shall be convicted of an assault and battery, or of an assault, shall be sentenced to pay a fine not exceeding one thousand dollars, and undergo an imprisonment not exceeding one year, or both, or either, at the discretion of the court.

Aggravated assault.

SECTION 98. If any person shall unlawfully and maliciously inflict upon another person, either with or without any weapon or instrument, any grievous bodily harm, or unlawfully cut, stab or wound any other person, every such person shall be guilty of a misdemeanor, and being convicted thereof, shall be sentenced to pay a fine not exceeding one thousand dollars, and to an imprisonment, either at labor by separate or solitary confinement, or to simple imprisonment, not exceeding three years.

Modified verdicts in cases of felonious assault.

SECTION 99. If upon the trial of any indictment for felony, except murder or manslaughter, the indictment shall allege that the defendant did cut, stab or wound any person, and the jury shall be satisfied that the defendant is guilty of the cutting, stabbing or wounding charged in such indictment, but are not satisfied of his guilt of the felony charged in such indictment, then, and in every such case, the jury may acquit the defendant of such felony, and find him guilty of a misdemeanor, in unlawful cutting, stabbing and wounding; and thereupon such

defendant shall be sentenced to pay a fine not exceeding one thousand dollars, and to undergo an imprisonment, either at labor by separate or solitary confinement, or to simple imprisonment, not exceeding three years.

TITLE VII. *Offences against Personal Property.*

SECTION 100. If any person, being armed with an offensive weapon or instrument, shall rob, or assault, with intent to rob another, or shall, together with one or more person or persons, rob, or assault, with intent to rob, or shall rob any person, and at the same time, or immediately before or immediately after such robbery, beat, strike or ill-use any person, or do violence to such person, the person so offending shall be guilty of felony, and being thereof convicted, shall be sentenced to pay a fine not exceeding one thousand dollars, and undergo an imprisonment, by separate or solitary confinement at labor, not exceeding ten years.

SECTION 101. If any one shall accuse any person of the abominable crime of sodomy or buggery, committed either with man or beast, or of any assault, with intent to commit such abominable crime, or any attempt or endeavor to commit the same, or of making or offering any solicitation, persuasion, promise or threat to any person, whereby to move or induce such person to commit, or permit such abominable crime, with a view and intent, in any of the cases aforesaid, to extort or gain from such person, and shall, by intimidating such person by such accusation or threat, extort or gain from such person any money or property, the person so offending shall be deemed guilty of felony, and being thereof convicted, shall be sentenced to pay a fine not exceeding one thousand dollars, and to undergo an imprisonment, by separate or solitary confinement at labor, not exceeding ten years.

SECTION 102. If any person shall rob another, or shall steal any property from the person of another, or shall assault any person with intent to rob him, or shall, by menaces or by force, demand any property of another, with intent to steal the same, such person shall be guilty of felony, and being convicted thereof, shall be sentenced to pay a fine not exceeding one thousand dollars, and to undergo an imprisonment, by separate or solitary confinement, not exceeding five years.

SECTION 103. If any person shall be guilty of larceny, he shall, on conviction, be deemed guilty of felony, and be sentenced to pay a fine not exceeding five hundred dollars, and to undergo an imprisonment, by separate or solitary confinement at labor, not exceeding three years.

SECTION 104. If any person shall steal any bank bill, note, draft or check, of, or on any bank, or any bill of exchange, order, warrant, draft, bill or promissory note, for the payment of money, or any certificate or security whatsoever, entitling or evidencing the title of any person or body corporate, to any share, portion or interest in any public debt or security, or fund, either of this commonwealth or of the United States, or of any of the states thereof, or of any foreign state, or to any interest in any stock, fund or debt of any body corporate, company or

Robbery by
threats to accuse
of infamous
crime.

Robbery, steal-
ing from the per-
son and by men-
aces.

Stealing proper-
ty made larceny.

society, or to any deposit in any saving bank or company, being the property of another person, or any corporation, association or society, notwithstanding the said enumerated particulars are, or may be deemed in law, chooses in action, such person shall be deemed guilty of larceny, and punished as is provided in the preceding section; and any person who shall steal any letters patent, charter, testament, will or deed, whether indented or poll covenant, assurance, lease, indenture, contract, letter of attorney, or other power or instrument of writing, respecting any property, real or personal, or any release, acquittance, voucher, receipt, receipt book, letter book, waste book, day book, journal, ledger, or other book of accounts belonging to another, every person so offending shall, on conviction, be adjudged guilty of larceny, and be sentenced to pay a fine not exceeding five hundred dollars, or to undergo an imprisonment, by separate or solitary confinement, not exceeding two years, or either, or both, at the discretion of the court.

Horse stealing.

SECTION 105. If any person shall be guilty of horse stealing, or as accessory thereto before the fact, or of having received or bought any horse, knowing the same to have been stolen, the person so offending shall be guilty of felony, and shall, on conviction, be sentenced to pay a fine not exceeding five hundred dollars, and to undergo an imprisonment, by separate or solitary confinement at labor, not exceeding ten years.

Stealing lead, iron, &c., from houses.

SECTION 106. If any person shall steal or rip, cut or break, with intent to steal, any glass or wood work belonging to any building whatsoever, or any lead, iron, copper, brass or other metal, or any utensil or fixture, whether made of metal or other material, respectively fixed in or to any building whatsoever, or anything made of metal fixed in any land, being private property, or for a fence to any dwelling-house, garden or area, or in any square, street or other place dedicated to public use or ornament, every such offender shall be deemed guilty of larceny, and being thereof convicted, shall be sentenced to pay a fine not exceeding five hundred dollars, and undergo an imprisonment, by separate or solitary confinement at labor, not exceeding three years.

Clerks, servants or other employees stealing from employers.

SECTION 107. If any clerk, servant, or other person in the employ of another, shall, by virtue of such employment, receive and take into his possession any chattel, money or valuable security, which is or may be made the subject of larceny, for, or in the name, or on account of his master or employer, and shall fraudulently embezzle the same, or any part thereof, every such offender shall be deemed to have feloniously stolen the same from his master or employer, although such chattel, money or security was not received into the possession of such master or employer otherwise than by the actual possession of his clerk, servant or other person in his employ, and shall be punished as is provided in cases of larceny of like property.

Larceny by bailee.

SECTION 108. If any person, being a bailee of any property, shall fraudulently take or convert the same to his own use, or to the use of any other person, except the owner thereof, although he shall not break bulk or otherwise determine the bailment, he shall be guilty of larceny, and punished as is provided in cases of larceny of like property.

SECTION 109. If any person shall buy or receive any goods, Receiving stolen chattels, moneys or securities, or any other matter or thing, the goods. stealing of which is made larceny by any law of this commonwealth, knowing the same to be stolen or feloniously taken, such person shall be guilty of felony, and on conviction, suffer the like pains and penalties which are by law imposed upon the person who shall have actually stolen or feloniously carried away the same.

SECTION 110. It may and shall be lawful to prosecute and Trial of receiving punish all buyers and receivers, as well before as after the principal felon shall be taken and convicted, and whether he be amenable to justice or otherwise, which prosecution, conviction and sentence of said receivers shall exempt them from being prosecuted as accessories after the fact, in case the principal felon shall be afterwards convicted.

SECTION 111. If any person shall, by any false pretence, obtain the signature of any person to any written instrument, or shall obtain from any other person any chattel, money or valuable security, with intent to cheat and defraud any person of the same, every such offender shall be guilty of a misdemeanor, and on conviction, be sentenced to pay a fine not exceeding five hundred dollars, and undergo an imprisonment not exceeding three years: *Provided always,* That if upon the trial of any person indicted for such a misdemeanor, it shall be proved that he obtained the property in question in such manner as to amount in law to larceny, he shall not, by reason thereof, be entitled to be acquitted of such misdemeanor; and no person tried for such misdemeanor shall be liable to be afterwards prosecuted for larceny upon the same facts.

SECTION 112. If any person, with intent to cheat or defraud, shall by any false or fraudulent representations, or by any false show of baggage, goods or chattels, which are calculated to deceive any hotel, inn or boarding-house keeper, obtain lodging and credit in any hotel, inn or boarding-house, and shall subsequently refuse to pay for his board and lodging, the person so offending shall be guilty of a misdemeanor, and on conviction, be sentenced to pay a fine not exceeding one hundred dollars, or undergo an imprisonment not exceeding three months, or both, or either, at the discretion of the court.

SECTION 113. If any person, being a trustee of any property for the benefit, either wholly or partially, of some other person, or for any public or charitable purpose, shall, with intent to defraud, convert or appropriate the same, or any part thereof, to or for his own use or purpose, or the use or benefit of any other person, or shall, with intent aforesaid, otherwise dispose of or destroy such property, or any part thereof, he shall be guilty of a misdemeanor.

SECTION 114. If any person, being a banker, broker, attorney, merchant or agent, and being entrusted, for safe custody, with the property of any other person, shall, with intent to defraud, sell, negotiate, transfer, pledge, or in any manner convert or appropriate to or for his own use, or the use of any other person, such property, or any part thereof, he shall be guilty of a misdemeanor.

Cheats by fraudulent pretences.

Proviso.

Cheating lodgers.
ing house keep-

Embezzlement
by trustees of
trusts.

Embezzlement
by bankers.

PENAL LAWS OF PENNSYLVANIA.

Embezzlement by attorneys in fact.

SECTION 115. If any person intrusted with any power of attorney, for the sale or transfer of any property, shall fraudulently sell or transfer, or otherwise convert such property, or any part thereof, to his own use or benefit, or the use or benefit of any other person, he shall be guilty of a misdemeanor.

Embezzlement by officers of bank and other corporations.

SECTION 116. If any person, being an officer, director or member of any bank, or other body corporate or public company, shall fraudulently take, convert or apply to his own use, or the use of any other person, any of the money or other property of such bank, body corporate or company, or belonging to any person or persons, corporation or association, and deposited therein, or in possession thereof, he shall be guilty of a misdemeanor.

Keeping fraudulent accounts.

SECTION 117. If any person, being a director, officer or manager of any body corporate or public company, shall, as such, receive or possess himself of any money, or other property of such body corporate or public company, otherwise than in payment to him of a just debt or demand, and shall, with intent to defraud, omit to make, or to cause or direct to be made, a full and true entry thereof in the books and accounts of such body corporate or public company, he shall be guilty of a misdemeanor.

Destroying or mutilating books of a corporation.

SECTION 118. If any director, manager, officer or member of any bank, or other body corporate or public company, shall, with intent to defraud, destroy, alter, mutilate or falsify any of the books, papers, writings or securities belonging to the bank, body corporate or public company, of which he is a director, manager, officer or member, or shall make or concur in the making of any false entry, or any material omission in any book of accounts or other document, he shall be guilty of a misdemeanor.

False statements by officers or members of corporations.

SECTION 119. If any director, manager, officer or member of any bank, or other body corporate or public company, shall make, circulate or publish, or concur in making, circulating or publishing any written or printed statement or account, which he shall know to be false in any particular, with intent to deceive or defraud any member, shareholder or creditor of such body corporate or public company, or with intent to induce any person to become a shareholder or partner therein, or to entrust or advance any money or property to such body corporate or public company, or to enter into any security for the benefit thereof, he shall be guilty of a misdemeanor.

Receiving property fraudulently disposed of.

SECTION 120. If any person shall receive any money, chattel or valuable security, which shall have been so fraudulently disposed of, as to render the party disposing thereof guilty of a misdemeanor, knowing the same to have been so fraudulently disposed of, he shall be guilty of a misdemeanor, and may be indicted and convicted thereof, whether the party guilty of the principal misdemeanor shall, or shall not, have been previously convicted.

Punishment for the foregoing misdemeanors.

SECTION 121. Every person found guilty of a misdemeanor under either of the preceding sections of this title, wherein the nature and extent of the punishment is not specified, shall be sentenced to an imprisonment not exceeding two years, or be fined in any amount not exceeding one thousand dollars, or both, or either, at the discretion of the court.

SECTION 122. Nothing herein contained shall affect any remedy at law or in equity, which any party aggrieved might have heretofore had, nor affect or prejudice any agreement entered into, or security given, by any trustee, having for its object the restoration or re-payment of any trust property misappropriated.

SECTION 123. No such trustee, banker, merchant, broker, attorney, agent, director, officer or member as aforesaid, shall be enabled or entitled to refuse to make a full and complete discovery by answer to any bill in equity, or to answer any question or interrogatory in any civil proceeding in any court of law or equity, but no answer to any such bill, question or interrogatory, shall be admissible in evidence against such person charged with any of the said misdemeanors.

SECTION 124. The word "trustee" herein shall mean a trustee on some express trust created by deed, will or instrument in writing, and shall also include the heir, devisee and personal representative of any such trustee, and all executors, administrators and assignees; the word "property" shall include every description of real and personal property, money, debts and legacies, and all deeds and instruments relating or evidencing the title or right to recover or receive any money or goods, and shall also include not only such property as may have been the original subject of a trust, but any property in which the same may have been converted, and the proceeds thereof, respectively, or anything acquired by such proceeds.

SECTION 125. If any consignee or factor having the possession of merchandise, with authority to sell the same, or having possession of any bill of lading, permit, certificate, receipt or order for the delivery of merchandise with the like authority, shall deposit, or pledge such merchandise or document, consigned or entrusted to him as aforesaid, as a security for any money borrowed, or negotiable instrument received by such consignee or factor, and shall apply or dispose of the same to his own use, in violation of good faith, with intent to defraud the owner of such merchandise, and if any consignee or factor shall, with like fraudulent intent, apply or dispose of, to his own use, any money or negotiable instrument, raised or acquired by the sale, or other disposition of such merchandise, such consignee or factor, in every such case, shall be guilty of a misdemeanor, and be sentenced to pay a fine not exceeding two thousand dollars, and undergo an imprisonment, not exceeding five years.

SECTION 126. If any person engaged in carrying or transporting coal, iron, lumber, or other articles of merchandise, or property whatsoever, within this commonwealth, shall fraudulently sell or dispose of, or pledge the same or any part thereof, without the consent of the owner thereof, such offence shall be deemed a misdemeanor, and the offender shall, on conviction, be sentenced to pay a fine not exceeding five hundred dollars, and to undergo an imprisonment, not exceeding one year; or if any person shall knowingly buy and receive the said merchandise, knowing the same to have been sold, disposed of or pledged fraudulently, he shall, on conviction, be sentenced to the like punishment.

SECTION 127. If any two or more persons shall conspire or agree falsely and maliciously, to charge or indict any other

person, or cause or procure him to be charged or indicted, in any court of criminal jurisdiction, the person so offending shall be guilty of a misdemeanor, and on conviction be sentenced to pay a fine not exceeding one thousand dollars, and to undergo an imprisonment, either at labor by separate or solitary confinement, or to simple imprisonment, not exceeding three years, at the discretion of the court.

Conspiracy to defraud.

SECTION 128. If any two or more persons shall falsely and maliciously conspire, and agree to cheat and defraud any person, or body corporate, of his or their moneys, goods, chattels, or other property, or to do any other dishonest, malicious and unlawful act, to the prejudice of another, they shall be guilty of a misdemeanor, and on conviction, be sentenced to pay a fine not exceeding five hundred dollars, and to undergo an imprisonment, by separate or solitary confinement at labor, or by simple imprisonment, not exceeding two years.

Fraudulently destroying any deed or other security.

SECTION 129. If any person shall fraudulently or maliciously tear, burn or in any other way destroy any deed, lease, will, bond, or any bill or note, check, draft or other security for the payment of money, or the delivery of goods, or any certificate of loan or other public security of this commonwealth, or of the United States, or any of them, or any certificate of the stock or debt of any bank, corporation or society, either of this commonwealth or the United States, or either of them, or of any foreign country, or any receipt, acquittance, release or discharge of any debt, suit or other demand, or any transfer or assurance of money, stock, goods, chattels or other property, or any letter of attorney or other power, or any day book or other book of accounts, or any agreement or contract whatever, with intent to defraud, prejudice or injure any person, bank, body corporate, society or association, the person so offending shall be guilty of a misdemeanor, and on conviction, be sentenced to pay a fine not exceeding five hundred dollars, and to undergo an imprisonment, not exceeding three years, or either, or both, at the discretion of the court.

Fraudulently secreting or removing property by debtor.

SECTION 130. Any person who shall remove any of his property out of any county, with intent to prevent the same from being levied upon by any execution, or who shall secrete, assign, convey or otherwise dispose of any of his property, with intent to defraud any creditor, or to prevent such property being made liable for the payment of his debts, and any person who shall receive such property with such intent, or who shall, with like intent, collude with any debtor for the concealment of any part of his estate or effects, or for giving a false color thereto, or shall conceal any grant, sale, lease, bond or other instrument or proceeding, either in writing or by parol, or shall become a grantee, purchaser, lessee, obligee or other like party in any such instrument or proceeding, with the like fraudulent intent, or shall act as broker, scrivener, agent or witness, in regard to such instrument or proceeding, with the like intent, such person or persons, on conviction thereof, shall be guilty of a misdemeanor, and be sentenced to pay a sum not exceeding the value of the property or effects so secreted, assigned, conveyed or otherwise disposed of or concealed, or in respect to which such

collusion shall have taken place, and undergo an imprisonment, not exceeding one year.

SECTION 131. If it shall appear to the court upon the hearing of any petition in insolvency, either by the examination of the petitioner, or other evidence, that there is just ground to believe either—

I. That the insolvency of the petitioner arose from losses by gambling, or by the purchase of lottery tickets; or

II. That such petitioner had embezzled or applied to his own use any money, or other property with which he had been entrusted, either as bailee, agent or depositary, and to the prejudice of the opposing creditors; or

III. That he has concealed any part of his estate or effects, or colluded or contrived with any person for such concealment, or conveyed the same to any person for the use of himself, or any of his family or friends, or with the expectation of receiving any future benefit to himself or them, and with intent to defraud his creditors, in every such case it shall be the duty of the court to commit such person for trial.

SECTION 132. If such debtor shall, upon trial, be convicted of any of the acts mentioned in the preceding section, he shall be adjudged guilty of a misdemeanor, and shall be sentenced as follows:

I. If found guilty of embezzlement or concealment of property, as aforesaid, he shall be sentenced to undergo an imprisonment, by separate or solitary confinement at labor, not exceeding seven years.

II. If it shall appear, by the verdict of the jury on such trial, that the insolvency of the petitioner was caused by gambling or the purchase of lottery tickets, as aforesaid, he shall be sentenced to an imprisonment not exceeding three years.

SECTION 133. If no bill shall be presented to the grand jury at the next sessions, or if the bill shall not be found, or if the indictment shall not be tried at the second session after the commitment of such petitioner, unless the postponement of the trial take place at the instance of such petitioner, or if, upon trial, such debtor be acquitted, it shall be the duty of the court of common pleas to discharge him from imprisonment upon his proceeding as is provided by the insolvent laws.

SECTION 134. If any person, with intent to defraud the creditors of an insolvent debtor, or any of them, shall collude or contrive with such insolvent debtor for the concealment of any part of his estate or effects, or for giving a false color thereto, or shall contrive or concert any grant, sale, lease, bond or other instrument or proceeding, either in writing or by parol, or shall become a grantee, purchaser, lessee, obligee or other like party, in any such instrument or proceeding, with the like intent, or shall act as broker, scrivener, agent or witness, in regard to such instrument or proceeding, with the like intent, such person shall be guilty of a misdemeanor, and, on conviction thereof, be sentenced to pay a fine not exceeding ten thousand dollars, and to undergo an imprisonment not exceeding two years, and shall forfeit all claim which he may have to any part of the estate of such debtor.

Indictment to be tried at second term.

Colluding with an insolvent for concealment of his effects.

PENAL LAWS OF PENNSYLVANIA.

TITLE VIII. *Offences against Real Property, and Malicious Mischief.*

Burglary.

SECTION 135. If any person shall, by night, wilfully and maliciously break or enter into the state capitol, or other public building belonging to the commonwealth, or to any city or county thereof, or to any body corporate, society or association, or into any church, meeting house or dwelling house, or out-house, parcel of said dwelling house, with an intent to kill, rob, steal or commit a rape, or any felony whatever, whether the felonious intent be executed or not, the person so offending shall, on conviction, be adjudged guilty of felonious burglary, and be sentenced to pay a fine not exceeding one thousand dollars, and to undergo an imprisonment, by separate or solitary confinement at labor, not exceeding ten years.

Entering a dwelling house in the day time to commit felony.

SECTION 136. If any person shall in the day time, break and enter any dwelling house, shop, warehouse, store, mill, barn, stable, out-house or other building, or wilfully and maliciously, either by day or by night, without breaking, enter the same with intent to commit any felony whatever therein, the person so offending shall be guilty of felony, and on conviction; be sentenced to pay a fine not exceeding five hundred dollars, and to undergo an imprisonment, by separate or solitary confinement, at labor, not exceeding four years.

Arson.

SECTION 137. If any person shall maliciously and voluntarily burn or cause to be burned, or set fire to, or cause, or attempt to set fire to, with intent to burn any factory, mill or dwelling house of another, or any kitchen, shop, barn, stable or other out-house that is parcel of such dwelling, or belonging, or adjoining thereto, or any other building by means whereof a dwelling house shall be burnt, then, and in every such case, the person so offending shall be adjudged guilty of felonious arson, and on conviction thereof, shall be sentenced to pay a fine not exceeding two thousand dollars, and to undergo an imprisonment, by separate or solitary confinement, at labor, not exceeding twelve years; and in case of the malicious burning or setting fire to any dwelling house, or building that is parcel of such dwelling or belonging thereto, there is any person in the same, the offender being convicted thereof, shall be sentenced to pay a fine not exceeding four thousand dollars, and to undergo an imprisonment, at separate or solitary confinement, not exceeding twenty years.

Burning out-houses and setting fire with intent to burn.

SECTION 138. If any person shall wilfully and maliciously burn, or cause to be burned, set fire to, or attempt to set fire to, with intent to burn, or aid, counsel, procure or consent to the burning or setting fire to, of any barn, stable or other building of another not parcel of the dwelling house, or any shop, storehouse or warehouse, malthouse, mill or other building of another, or any barrick, rick or stack of grain, hay, fodder or bark, piles of wood, boards or other lumber, or any ship, boat or other vessel of another lying within any county in this state, or any wooden bridge within the same, or state capitol or adjoining offices, or any church, meeting house, court house, jail or other public building belonging to this commonwealth, or to any city or county thereof, or to any body corporate or reli-

gious society whatever, the person offending shall, on conviction, be adjudged guilty of a misdemeanor, and be sentenced to pay a fine not exceeding two thousand dollars, and to undergo an imprisonment, by separate or solitary confinement at labor, not exceeding ten years.

SECTION 139. Every person, being the owner of any ship, boat or other vessel, or the owner, tenant or occupant of any house, out-house, office, store, shop, warehouse, mill, distillery, brewery or manufactory, barn or stable, or any other building, who shall wilfully burn or set fire thereto, with intention to burn the same, with an intention thereby to defraud or prejudice any person, or body politic or corporate, that hath underwritten or shall underwrite any policy of insurance thereon, or on any moneys, goods, wares or merchandise therein, or that shall be otherwise interested therein, shall be guilty of a misdemeanor, and, on conviction, be sentenced to pay a fine not exceeding one thousand dollars, and to undergo an imprisonment, by separate or solitary confinement at labor, not exceeding seven years.

SECTION 140. If any person shall wilfully set on fire, or cause to be set on fire, any woods, lands or marshes within this commonwealth, so as thereby to occasion loss, damage or injury to any other person, he or she shall be guilty of a misdemeanor, and on conviction, be sentenced to pay a fine not exceeding one hundred dollars, and to undergo an imprisonment not exceeding twelve months.

SECTION 141. If any person shall unlawfully and maliciously place or throw in, into, upon, against or near any building or vessel, any gunpowder or other explosive mixture, with intent to do bodily harm to any person, or to destroy or damage any building or vessel, or any machinery, working tools, fixtures, goods or chattels, every such offender shall, whether or not injury is effected to any person, or any damage to any building, vessel or machinery, working tools, goods or chattels, be guilty of felony, and being thereof convicted, shall be sentenced to pay a fine not exceeding five hundred dollars, and to undergo an imprisonment, by separate or solitary confinement at labor, not exceeding three years.

SECTION 142. If any person shall wilfully and maliciously put, place, cast or throw upon or across any railroad, any wood, stone or other matter or thing, or shall wilfully and maliciously take up, remove or displace any rail, sleeper or other matter or thing belonging to any railroad, or shall wilfully and maliciously turn, move or divert any switch or other machinery belonging to any railroad, or shall wilfully and maliciously make or show, hide or remove any signal or light upon or near any railroad, or shall wilfully and maliciously do, or cause to be done, any other matter or thing, with intent, in any of the cases aforesaid, to obstruct, upset, overthrow, injure or destroy any tender, carriage, car or truck used on such railroad, or to endanger the safety of any person traveling, or being upon such railroad, every such offender shall be guilty of felony, and being thereof convicted, shall be sentenced to pay a fine not exceeding ten thousand dollars, and to undergo an imprisonment, by separate or solitary confinement at labor, not exceeding ten years.

Casting wood, stone, &c., upon a car.

SECTION 143. If any person shall wilfully and maliciously cast, throw, or cause to fall or strike against, into or upon any engine, tender, carriage, car or truck used upon any railroad, any wood or stone, or other matter or thing, with intent to endanger the safety of any person being in or upon such engine, tender, carriage, car or truck, every such offender shall be guilty of misdemeanor, and being thereof convicted, shall be sentenced to pay a fine not exceeding one thousand dollars, and to undergo an imprisonment not exceeding three years.

Malicious injury to artificial navigation.

SECTION 144. If any person shall wilfully and maliciously break, throw down, level or destroy the whole or any part of any lock, sluice, flood-gate, bank, waste-wier, dam, aqueduct, culvert, bridge, feeder, guard-wall, towing-path or berme bank belonging to any artificial navigation, or stop up or obstruct any such feeder, waste-wier, aqueduct or culvert, such person shall be guilty of a misdemeanor, and on conviction, be sentenced to pay a fine not exceeding one hundred dollars, and undergo an imprisonment, by separate or solitary confinement, or by simple imprisonment, at labor, not exceeding three years.

Wantonly opening or shutting any lock, &c.

SECTION 145. If any person shall wantonly open or shut, or cause to be opened or shut, any lock or safety-gate, or any wicket, paddle or culvert gate, or any waste, feeder or sluice gate, or drive any nails, spikes, pins or wedges into any such gate or fixtures thereof, or shall take any other means to prevent the perfect and free use of the same, or shall wantonly and maliciously break, throw down or destroy any fence, wall or timber work, on any canal, pool, feeder or other part of any artificial navigation; or if any person shall wilfully obstruct the navigation of any canal or pool, by throwing into the same, or sinking to the bottom thereof, any vessel, timber, stone, earth or other thing, or by placing anything whatever upon any towing-paths, such person shall be guilty of a misdemeanor, and on conviction, be sentenced to pay a fine not exceeding one hundred dollars, and undergo an imprisonment not exceeding three calendar months.

Destroying any bank or wall.

SECTION 146. If any person shall unlawfully and maliciously break down or cut down the bank or wall of any river, canal or marsh, whereby any land shall be overflowed or damaged, or be in danger thereof, such person shall be guilty of a misdemeanor, and being thereof convicted, be sentenced to pay a fine not exceeding one hundred dollars, and to undergo an imprisonment not exceeding one year.

Destroying or damaging bridges, buoys, flag staffs, houses, &c.

SECTION 147. If any person shall unlawfully and maliciously break, injure or otherwise destroy or damage any part of any locomotive or stationary engine, inclined plane, engine house, station or depot, bridge, culvert, trussel work or other building or structure belonging to any railroad, or any other part of such railroad; or shall wantonly and maliciously derange or displace the fixtures or machinery of any locomotive or stationary engine, used or employed on any railroad; or shall wilfully and maliciously destroy or injure any fence or wall, cross road passing over or under such railroad; or shall unlawfully and maliciously break, injure or otherwise destroy or damage any of the posts, wires or other materials or fixtures employed in the construction and use in any line of an electrical telegraph, or shall wilfully

and maliciously interfere with such structure so erected, or in any way attempt to lead from its uses or make use of the electrical current, or any portion thereof, properly belonging to and in use, or in readiness to be made use of, for the purpose of communicating telegraphically from one station of a telegraph company to another established station of the same, or a connecting telegraph line; or shall unlawfully and maliciously break, injure or otherwise destroy or damage any bridge, river or meadow bank or mill dam; or wilfully and maliciously take down, injure, remove or in any manner damage or destroy any flag, flag-staff, beacon, buoy or other way or water marks, which now are or hereafter may be put, erected or placed, by lawful authority, near or in any streams that are or may be declared public highways; or shall unlawfully and maliciously cut, break or otherwise destroy any lead, tin, copper or iron spout affixed to any house or other building, public or private; or shall unlawfully and maliciously daub, paint or otherwise deface any dwelling house, such offender shall be guilty of a misdemeanor, and upon conviction, be sentenced to pay a fine not exceeding five hundred dollars, and undergo an imprisonment not exceeding twelve months, or both, or either, at the discretion of the court.

SECTION 148. If any person shall wilfully and maliciously break, injure or destroy any window or door belonging to any dwelling house or out-house, parcel thereof; or shall unlawfully and maliciously break or take off from the door any knocker or bell-pull, or plate inscribed with the name of the occupant, or number of the house; or shall wilfully and maliciously destroy, take down, injure or deface any sign, put up by an inhabitant to denote the place of his abode, occupation, business or employment, such person shall be guilty of a misdemeanor, and upon conviction, shall be sentenced to pay a fine not exceeding one hundred dollars, or suffer an imprisonment not exceeding six months, or both, or either, at the discretion of the court.

SECTION 149. If any person shall wilfully and maliciously break down any tree or shrub growing on the public grounds as enclosed on capitol hill, or otherwise injure or destroy the same, or shall break or destroy the fence around such enclosure, or any part thereof, or shall maliciously and wilfully injure any part of the public grounds, or the buildings belonging to the state; or if any person shall wilfully or maliciously injure or destroy any fruit or ornamental trees, shrub, plant or grape vines growing or cultivated in any orchard, garden, or close, or upon any public street or square in this commonwealth, he shall be guilty of a misdemeanor, and on conviction, be fined not exceeding one hundred dollars, and undergo an imprisonment not exceeding six months, or both, or either, at the discretion of the court.

SECTION 150. If any person shall unlawfully and maliciously cause any water to be conveyed into any mine, or into any subterraneous passage communicating therewith, with intent thereby to destroy or damage such mine, or to hinder or delay the working thereof, or shall, with the like intent, unlawfully and maliciously pull down, fill up or obstruct any airway, water-way, drain, pit, level or shaft of, or belonging to any mine,

Breaking windows, tearing off knockers, &c.

Injury to the grounds of the capitol hill.

Drowning any mine or filling up any shaft.

such offender, his aiders and abettors, shall, on conviction thereof, be sentenced to pay a fine not exceeding five hundred dollars, and undergo an imprisonment not exceeding two years.

**Maliciously injur-
ing fire engines
or hose.**

SECTION 151. If any person shall wilfully and maliciously cut, injure or destroy, or deface any hose or engine, or any apparatus appertaining to the same, belonging to any fire engine or hose company, he shall be guilty of a misdemeanor, and on conviction, be sentenced to pay a fine not exceeding five hundred dollars, and to undergo an imprisonment, by separate or solitary confinement at labor, not exceeding three years.

**Cutting down
timber trees.**

SECTION 152. If any person shall cut down or fell any timber tree or trees, knowing the same to be growing or standing upon the lands of another person, without the consent of the owner, or if any person shall purchase or receive any timber tree or trees, knowing the same to have been cut or removed from the lands of another, without the consent of the owner thereof, or who shall purchase or receive any planks, boards, staves, shingles or other lumber made from such timber tree or trees, so as aforesaid cut or removed, knowing the same to have been so made, the person so offending shall be guilty of a misdemeanor, and being thereof convicted, shall be sentenced to pay such fine, not exceeding one thousand dollars, or to such imprisonment, not exceeding one year, as the court, in their discretion, may think proper to impose.

**Removing or de-
stroying land
marks.**

SECTION 153. If any person shall knowingly and maliciously cut, fell, alter or remove any certain bounded tree, or other allowed land mark, to the wrong of his neighbor, or any other person, he shall be guilty of a misdemeanor, and on conviction, be sentenced to pay a fine not exceeding five hundred dollars, and to undergo an imprisonment not exceeding one year.

**Killing, maiming
or wounding cat-
tle.**

SECTION 154. Every person who shall wilfully and maliciously kill, maim or disfigure any horses, cattle, or other domestic animals of another person, or shall wilfully and maliciously administer poison to any such beasts, or expose any poisonous substance, with intent that the same should be taken or swallowed by them, shall be guilty of a misdemeanor, and being thereof convicted, shall be sentenced to pay a fine not exceeding five hundred dollars, and to undergo an imprisonment, by separate or solitary confinement at labor, not exceeding three years.

**Malicious injury
to works of art.**

SECTION 155. If any person shall unlawfully and maliciously destroy or damage anything kept for the purpose of art, science or literature, or as an object of curiosity, in any museum, gallery, cabinet, library or other repository, which museum, gallery, cabinet, library or other repository, is either at all times, or from time to time, open for the admission of the public, or any considerable number of persons to view the same, either by the permission of the proprietor thereof or by payment of money for entering the same, or any picture, statue, monument or painted glass in any church, meeting house or other place of religious worship, or any statue or monument exposed to public view, such person shall be guilty of a misdemeanor, and being convicted thereof, shall be sentenced to pay a fine not exceeding five hundred dollars, and to undergo an imprisonment not exceeding six months.

TITLE IX. *Offences against the Coin, and Forgery.*

SECTION 156. Any person who shall falsely and fraudulently make or counterfeit any coin, resembling or apparently intended to resemble, any gold or silver coin, which is or shall be passing, or in circulation as money, within this commonwealth, shall be guilty of felony, and being thereof convicted, shall be sentenced to pay a fine not exceeding one thousand dollars, and undergo an imprisonment, by separate or solitary confinement at labor, not exceeding five years; and every such offence shall be deemed complete, although the coin so made or counterfeited shall not be in a fit state to be uttered, or the counterfeiting thereof shall not be finished or perfected.

SECTION 157. If any person shall gild or silver, or shall with any wash or materials capable of producing the color of gold or silver, wash, color or case over any coin whatsoever, resembling or apparently intended to resemble, or pass for any gold or silver coin, which is or shall be current in this commonwealth, or if any person shall gild or silver, or shall with any wash or materials capable of producing the color of gold or silver, wash, color or case over any piece of silver or copper, or of coarse gold or coarse silver, or of any metal or mixture of metals, respectively, being of a fit size and figure to be coined, and with the intent that the same shall be coined into false and counterfeit coin, resembling, or apparently intended to resemble, or pass for any coin which is or shall be current in this commonwealth, or if any person shall gild, or shall with any wash or materials capable of producing the color of gold, wash, color, or case over any silver coin, which is or shall be current as aforesaid, or file, or in any manner alter such coin, with intent to make the same resemble or pass for any current gold or silver coin, or if any person shall gild or silver, or shall with any wash or materials capable of producing the color of gold or silver, wash, color, or case over any copper coin, current in this commonwealth, or file, or in any manner alter such coin, with intent to make the same resemble or pass for any gold or silver coin, current in this commonwealth, every such offender shall be guilty of felony, and being thereof convicted, shall be sentenced to pay a fine not exceeding one thousand dollars, and to undergo an imprisonment, by separate or solitary confinement at labor, not exceeding five years.

SECTION 158. If any person shall impair, diminish or lighten any gold or silver coin, which is or shall be current in this commonwealth, with intent to make the coin so impaired, diminished or lightened, pass for gold or silver coin current as aforesaid, every such offender shall be guilty of felony, and being thereof convicted, shall be sentenced to pay a fine not exceeding five hundred dollars, and to undergo an imprisonment, by separate or solitary confinement at labor, not exceeding three years.

SECTION 159. If any person shall buy, sell, receive, pay or put off, or offer so to do, any false or counterfeit coin, resembling, or apparently intended to resemble, or pass for any gold or silver coin which is or shall be current in this commonwealth, at or for a lower rate or value than the same, by its denomination, imports, or was coined or counterfeited for, or if any person

PENAL LAWS OF PENNSYLVANIA.

shall import into this commonwealth from any of the states of the Union, or from any foreign country, any false or counterfeit gold or silver coin, resembling, or apparently intended to resemble, or pass for any gold or silver coin which is or shall be current in this commonwealth, knowing the same to be false or counterfeit, every such offender shall be guilty of felony, and being convicted thereof, shall be sentenced to pay a fine not exceeding one thousand dollars, and to undergo an imprisonment, by separate or solitary confinement at labor, not exceeding five years.

Uttering counterfeit gold and silver coin.

SECTION 160. If any person shall tender, utter, pass, or put off any false or counterfeit coin, resembling, or apparently intended to resemble, or pass for any gold or silver coin which is or shall be current in this commonwealth, knowing the same to be false or counterfeit, such person shall be guilty of a misdemeanor, and on conviction, be sentenced to pay a fine not exceeding one thousand dollars, and to undergo an imprisonment, by separate or solitary confinement at labor, not exceeding five years.

Making or having possession of coining tools.

SECTION 161. If any person shall make or mend, or proceed to make or mend, buy or sell, hide or conceal, or knowingly have in his house, custody or possession, any puncheon, matrix, dye, stamp, mould, edger or cutting engine, used or designed for coining or counterfeiting gold, silver or copper moneys, or any part of such tool or engine, with the knowledge that such tool and instrument is intended to be used in the false and fraudulent making, forging and counterfeiting of any gold, silver or copper coin which now is, or shall be current and passing in this state as money, or with the intent to use such tool or instrument for the fraudulent purpose aforesaid, or shall aid, abet, counsel or command the perpetration of either of the said offences, such person shall be guilty of a misdemeanor, and on conviction, be sentenced to pay a fine not exceeding one thousand dollars, and to undergo an imprisonment, by separate or solitary confinement at labor, not more than six years.

Offences relating to the copper coin.

SECTION 162. If any person shall falsely make or counterfeit any coin, resembling, or apparently intended to resemble or pass for any copper, nickel or bronze coin, which is or may be current in this commonwealth; or if any person shall knowingly make or mend, or procure to be made or mended, or buy or sell, or shall knowingly have in his custody or possession any instrument, tool or engine adapted to, or intended for the counterfeiting of any such coin, current as aforesaid; or if any person shall buy, sell, receive, pay or put off, or offer to buy, sell, receive, pay or put off, any false or counterfeit coin, resembling, or apparently intended to resemble or pass for any such coin, current as aforesaid, at or for a lower rate or value than the same, by its denomination, imports, or was coined or counterfeited for, every such offender shall be guilty of felony, and being thereof convicted, shall be sentenced to pay a fine not exceeding one thousand dollars, and to undergo an imprisonment, by separate or solitary confinement at labor, not exceeding three years.

What shall be proof of being counterfeit.

SECTION 163. That where, upon the trial of any person charged with any offence enumerated in the seven preceding sections, it shall be necessary to prove any coin, produced in evidence against

such person, to be false or counterfeit, it shall not be necessary to prove the same to be false and counterfeit by the evidence of any officer of the United States mint, but it shall be sufficient to prove the same false or counterfeit by the evidence of any other credible witness.

SECTION 164. If any person shall falsely and fraudulently make, forge or counterfeit, or cause or procure to be falsely made, forged or counterfeited, or willingly aid or assist in the false making, forging or counterfeiting any bill or note, or imitation of, or purporting to be a bill or note issued by order of the president, directors and company of any bank incorporated by the laws of this commonwealth, or by the laws of any of the states or territories of the Union, or of the District of Columbia, or any order, check or draft on either of the said banks, or any cashier of the same ; or if any person shall falsely alter, or cause to be falsely altered, or aid and abet in the falsely altering any bill or note issued by any of the said banks, or any check, order or draft on the same, or the cashier of any thereof, or shall pass, utter, publish, or attempt to pass, utter or publish as true, any false, forged or counterfeit bill or note issued by any of the said banks, or by order of the president and directors of any thereof, or any false, forged or counterfeited order, check or draft, upon any of the said banks, or any cashier thereof, knowing the same to be falsely forged or counterfeited, or shall pass, utter or publish, or attempt to pass, utter or publish as true, any falsely and fraudulently altered bill or note, issued by any of the said banks, or by order of the president and directors thereof, or any falsely altered order, check or draft on any of the said banks, or on any cashier thereof, knowing the same to be falsely altered, with intent to defraud any of the said banks, or any other body politic or person, or shall sell, utter or deliver, or cause to be sold, uttered or delivered, any forged or counterfeit note or bill in imitation, or purporting to be a bill or note issued by any of the said banks, or by order of the president and directors thereof, knowing the same to be false, forged and counterfeited, such offender shall be guilty of felony, and on conviction, shall be sentenced to pay a fine not exceeding one thousand dollars, and undergo an imprisonment, by separate or solitary confinement at labor, not exceeding five years.

SECTION 165. If any person shall make, engrave or prepare, Having in possession plates, bank notes or bank note paper.
or cause to be made, engraved or prepared, or shall have in his custody or possession, any metallic or other plate or substance, either made, engraved or prepared after the similitude of any plate from which any notes or bills issued by any of the said banks shall have been printed or taken, or wherefrom and by means whereof notes or bills may be made, engraved or prepared after the similitude of notes or bills issued by any such bank, with intent to use such plate or substance, or to cause or suffer the same to be used in forging or counterfeiting any of the notes or bills issued by any of the said banks, or shall have in his custody or possession any note or notes, or blank note or notes, bill or bills, made, engraved, printed or otherwise prepared, after the similitude of any notes or bills issued by either of the said banks, with intent to pass, utter and publish such simulated notes, or to use such blanks, or cause or suffer the same to be

used in forging or counterfeiting any of the notes or bills issued by the said banks, or either of them, or shall have in his custody or possession any paper adapted to the making of bank notes or bills, and similar to the paper upon which any of the notes or bills of either of the said banks shall have been issued, with intent to use such paper, or cause or suffer the same to be used in forging or counterfeiting any of the notes or bills issued by either of the said banks, such offender shall be guilty of felony, and be sentenced to pay a fine not exceeding one thousand dollars, and undergo an imprisonment, by separate or solitary confinement at labor, not exceeding five years.

Connecting parts of notes so as to produce more.

SECTION 166. If any person shall fraudulently connect different parts of several bank notes, or other instruments, in such a manner as to produce one or more additional notes or instruments, with intent to pass or utter all or any thereof as genuine, or shall utter, publish or pass the same, or either of them, with the intent to defraud any person or body corporate, the said offence shall be deemed forgery or fraudulent uttering and publishing, in like manner, as if each of them had been falsely made, forged or counterfeited, and shall be punished accordingly.

Having in possession more than ten forged notes, with intent to defraud.

SECTION 167. If any person shall have in his possession or under his custody, at the same time, ten or more similar false, forged, altered or counterfeited bank bills or notes, knowing the same to be false, forged, counterfeited or altered, with intent to utter or pass the same as true and genuine, or to sell the same, and thereby injure and defraud, or cause to injure and defraud, such offender shall, on conviction, be sentenced as in cases of forgery or fraudulently uttering and passing such notes.

Passing notes of fictitious banks.

SECTION 168. If any person shall fraudulently utter or pass any note or bill purporting to be the note or bill of a bank, company or association which never did in fact legally exist, knowing that the bank, company or association purporting to have issued the same never did legally exist, such offender shall, on conviction, be sentenced as in cases of uttering and publishing forged and counterfeited bank notes, knowing the same to be forged.

Fraudulent making or altering any written instrument.

SECTION 169. If any person shall fraudulently make, sign, alter, utter or publish, or be concerned in the fraudulently making, signing, altering, uttering or publishing any written instrument, other than notes, bills, checks or drafts already mentioned, to the prejudice of another's right, with intent to defraud any person or body corporate, or shall fraudulently cause or procure the same to be done, he shall be guilty of a misdemeanor, and, on conviction, be sentenced to pay a fine not exceeding one thousand dollars, and to undergo an imprisonment, by separate or solitary confinement at labor, not exceeding ten years.

Forging public seals.

SECTION 170. If any person shall falsely and fraudulently forge or counterfeit, or falsely and fraudulently be concerned in the forging and counterfeiting the great or less seal of the commonwealth, the public and common seal of any court, office, county or corporation, or any other seal authorized by law, or shall falsely and fraudulently utter and publish any instrument or writing whatever impressed with such forged and counterfeit seal, knowing the same to be forged and counterfeit, he

shall be guilty of a misdemeanor, and, on conviction, be sentenced to pay a fine not exceeding one thousand dollars, and to undergo an imprisonment, by separate or solitary confinement at labor, not exceeding seven years.

SECTION 171. If any person shall forge, deface, embezzle, alter, corrupt, withdraw, falsify, or unlawfully avoid any record, charter, gift, grant, conveyance or contract, or shall knowingly, fraudulently or unlawfully, spare, take off, discharge or conceal any fine, forfeited recognizance or other forfeiture, or shall forge, deface or falsify any registry, acknowledgment or certificate, or shall alter, deface or falsify any minute, document, book or any proceeding whatever of or belonging to any public office within this commonwealth, or if any person shall cause or procure any of the offences aforesaid to be committed, or be in anywise concerned therein, he shall be guilty of a misdemeanor, and, on conviction, be sentenced to pay a fine not exceeding two thousand dollars, and to undergo an imprisonment, by separate or solitary confinement at labor, not exceeding seven years; and if a public officer, he shall be removed from said office, and the same be declared vacant by the court passing sentence upon him.

SECTION 172. If any person shall counterfeit or fraudulently impress the brand, mark or any number or mark of any public inspector, or mark or number in imitation thereof, upon any article subject to inspection, or upon any cask or vessel containing such article, or shall counterfeit the stamp of any such inspector upon any plug, or shall fraudulently stamp any plug put into any cask, or shall fraudulently alter, deface, conceal or erase any inspection mark duly made; or if any person shall counterfeit or fraudulently impress upon any article liable to inspection, or upon any cask or vessel containing such article, the brand, mark or other mark of any miller, manufacturer, packer or other person, or shall fraudulently alter, deface or erase any such mark, or shall fraudulently impress the brand, mark or other mark of any person upon such article or vessel, the person so offending shall be guilty of a misdemeanor, and be sentenced to pay a fine not exceeding two hundred dollars, and undergo an imprisonment not exceeding one year, or both, or either, at the discretion of the court.

SECTION 173. If any person shall knowingly and wilfully forge or counterfeit, or cause or procure to be forged or counterfeited, any representation, likeness, similitude, copy or imitation of the private stamps, wrappers or labels, usually affixed by any mechanic or manufacturer to and used by such mechanic or manufacturer on or in the sale of any goods, wares or merchandise, with intent to deceive or defraud the purchaser or manufacturer of any goods, wares or merchandise whatsoever, such person shall be guilty of a misdemeanor, and, on conviction thereof, be sentenced to pay a fine not exceeding one hundred dollars, and undergo an imprisonment not exceeding two years.

SECTION 174. If any person shall have in his possession any die, plate, engraving or printed label, stamp or wrapper, or any representation, likeness, similitude, copy or imitation of the private stamp, wrapper or label usually affixed by any mechanic Having possession of dies, plates, &c., with intent to use the same.

PENAL LAWS OF PENNSYLVANIA.

or manufacturer to and used by such manufacturer or mechanic on or in the sale of any goods, wares or merchandise, with intent to use or sell the said die, plate, engraving or printed stamp, label or wrapper, for the purpose of aiding or assisting, in any way whatever, in vending any goods, wares or merchandise, in imitation of or intended to resemble and to be sold for the goods, wares or merchandise of such mechanic or manufacturer, such person shall be guilty of a misdemeanor, and upon being thereof convicted, be sentenced to pay a fine not exceeding one hundred dollars, and to undergo an imprisonment not exceeding one year.

Vending goods fraudulently marked.

SECTION 175. If any person shall vend any goods, wares or merchandise, having thereon any forged or counterfeited stamps or labels of any mechanic or manufacturer, knowing the same to be forged or counterfeited, and resembling or purporting to be imitations of the stamps or labels of such mechanic or manufacturer, without disclosing the fact to the purchaser thereof, such person shall, upon conviction, be deemed guilty of a misdemeanor, and be sentenced to pay a fine not exceeding five hundred dollars.

Forged telegraphic dispatches.

SECTION 176. If any person, whether an operator in any telegraph office or otherwise, shall knowingly send or cause to be sent, by telegraph, any false or forged message as from such office, or as from any other person, knowing the same to be false, forged or counterfeited, with intent to deceive, injure or defraud any individual or body corporate, such offender, on conviction, shall be guilty of a misdemeanor, and be sentenced to pay a fine not exceeding five hundred dollars, and undergo an imprisonment not exceeding one year.

TITLE X. General Provisions.

Capital punishment.

SECTION 177. No crime whatsoever, hereafter committed, except murder of the first degree, shall be punished with death in the state of Pennsylvania.

Crimes not provided for, how punished.

SECTION 178. Every felony, misdemeanor or offence whatever, not specially provided for by this act, may and shall be punished as heretofore.

Restitution to be awarded in certain cases, and party aggrieved to be a witness.

SECTION 179. On all convictions for robbery, burglary or larceny of any goods, chattels or other property, made the subject of larceny by the laws of this commonwealth, or for otherwise unlawfully and fraudulently taking or obtaining the same, or of receiving such goods, chattels or other property, knowing the same to be stolen, the defendant shall, in addition to the punishment heretofore prescribed for such offences, be adjudged to restore to the owner the property taken, or to pay the value of the same, or so much thereof as may not be restored. And on all convictions on any indictment for forgery, for uttering, publishing or passing any forged or counterfeit coin, bank notes, check or writing, or any indictment for fraudulently, by means of false tokens or pretences, or otherwise cheating and defrauding another of his goods, chattels or other property, the defendant, in addition to the punishment hereinbefore prescribed for such offences, shall be adjudged to make similar restitution, or other compensation, as in case of larceny, to the person de-

frauded: *Provided*, That nothing herein shall be so construed as to prevent the party aggrieved, and to whom restitution is to be awarded, from being a competent witness on the trial of the offender.

SECTION 180. Every principal in the second degree, or accessory before the fact, to any felony punishable under this act, for whom no punishment has been hereinbefore provided, shall be punishable in the same manner as the principal in the first degree is by this act punishable. Every accessory after the fact to any felony, punishable under this act, for whom no punishment has been hereinbefore provided, shall, on conviction, be sentenced to a fine not exceeding five hundred dollars, and to undergo an imprisonment, with or without labor, at the discretion of the court, not exceeding two years. And every person who shall counsel, aid or abet the commission of any misdemeanor, punishable under this act, for whom no punishment has been hereinbefore provided, shall be liable to be proceeded against and punished as the principal offender.

SECTION 181. Where any person hath been, or shall be convicted of any felony, not punishable with death, or any misdemeanor punishable with imprisonment at labor, and hath endured, or shall endure the punishment to which such offender hath been or shall be adjudged for the same, the punishment so endured shall have the like effects and consequences as a pardon by the governor, as to the felony or misdemeanor whereof such person was so convicted: *Provided*, That nothing herein contained, nor the enduring of such punishment, shall prevent or mitigate any punishment which the offender might otherwise be lawfully sentenced on a subsequent conviction for any other felony or misdemeanor, and that the provisions of this section shall not extend to the case of a party convicted of wilful and corrupt perjury.

SECTION 182. If any person who has been convicted of any offence, other than murder of the second degree, for which the punishment prescribed by this code is imprisonment by separate or solitary confinement at labor, shall, after such conviction, be guilty of a similar offence, or of any offence for which such punishment is directed, he shall in either case, upon conviction, be sentenced to undergo an imprisonment, and be kept at labor not exceeding double the whole period of time which may, by the penal laws of this commonwealth, be prescribed for the crime of which he is convicted.

SECTION 183. In all cases where a remedy is provided, or duty enjoined, or anything directed to be done by any act or acts of assembly of this commonwealth, the directions of the said acts shall be strictly pursued; and no penalty shall be inflicted, or anything done agreeably to the provisions of the common law in such cases, further than shall be necessary for carrying such act or acts into effect.

SECTION 184. That wherever anything is forbidden or directed by the provisions of this code, by using the general terms, any one, any person, the person, every person and such person, or the relative pronoun he, referring to such general term, the same prohibition or direction, if the contrary be not expressed,

Sentence fulfilled,
ed., to effect a
pardon.

Second conviction
after punishment
of similar
offences.

Acts of assembly
to be strictly
pursued.

Explanatory of
general terms.

PENAL LAWS OF PENNSYLVANIA.

is extended to more persons than one, and to females as well as males doing or omitting the same act.

JOHN M. THOMPSON,
Speaker of the House of Representatives pro tem.

WM. M. FRANCIS,
Speaker of the Senate.

APPROVED—The thirty-first day of March, Anno Domini one thousand eight hundred and sixty.

WM. F. PACKER.

An Act to Consolidate, Revise and Amend the Laws of this Commonwealth, Relating to Penal Proceedings and Pleadings.

GENERAL SUMMARY.

TITLE I. *Of proceedings to detect the Commission of Crimes.*

- | | |
|--|---|
| 1. Writs of arrest, et cetera.
2. Escapes into another county.
3. Backing warrants.
4. Indemnity of magistrate backing such warrants. | 5. Of property supposed to be stolen found in the possession of one accused.
6. Surety of the peace.
7. Bail.
8. Surrender of bail.
9. Settlement of cases. |
|--|---|

TITLE II. *Of Indictments and Pleadings.*

- | | |
|--|---|
| 10. Grand jurors authorized to administer oaths.
11. Formal objections to indictment to be made before the jury is sworn.
12. Variances between written instruments, as produced and laid in the indictment, amendable.
13. Immaterial variances between indictment and proof amendable.
14. Manner of laying the ownership of property in cases of partners and joint owners.
15. Manner of charging frauds against partners and joint owners.
16. Manner of laying property of counties, cities, townships, et cetera.
17. Forms of indictment in cases of forging, stealing and embezzling, or cheating by false pretences.
18. Forms in other cases.
19. Intent to defraud particular persons need not be alleged or proven in cases of forging, uttering or false pretences. | 20. In indictments for murder and manslaughter, means by which the injury was inflicted need not be specified.
21. What is requisite in an indictment for perjury.
22. What is requisite in an indictment for subornation of perjury.
23. Indictment for duelling.
24. Counts for receiving and stealing may be joint.
25. Issue in criminal cases, and trial thereof.
26. Prisoners standing mute.
27. Prosecutor's name to be endorsed on the indictment.
28. Distinct acts of embezzlement may be charged in the same indictment.
29. Nolle prosequi.
30. Plea of autrefois convict or autrefois acquit. |
|--|---|

TITLE III. *Of Courts.*

- | | |
|--|------------------------------------|
| 31. Of courts of oyer and terminer.
32. Quarter sessions. | 33. Writs of error and certiorari. |
|--|------------------------------------|

TITLE IV. *Of the Trial.*

- | | |
|---|--|
| 34. Persons under bail not be placed in the criminal bar.
35. Persons indicted for treason to have a copy of the indictment.
36. Peremptory challenges.
37. Challenges by the commonwealth.
38. How challenges are to be conducted.
39. How challenges are to be determined.
40. Of the trial of persons jointly indicted, and joint challenges.
41. How tales may be awarded and juries summoned.
42. Of jury de medietate linguae.
43. Of the place of trial of treason.
44. Of the place of trial of accessories before the fact.
45. Of the place of trial of accessories after the fact.
46. Of felonious striking or poisoning in one county, and death in another.
47. Of felonious striking or poisoning in the state, and death out of the state. | 48. Of proof of offences committed near county lines.
49. Of proof of offences committed during journeys.
50. Party indicted for felony or misdemeanor may be found guilty of attempt to commit the same.
51. Persons tried for misdemeanor not to be acquitted if the offence turn out to be felony.
52. Witnesses entitled to restitution to be competent.
53. Cure of defects in jury process by verdict.
54. Of the trial of prisoners committed.
55. Witnesses in forgeries.
56. Witnesses not to be imprisoned except in certain cases.
57. Bills of exceptions and writs of error allowed.
58. Written opinions to be filed.
59. Granting of writs regulated.
60. From whence writ of error shall issue.
61. Proceedings after affirmance or reversal of judgment. |
|---|--|

TITLE V. *Of Costs.*

- | | |
|--|--|
| 62. Power of grand and petit jurors over costs.
63. Of the defendant's costs. | 64. Of payment of costs generally.
65. Of costs where separate bills are presented against joint offenders. |
|--|--|

TITLE VI. *General Provisions.*

- | | |
|---|--|
| 66. Insane prisoners. Jury to find the fact of insanity. Court to order defendant to be detained in custody.
67. Where defendant is found insane upon arraignment.
68. Where prisoner brought up to be discharged appears to be insane.
69. Insane defendant to be delivered up to his friends or to the overseers, on security being given.
70. How expenses to be paid in such cases.
71. Civil actions against felons.
72. Executions upon sentences of restitution. | 73. Outlawry.
74. Sentences of separate or solitary confinement.
75. Sentences of separate or solitary confinement of less than one year, and simple imprisonment.
76. Executions in capital cases.
77. Limitation of prosecutions.
78. Fines to be decreed to be paid to the state for the use of the county.
79. Repealing section.
80. Saving section. |
|---|--|

TITLE I. *Of proceedings to detect the Commission of Crimes.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the judges of the supreme court, of the court of oyer and terminer and jail delivery, of the courts of quarter sessions, or &c.*

PENAL LAWS OF PENNSYLVANIA.

any of them, shall and may direct their writs and precepts to the sheriffs and coroners of the several counties within this commonwealth, when need shall be, to take persons indicted for felonies, or other offences, before them, who may dwell, remove, or be received into another county; and it shall and may be lawful to and for the said judges, or any of them, to issue subpœnas into any county of the commonwealth, for summoning and bringing any person to give evidence in any matter or cause before them, or any of them, and to compel obedience to such writs, precepts, or subpœnas, by attachment or otherwise, and under such pains and penalties as other writs or subpœnas are or ought by law to be granted and awarded; and that it shall be lawful for said judges, or any of them, if they see fit to direct such writ, precept, summons, subpœna or attachments, to be executed by the sheriff of the county in which the same is awarded, which said writ, precept, summons or subpœna, shall be the sufficient warrant of such sheriff for executing the same throughout this commonwealth, as fully and effectually as if directed to, and executed by the sheriff of the proper county where issued: *Provided*, That the reasonable expenses of executing such process, when issued on behalf of the commonwealth, shall be paid out of the funds of the county where issued, and the expenses of removing any person charged with having committed an offence in one county into another county, or of transporting any person charged with having committed any offence in this state from another state into this state for trial, or for conveying any person, after conviction, to the penitentiary, shall be paid out of the treasury of the county where the offence is charged to have been committed.

Proviso.**Escapes into another county.**

SECTION 2. Where any person charged with having committed any felony, in any city or county of this commonwealth, shall go or escape into any other county thereof, it shall and may be lawful for the president, or any judge of the court of common pleas in the county where the said person may be found, to issue his warrant, authorizing and requiring the sheriff of the said county to take the said person and conduct him to the proper county, where the said felony is alleged to have been committed, the expenses of which shall be paid to the said sheriff by the county to which the said person is conducted.

Backing warrants.

SECTION 3. That in case any person against whom a warrant may be issued by any judge or alderman of any city, or justice of the peace of any county in this commonwealth, for any offence there committed, shall escape, go into, reside, or be in any other city or county out of the jurisdiction of the judge, alderman, justice or justices of the city or county granting such warrant as aforesaid, it shall and may be lawful for, and it is hereby declared to be the duty of any alderman, justice or justices of the city or county where such person shall escape, go into, reside, or be, upon proof being made, upon oath or affirmation, of the hand writing of the judge, alderman, justice or justices granting such warrant, to endorse his or their name or names on such warrant, which shall be sufficient authority to the person or persons bringing such warrant, and to all

other persons to whom such warrant was originally directed, to execute the same in such other city or county, out of the jurisdiction of the alderman, justice or justices, granting such warrant as aforesaid, and to apprehend and carry such offender before the alderman, justice or justices who indorsed such warrant, or some other alderman, justice or justices of such other city and county where such warrant was indorsed; and in case the offence for which such offender shall be so apprehended, shall be bailable in law by an alderman or justice of the peace, and such offender shall be willing and ready to give bail for his appearance at the next court of general jail delivery or quarter sessions, to be held in and for the city and county where the offence was committed, such alderman, justice or justices shall and may take such bail for his appearance, in the same manner as the alderman or justice of the peace of the proper city or county might have done; and the said alderman, justice or justices of the peace of such other city or county so taking bail, shall deliver or transmit such recognizance and other proceeding to the clerk of the court of general jail delivery or quarter sessions, where such offender is required to appear by virtue of such recognizance, and such recognizance and other proceedings shall be as good and effectual in law as if the same had been entered into, taken or acknowledged in the proper county where the offence was committed, and the same proceedings shall be had therein; and in case the offence for which such offender shall be apprehended in any other city or county, shall not be bailable in law by an alderman or justice of the peace, or such offender shall not give bail for his appearance at the proper court having cognizance of his crime, to the satisfaction of the alderman or justice before whom he shall be brought, then the constable or other person so apprehending such offender, shall carry and convey him before one of the aldermen or justices of the peace of the proper city or county where such offence was committed, there to be dealt with according to law.

SECTION 4. That no action of trespass, or false imprisonment, or information, or indictment, shall be brought, sued, commenced, exhibited or prosecuted by any person, against the alderman, justice or justices, who shall indorse such warrant, for or by reason of his or their indorsing the same, but such person shall be at liberty to bring or prosecute his or their action or suit against the alderman or justice who originally granted the warrant.

SECTION 5. That when any person shall be accused before a magistrate, upon oath or affirmation, of the crime of burglary, robbery or larceny, and the said magistrate shall have issued his warrant to apprehend such person or persons, or to search for such goods as have been described, on oath or affirmation, to have been stolen goods, if any shall be found in the custody or possession of such person or persons, or in the custody or possession of any other person or persons, for his, her or their use, and there is probable cause, supported by oath or affirmation, to suspect that other goods, which may be discovered on such search, are stolen, it shall and may be lawful for the said magistrate to direct the said goods to be seized, and to secure

Indemnity of
magistrate back-
ing such war-
rants.

Property suppos-
ed to be stolen
found in the pos-
session of one ac-
cused.

the same in his own custody, unless the person in whose possession the same were found shall give sufficient surety to produce the same at the time of his or her trial; and the said magistrate shall forthwith cause an inventory to be taken of the said goods, and shall file the same with the clerk of that court in which the accused person is intended to be prosecuted, and shall give public notice in the newspapers, or otherwise by advertising the same in three or more public places in the city or county where the offence is charged to have been committed, before the time of trial, noting in such advertisement the said inventory, the person charged and time of trial; and if, on such trial, the accused party shall be acquitted, and no other claimant shall appear or suit be commenced, then, at the expiration of three months, such goods shall be delivered to the party accused, and he, she or they shall be discharged, and the county be liable to the costs of prosecution; but if he be convicted of larceny only, and, after restitution made to the owner and the sentence of the court being fully complied with, shall claim a right in the residue of the said goods, and no other shall appear or claim the said goods, or any part of them, then it shall be lawful, notwithstanding the claim of the said party accused, to detain such goods for the term of nine months, to the end that all persons having any claim thereto may have full opportunity to come, and to the satisfaction of the court, prove their property in them; on which proof the said owner or owners, respectively, shall receive the said goods, or the value thereof, if from their perishable nature it shall have been found necessary to make sale thereof, upon paying the reasonable charges incurred by the securing the said goods and establishing their property in the same; but if no such claim shall be brought and duly supported, then the person so convicted shall be entitled to the remainder of the said goods, or the value thereof, in case the same shall have been sold agreeably to the original inventory; but if, upon an attainer of burglary or robbery, the court shall, after due inquiry, be of opinion that the said goods were not the property of such burglar or robber, they shall be delivered, together with a certified copy of the said inventory, to the commissioners of the county, who shall indorse a receipt therefor on the original inventory, register the said inventory in a book, and also cause the same to be publicly advertised, giving notice to all persons claiming the said goods to prove their property therein to the said commissioners; and unless such proof shall be made within three months from the date of such advertisement, the said goods shall be publicly sold, and the net moneys arising from such sale shall be paid into the county treasury for the use of the commonwealth: *Provided always,* That if any claimant shall appear within one year, and prove his or her property in the said goods to the satisfaction of the commissioners, or in the case of dispute, shall obtain the verdict of a jury in favor of such claim, the said claimant shall be entitled to recover, and receive from the said commissioners, or treasurer, the net amount of the moneys paid as aforesaid into the hands of the said commissioners, or by them paid into the treasury of this commonwealth.

Proviso.

SECTION 6. If any person shall threaten the person of another ~~Surety of the~~ to wound, kill or destroy him, or do him any harm in person or ~~peace.~~ estate, and the person threatened shall appear before a justice of the peace, and attest, on oath or affirmation, that he believes that by such threatening he is in danger of being hurt in body or estate, such person so threatening as aforesaid, shall be bound over, with one sufficient surety, to appear at the next sessions, according to law, and in the meantime to be of his good behaviour, and keep the peace towards all citizens of this commonwealth. If any person, not being an officer on duty in the military or naval service of the state or of the United States, shall go armed with a dirk, dagger, sword or pistol, or other offensive or dangerous weapon, without reasonable cause to fear an assault or other injury or violence to his family, person or property, he may, on complaint of any person having reasonable cause to fear a breach of the peace therefrom, be required to find surety of the peace as aforesaid.

SECTION 7. In all cases the party accused, on oath or affirmation, of any crime or misdemeanor against the laws, shall be admitted to bail by one or more sufficient sureties, to be taken before any judge, justice, mayor, recorder or alderman where the offence charged has been committed, except such persons as are precluded from being bailed by the constitution of this commonwealth: *Provided also,* That persons accused, as aforesaid, of murder or manslaughter, shall only be admitted to bail by the supreme court or one of the judges thereof, or a president or associate law judge of a court of common pleas. Persons accused, as aforesaid, of arson, rape, mayhem, sodomy, buggery, robbery or burglary, shall only be bailable by the supreme court, the court of common pleas, or any of the judges thereof, or a mayor or recorder of a city.

SECTION 8. All sureties, mainpernors, and bail in criminal cases, whether bound in recognizance for a particular matter or for all charges whatsoever, shall be entitled to have a bail piece, duly certified by the proper officer or person before whom or in whose office the recognizance of such surety, mainpernors or bail shall be or remain, and upon such bail piece, by themselves, or their agents, to arrest and detain, and surrender their principals, with the like effect as in cases of bail in civil actions; and such bail piece shall be a sufficient warrant or authority for the proper sheriff or jailor to receive the said principal, and have him forthcoming to answer the matter or matters alleged against him: *Provided,* That nothing herein contained shall prevent the person thus arrested and detained from giving new bail or sureties for his appearance, who shall have the same right of surrender hereinbefore provided. *Proviso.*

SECTION 9. In all cases where a person shall, on the complaint of another, be bound by recognizance to appear, or shall, ~~Settlement of cases.~~ for want of security, be committed, or shall be indicted for an assault and battery or other misdemeanor, to the injury and damage of the party complaining, and not charged to have been done with intent to commit a felony, or not being an infamous crime, and for which there shall also be a remedy, by action, if the party complaining shall appear before the magistrate who may have taken recognizance or made the commitment, or be-

fore the court in which the indictment shall be, and acknowledge to have received satisfaction for such injury and damage, it shall be lawful for the magistrate, in his discretion, to discharge the recognizance which may have been taken for the appearance of the defendant, or in case of committal, to discharge the prisoner, or for the court also where such proceeding has been returned to the court, in their discretion, to order a *nolle prosequi* to be entered on the indictment, as the case may require, upon payment of costs: *Provided*, That this act shall not extend to any assault and battery, or other misdemeanor, committed by or on any officer or minister of justice.

Proviso.

**Grand jurors
may administer
oaths.**

**Objections to in-
dictment to be
made before the
jury is sworn.**

**Indictments may
be amended.**

**Immaterial va-
riances between
indictment and
proof amendable.**

SECTION 10. The foreman of any grand jury, or any member thereof, is hereby authorized and empowered to administer the requisite oaths or affirmations to any witness whose name may be marked by the district attorney on the bill of indictment.

SECTION 11. Every indictment shall be deemed and adjudged sufficient and good in law which charges the crime substantially in the language of the act of the assembly prohibiting the crime, and prescribing the punishment, if any such there be, or if at common law, so plainly that the nature of the offence charged may be easily understood by the jury. Every objection to any indictment for any formal defect, apparent on the face thereof, shall be taken by demurrer, or on motion to quash such indictment, before the jury shall be sworn, and not afterward; and every court, before whom any such objection shall be taken for any formal defect, may, if it be thought necessary, cause the indictment to be forthwith amended in such particular, by the clerk or other officer of the court, and thereupon the trial shall proceed as if no such defect appeared.

SECTION 12. It shall be lawful for any court of criminal jurisdiction, if such court shall see fit so to do, to cause the indictment for any offence whatever, when any variance or variances shall appear between any matter in writing or in print, produced in evidence, and the recital or setting forth thereof in the indictment wherein the trial is pending, to be forthwith amended in such particular or particulars, by some officer of the court, and after such amendment the trial shall proceed in the same manner, in all respects, as if no such variance or variances had appeared.

SECTION 13. If, on the trial of any indictment for felony or misdemeanor, there shall appear to be any variance between the statement of such indictment and the evidence offered in proof thereof, in the name of any place mentioned or described in any such indictment, or in the name or description of any person or persons or body politic or corporation therein stated, or alleged to be the owner or owners of any property, real or personal, which shall form the subject of any offence charged therein, or the name or description of any person or persons, body politic or corporate therein stated or alleged to be injured or damaged, or intended to be injured or damaged, by the commission of such offence, or in the christian name or surname, or both christian and surname, or other description whatsoever of any person or

persons whomsoever therein named or described, or in the name or description of any matter or thing whatsoever therein named or described, or in the ownership of any property named or described therein, it shall and may be lawful for the court before whom the trial shall be had, if it shall consider such variance not material to the merits of the case, and that the defendant cannot be prejudiced thereby in his defence upon such merits, to order such indictment to be amended, according to the proof, by some officer of the court, both in that part of the indictment wherein said variance occurs, and in every other part of the indictment in which it may become necessary to amend; and after such amendment, the trial shall proceed in the same manner, in all respects, and with the same consequences, as if no variance had occurred. And every verdict and judgment which shall be given after making such amendment, shall be of the same force and effect, in all respects, as if the indictment had originally been in the same form in which it was after such amendment was made.

SECTION 14. That in order to remove the difficulty of describing the ownership of property, in the case of partners and joint owners, in any indictment for any felony or misdemeanor committed on or with respect to any money, chattels, bond, bill, note or other valuable security or effects belonging to or in the possession of any partners or joint owners, it shall be sufficient to aver that the particular subject matter on which, or with respect to which, any such offence shall have been committed, to be the property of some one or more of the partners or joint owners named in the indictment, and of other persons being partners or joint owners with him or them, without stating any of the names of such other persons; and that in any indictment for any felony or misdemeanor, committed on or with respect to any house or building whatsoever, belonging to or in the possession of any partners or joint owners; or for any felony or misdemeanor committed on or with respect to any property being in any such house or building, it shall be sufficient to aver that the particular house or building on or with respect to which, or on or with respect to the property being in which any such offence shall have been committed, is the property of some one or more of the partners or joint owners named in the indictment, and of other persons being partners or joint owners with him or them, without stating any of the names of such other persons.

SECTION 15. With regard to frauds committed against partners and joint owners, it shall be sufficient in any indictment for any felony or misdemeanor committed with intent to defraud any partners or joint owners, to allege that the act was committed with intent to defraud any one or more of the partners or joint owners named in the indictment, and other persons being partners or joint owners with him or them, without stating any of the names of such other persons.

SECTION 16. With respect to property belonging to counties, cities, townships and districts, it shall be sufficient in any indictment for any felony or misdemeanor committed on or with respect to any goods, chattels, furniture, provisions, clothes, tools, utensils, materials or things whatsoever, which have been, or at any

Manner of laying
the ownership of
property of joint
owners.

Manner of charg-
ing frauds
against joint
owners.

Manner of laying
property of coun-
ties, cities and
townships.

PENAL LAWS OF PENNSYLVANIA.

time shall be, provided for or at the expense of any county, city, township or district, to be used in any court, jail, house of correction, alms-house, or other building or place, or in any part thereof respectively, or to be used for the making, altering or repairing of any bridge or road, to aver that any such things are the property of such county, city, township or district.

Forms of indictment in cases of forging, stealing, &c.

SECTION 17. In any indictment for forgery, uttering, stealing, embezzling, destroying or concealing, or obtaining by false pretences, any instrument, it shall be sufficient to describe such instrument by any name or designation by which the same may be usually known, or by the purport thereof, without setting out any copy or fac-simile thereof, or otherwise describing the same or the value thereof.

Forms in other cases.

SECTION 18. In all other cases whatsoever in which it shall be necessary to make any averment in any indictment, as to any instrument, whether the same consists wholly or in part of writing, print or figures, it shall be sufficient to describe such instrument by any name or designation by which the same may be usually known, or by the purport thereof, and in such manner as to sufficiently identify such instrument, without setting out any copy or fac-simile of the whole or any part thereof.

Intent to defraud particular persons.

SECTION 19. It shall be sufficient in any indictment for forging, uttering, offering, disposing of, or putting off any instrument whatsoever, or for obtaining or attempting to obtain any property by false pretences, to allege that the defendant did the act, with intent to defraud, without alleging the intent of the defendant to be to defraud any particular person; and on the trial of any of the offences in this section mentioned, it shall not be necessary to prove any intent on the part of the defendant to defraud any particular person, but it shall be sufficient to prove that the defendant did the act charged with an intent to defraud.

Indictments for murder and manslaughter.

SECTION 20. In any indictment for murder or manslaughter, it shall not be necessary to set forth the manner in which, or the means by which the death of the deceased was caused, but it shall be sufficient in every indictment for murder, to charge that the defendant did feloniously, wilfully, and of his malice aforethought, kill and murder the deceased; and it shall be sufficient, in every indictment for manslaughter, to charge that the defendant did feloniously kill and slay the deceased.

What is requisite in indictment for perjury.

SECTION 21. In every indictment for wilful and corrupt perjury, it shall be sufficient to set forth the substance of the offence charged, and in what court, or before whom the oath or affirmation was taken, averring such court or person or body to have competent authority to administer the same, together with the proper averment, to falsify the matter wherein the perjury is assigned, without setting forth the information, indictment, declaration or part of any record or proceeding, other than as aforesaid, and without setting forth the commission or authority of the court, or person, or body before whom the perjury was committed.

In indictment for subornation of perjury.

SECTION 22. In every indictment for subornation of perjury, or for corrupt bargaining, or contracting with others to commit wilful and corrupt perjury, it shall be sufficient to set forth the substance of the offence, without setting forth the information,

indictment, declaration or part of any record or proceedings, and without setting forth the commission or authority of the court, or person or body before whom the perjury was committed, or was agreed or promised to be committed.

SECTION 23. In cases arising under the laws of this commonwealth for the restraint of the horrid practice of duelling, it shall be sufficient to form an indictment generally, against either of the principals for challenging another to fight at deadly weapons, and notwithstanding it may appear on the trial that the defendant only accepted the challenge, it shall be sufficient to convict and render him liable to the penalties of the law; and in like manner an indictment against the seconds may be framed generally, for carrying and delivering a challenge, and proof of the mere act of fighting, and the defendant being present thereat, shall be sufficient to convict the defendant upon an indictment so framed; and if the duel shall take place within this commonwealth, the mere fact of fighting shall be full and complete evidence of the charges, respectively, of giving or receiving, or of carrying or delivering a challenge, without other proof thereof.

SECTION 24. In every indictment for feloniously stealing property, it shall be lawful to add a count for feloniously receiving the said property, knowing it to have been stolen; and in any indictment for feloniously receiving property, knowing it to have been stolen, it shall be lawful to add a count for feloniously stealing said property; and it shall be lawful for the jury trying the same, to find a verdict of guilty either of stealing the property, or of receiving the same, knowing it to have been stolen; and if such indictment shall have been preferred and found against two or more persons, it shall be lawful for the jury who shall try the same, to find all or any of the said persons guilty of either stealing the property or of receiving it, knowing it to have been stolen, or to find one or more of the said persons guilty of stealing the property, and the other or others of them guilty of receiving it, knowing it to have been stolen.

SECTION 25. In all cases of felony the prisoner shall be arraigned, and where any person on being so arraigned shall plead not guilty, every such person shall be deemed and taken to put himself upon the inquest or country for trial, without any question being asked of him how he will be tried, and the inquest shall be charged only to inquire whether he be guilty or not guilty of the crime charged against him, and no more. And that wherever a person shall be indicted for treason or felony, the jury empanelled to try such person shall not be charged to inquire concerning his lands, tenements or goods, nor whether he fled for such treason or felony.

SECTION 26. If any prisoner shall, upon his arraignment for any offence with which he is indicted, stand mute, or not answer directly, or shall peremptorily challenge above the number of persons summoned as jurors for his trial to which he is by law entitled, the plea of not guilty shall be entered for him on the record, the supernumerary challenges shall be disregarded, and the trial shall proceed in the same manner as if he had pleaded not guilty, and for his trial had put himself upon the country.

PENAL LAWS OF PENNSYLVANIA.

Prosecutor's name to be endorsed on indictment.

SECTION 27. No person shall be required to answer to any indictment for any offence whatsoever, unless the prosecutor's name, if any there be, is endorsed thereon, and if no person shall avow himself the prosecutor, the court may hear witnesses, and determine whether there is such a private prosecutor, and if they shall be of opinion that there is such a prosecutor, then direct his name to be endorsed on such indictment.

Distinct acts of embezzlement may be charged in same indictment.

SECTION 28. It shall be lawful in cases of embezzlement by clerks, servants or other persons in the employ of another, to charge in the indictment, and proceed against an offender for any distinct acts of embezzlement, not exceeding three, which may have been committed by him against the same master or employer, within the space of six calendar months, from the first to the last of such acts, and in every such indictment, except where the offence shall relate to a chattel, it shall be sufficient to allege the embezzlement to be of money, without specifying any particular coin or valuable security; and such allegation, so far as regards the description of the property, shall be sustained, if the offender shall be proved to have embezzled any amount, although the particular species of coin or valuable security of which such amount was composed, shall not be proved, or if he shall be proved to have embezzled any piece of coin or valuable security, or any portion of the value thereof, although such piece of coin or valuable security may have been delivered to him in order that some part of the value thereof should be returned to the party delivering the same, and such part shall have been returned accordingly.

SECTION 29. No district attorney shall, in any criminal case whatsoever, enter a *nolle prosequi*, either before or after bill found, without the assent of the proper court in writing first had and obtained.

Plea of autrefois convict, or autrefois acquit.

SECTION 30. In any plea of *autrefois acquit*, or *autrefois convict*, it shall be sufficient for any defendant to state, that he has been lawfully convicted, or acquitted, as the case may be, of the offence charged in the indictment.

TITLE III. *Of Courts.*

Of courts of oyer and terminer.

SECTION 31. The courts of oyer and terminer and general jail delivery shall have power—

I. To inquire by the oaths and affirmations of good and lawful men of the county, of all crimes committed, or triable in such county.

II. To hear, determine and punish the same, and to deliver the jails of such county of all prisoners therein, according to law.

III. To try indictments found in the quarter sessions, and certified by the said court according to law; and the said courts shall have exclusive jurisdiction and power to try and punish all persons charged with any of the crimes herein enumerated, which shall be committed within the respective county, to wit:

1. All persons charged with any murder or manslaughter, or other homicide, and all persons charged with being accessory to any such crime.

2. All persons charged with treason against the commonwealth.

3. All persons charged with sodomy, buggery, rape or robbery, their counsellors, aiders and abettors.

4. All persons charged with the crime of voluntarily and maliciously burning any building, or other thing, made punishable in the same manner as arson.

5. All persons charged with mayhem, or with the crime of cutting off the tongue, putting out the eye, slitting the nose, cutting off the nose, cutting off a lip, cutting off or disabling any limb or member of a person, by lying in wait, or with malice aforethought, and with intent in so doing to maim or disfigure such person, and their aiders and abettors and counsellors.

6. All persons charged with burglary.

7. Every woman who shall be charged with having endeavored privately, either by herself or the procurement of others, to conceal the death of any issue of her body, male or female, which, if it were born alive, would be by law a bastard, so that it may not be known whether such issue was born dead or alive, or whether it was murdered or not.

8. All persons charged with the second or any subsequent offence of receiving, harboring or concealing any robber, burglar, felon or thief, or with the crime of receiving or buying any goods or chattels, which shall have been feloniously taken or stolen, knowing the same to be so taken or stolen.

SECTION 32. The courts of quarter sessions of the peace shall Quarter sessions. have jurisdiction and power within the respective counties—

I. To inquire, by the oaths or affirmations of good and lawful men of the county, of all crimes, misdemeanors and offences whatsoever, against the laws of this commonwealth, which shall be triable in the respective county.

II. To inquire of, hear, determine and punish, in due form of law, all such crimes and misdemeanors and offences, whereof exclusive jurisdiction is not given, as aforesaid, to the courts of oyer and terminer of such county.

III. To take, in the name of the commonwealth, all manner of recognizances and obligations heretofore taken and allowed to be taken by any justice of the peace; and they shall certify such as shall be taken, in relation to any crime not triable therein, to the next court of oyer and terminer having power to take cognizance thereof.

IV. To continue, or discharge the recognizance and obligations of persons bound to keep the peace, or to be of good behaviour, taken as aforesaid, or certified into such court by any justice of the peace of such county, and to inquire of, hear and determine, in the manner hitherto practiced and allowed, all complaints which shall be found thereon.

V. The courts of quarter sessions shall also have jurisdiction in cases of fines, penalties or punishments, imposed by any act of assembly, for offences, misdemeanors or delinquencies, except where it shall be otherwise expressly provided and enacted.

VI. The said courts shall also have and exercise such other jurisdiction and powers, not herein enumerated, as may have been heretofore given to them by law.

Whenever any indictment shall be found in any court of quarter sessions, for any crime or offence not triable therein, it shall be the duty of said court to certify the same into the court of

PENAL LAWS OF PENNSYLVANIA.

oyer and terminer next to be holden in such county, there to be heard and determined in due course of law.

The judges of the county courts of oyer and terminer and quarter sessions, and every of them, shall have power to direct their writs or precepts to all or any of the sheriffs or other officers of any of the counties, cities, boroughs or towns corporate of this commonwealth, to arrest and bring before them persons indicted for felonies and other offences, and amenable to the respective court; each of said courts shall have power to award process to levy and recover such fines, forfeitures and amerements, as shall be imposed, taxed or adjudged by them respectively; each of the said courts shall have full power and authority to establish such rules for regulating the practice thereof respectively, and for expediting the determination of suits, causes and proceedings therein, as in their discretion they shall judge necessary or proper: *Provided*, That such rules shall not be inconsistent with the constitution and laws of this commonwealth; each of the said courts is empowered to issue writs of subpœna, under their official seal, into any county of this commonwealth, to summon and bring before the respective court any person to give testimony in any cause or matter depending before them, under the penalties hitherto appointed and allowed, in any such case, by the laws of this commonwealth.

Proviso.

**Writs of error
and certiorari.**

Proviso.

SECTION 33. Every person indicted in any court of quarter sessions, or in any county court of oyer and terminer and general jail delivery, may remove the indictment, and all proceedings thereon, or a transcript thereof, into the supreme court by a writ of certiorari, or a writ of error, as the case may require: *Provided*, That no such writ of certiorari, or writ of error shall issue, or be available, to remove the said indictment and proceeding thereupon, or a transcript thereof, or to stay execution of the judgment thereupon rendered, unless the same shall be specially allowed by the supreme court, or one of the justices thereof, upon sufficient cause to it or him shown, or shall have been sued out, with the consent of the attorney general; which special allowance or consent shall be in writing, and certified on the said writ.

TITLE IV. *Of the Trial.*

**Persons under
bail not to be
placed in crimi-
nal bar.**

SECTION 34. No person who may hereafter be arraigned on any indictment, and who shall be bound by recognizance to appear and abide by the judgment of the court, shall be placed within the prisoner's bar to plead to such indictment, or be confined therein during his trial; and all persons shall have an opportunity of a full and free communication with their counsel.

**Persons indicted
for treason to
have copy of in-
dictment.**

SECTION 35. Every person indicted for treason shall have a copy of the indictment and a list of the jury and the witnesses to be produced on the trial for proving such indictment, mentioning the names and places of abode of such jurors and witnesses, delivered to him three whole days before the trial.

**Peremptory chal-
lenges.**

SECTION 36. On the trial of any indictment for treason or misprision of treason, murder, manslaughter, concealing the death of a bastard child, rape, robbery, burglary, sodomy, malicious maiming and arson, the accused shall be at liberty to challenge, peremptorily, twenty of the jurors, and on the trial of all other

indictments the accused shall be at liberty to challenge, peremptorily, four of the jurors.

SECTION 37. The commonwealth shall have the right, in all cases, to challenge, peremptorily, four persons, and every peremptory challenge beyond the number allowed by law in any of the said cases, shall be entirely void, and the trial of such person shall proceed as if no such challenge had been made.

SECTION 38. All challenges in criminal proceedings shall be conducted as follows, to wit: The commonwealth shall challenge one person, and then the defendant shall challenge one person, and so alternately, until all the challenges shall be made; but if the commonwealth shall refuse to make any challenge, the defendant shall, nevertheless, have the right to challenge the full number allowed him by law.

SECTION 39. When a challenge for a cause assigned shall be made in any criminal proceeding, the truth of such cause shall be inquired of and determined by the court.

SECTION 40. In all cases in which two or more persons are jointly indicted for any offence, it shall be in the discretion of the court to try them jointly or severally, except that in cases of felonious homicide, the parties charged shall have the right to demand separate trials; and in all cases of joint trials, the accused shall have the right to the same number of peremptory challenges to which either would be entitled if separately tried, and no more.

SECTION 41. All courts of criminal jurisdiction of this commonwealth shall be and are hereby authorized and required, when occasion shall render the same necessary, to order a *tales de circumstantibus*, either for the grand or petit jury, and all talesmen shall be liable to the same challenges, fines and penalties as the principal jurors: *Provided*, That nothing herein contained shall repeal or alter the provisions of an act passed the twentieth day of April, one thousand eight hundred and fifty-eight, entitled "An Act establishing a mode of drawing and selecting jurors in and for the city and county of Philadelphia."

SECTION 42. No alien shall, in any criminal case whatsoever, be entitled to a jury *de medietate linguae*, or partly of strangers.

SECTION 43. The trial of all treason against the commonwealth, committed out of the jurisdiction of the state, shall be in the county where the offender is apprehended, or into which he shall first be brought.

SECTION 44. If any person shall become an accessory before the fact, to any felony, whether the same be a felony at common law, or by virtue of any act of assembly now in force or hereafter to be in force, such person may be indicted, tried, convicted and punished in all respects as if he were a principal felon.

SECTION 45. If any person shall become an accessory after the fact, to any felony, whether the same be a felony at common law, or by virtue of any act of assembly now in force, or that may be hereafter in force, he may be indicted and convicted as an accessory after the fact, to the principal felony, together with the principal felon, or after the conviction of the principal felon, or may be indicted and convicted of a substantive felony, whether the principal felon shall or shall not have been previously convicted, or shall or shall not be amenable to justice,

challenges by
the common-
wealth.

37 - 45

How challenges
are to be con-
ducted.

How to be deter-
mined.

Persons jointly
indicted, and
joint challenges.

How tales award-
ed and juries
summoned.

Proviso.

tales de medie-

tate linguae.

Place of trial of
treason.

Of accessories be-
fore the fact.

Of accessories
after the fact.

and may thereupon be punished in like manner as any accessory after the fact to the same felony, if convicted as an accessory, may be punished; and the offence of such person, howsoever indicted, may be inquired of, tried, determined and punished, by any court which shall have jurisdiction to try the principal felon, in the same manner as if the act by reason of which such person shall have become accessory, had been committed at the same place as the principal felony: *Provided always,* That no person who shall be once duly tried for any such offence, whether as an accessory after the fact, or as for a substantive felony, shall be liable to be again indicted or tried for the same offence.

Proviso.

Poisoning in one county and death in another.

SECTION 46. If any person hereafter shall be feloniously stricken, poisoned, or receive other cause of death in one county, and die of the same stroke, poisoning or other cause of death in another county, then an indictment found therefor by jurors of the county where the death shall happen, shall be as good and effectual in law, as well against the principal in such murder as against the accessory thereto, as if the stroke, poisoning or other cause of death had been given, done or committed in the same county where such indictment shall be found; and the proper courts having jurisdiction of the offence shall proceed upon the same as they might or could do in case such felonious stroke, poisoning or other cause of death, and the death itself thereby ensuing, had been committed and happened all in one and the same county.

Poisoning in the state and death out of the state.

SECTION 47. If any person shall be feloniously stricken, poisoned, or receive other cause of death within the jurisdiction of this state, and shall die of such stroke, poisoning or other cause of death at any place out of the jurisdiction of this state, an indictment therefor found by the jurors of the county in which such stroke, poisoning or other cause of death shall happen as aforesaid, shall be as good and effectual, as well against the principal in any such murder, as against the accessory thereto, as if such felonious stroke, poisoning or other cause of death, and the death thereby ensuing, and the offence of such accessory, had happened in the same county where such indictment shall be found; and the courts having jurisdiction of the offence shall proceed upon the same, as well against principal as accessory, as they could in case such felonious stroke, poisoning or other cause of death, and the death thereby ensuing, and the offence of such accessory, had both happened in the same county where such indictment shall be found.

Of proof of offences committed near county lines.

SECTION 48. That in order to obviate the difficulty of proof as to all offences committed near the boundaries of counties, in any indictment for felony or misdemeanor committed on the boundary or boundaries of two or more counties, or within the distance of five hundred yards of any such boundary or boundaries, it shall be sufficient to allege that such felony or misdemeanor was committed in any of the said counties; and every such felony or misdemeanor shall and may be inquired of, tried, determined and punished in the county within which the same shall be so alleged to have been committed, in the same manner as if it had been actually committed therein.

Of offences committed during journeys.

SECTION 49. That in order to obviate the difficulty of proof as to offences committed during journeys from place to place,

in any indictment for felony or misdemeanor committed on any person or on any property, upon any stage coach, stage, wagon, railway car, or other such carriage whatever employed in any journey, it shall be sufficient to allege that such felony or misdemeanor was committed within any county or place through any part whereof such coach, wagon, cart, car or other carriage shall have passed in the course of the journey during which such felony or misdemeanor shall have been committed; and in all cases where the centre or other part of any highway shall constitute the boundaries of any two counties, it shall be sufficient to allege that the felony or misdemeanor was committed in either of the said counties through, or adjoining to, or by the boundaries of any part whereof such coach, wagon, cart, car, or other carriage shall have passed in the course of the journey during which such felony or misdemeanor shall have been committed; and in any indictment for any felony or misdemeanor, committed on any person or on any property on board any vessel whatsoever, employed in any voyage or journey on any navigable river, canal or inland navigation, it shall be sufficient to allege that such felony or misdemeanor was committed in any county or place through any part whereof such vessel shall have passed in the course of the voyage or journey during which such felony or misdemeanor shall have been committed; and in all cases where the side or bank of any navigable river or creek, canal or inland navigation, or the centre or other part thereof, shall constitute the boundary of any two counties, it shall be sufficient to allege that such felony or misdemeanor was committed in either of the said counties through, or adjoining to, or by the boundary of any part thereof, such vessel shall have passed in the course of the voyage or journey during which such felony or misdemeanor shall have been committed; and every such felony or misdemeanor committed in any of the cases aforesaid, shall and may be inquired of, tried, determined and punished in the county or place within which the same shall be so alleged to have been committed, in the same manner as if it had actually been committed therein.

SECTION 50. If on the trial of any person charged with any felony or misdemeanor, it shall appear to the jury upon the evidence, that the defendant did not complete the offence charged, but was guilty only of an attempt to commit the same, such person shall not by reason thereof be entitled to be acquitted, but the jury shall be at liberty to return, as their verdict, that the defendant is not guilty of the felony or misdemeanor charged, but is guilty of an attempt to commit the same; and thereupon such person shall be liable to be punished in the same manner as if he had been convicted upon an indictment for attempting to commit the particular felony or misdemeanor charged in the indictment, and no person so tried as herein lastly mentioned, shall be liable to be afterward prosecuted for an attempt to commit the felony or misdemeanor for which he was so tried.

SECTION 51. If upon the trial of any person for any misdemeanor, it shall appear that the facts given in evidence amount in law to a felony, such person shall not by reason thereof be entitled to be acquitted of such misdemeanor; and no person out to be felony.

PENAL LAWS OF PENNSYLVANIA.

tried for such misdemeanor shall be liable to be afterwards prosecuted for felony on the same facts, unless the court before whom such trial may be had shall think fit, in its discretion, to discharge the jury from giving any verdict upon such trial, and direct such person to be indicted for felony, in which case such person may be dealt with in all respects as if he had not been put upon his trial for such misdemeanor.

Witnesses entitled to restitution to be competent.

SECTION 52. No person shall be deemed and adjudged an incompetent witness on the trial of any indictment, for or by reason of such person being entitled, in the event of the conviction of the defendant, to a restitution of his property feloniously taken, or the value thereof, or if fraudulently obtained, to a pecuniary remuneration or compensation therefor, or for or by reason of such witness being liable and subject to the payment of the costs of prosecution.

Cure of defects in jury process by verdict.

SECTION 53. No verdict in any criminal court shall be set aside, nor shall any judgment be arrested or reversed, nor sentence delayed, for any defect or error in the precept issued from any court, or in the venire issued for the summoning and returning of jurors, or for any defect or error in drawing, summoning or returning any juror, or panel of jurors, but a trial, or an agreement to try on the merits, or pleading guilty, or the general issue in any case, shall be a waiver of all errors and defects in, or relative or appertaining to the said precept, venire, drawing, summoning and returning of jurors.

Of the trial of prisoners committed.

SECTION 54. If any person shall be committed for treason or felony, or other indictable offence, and shall not be indicted and tried some time in the next term, session of oyer and terminer, general jail delivery, or other court where the offence is properly cognizable, after such commitment, it shall and may be lawful for the judges or justices thereof, and they are hereby required on the last day of the term, sessions or court, to set at liberty the said prisoner upon bail, unless it shall appear to them, upon oath or affirmation, that the witnesses for the commonwealth, mentioning their names, could not then be produced; and if such prisoner shall not be indicted and tried the second term, session or court after his or her commitment, unless the delay happen on the application or with the assent of the defendant, or upon trial he shall be acquitted, he shall be discharged from imprisonment: *Provided always,* That nothing in this act shall extend to discharge out of prison, any person guilty of, or charged with treason, felony, or other high misdemeanor in any other state, and who by the constitution of the United States ought to be delivered up to the executive power of such state, nor any person guilty of, or charged with a breach or violation of the laws of nations.

Witnesses in forged documents.

SECTION 55. Upon the trial of any indictment for making or passing, and uttering, any false, forged or counterfeited coin, or bank note, the court may receive in evidence, to establish either the genuineness or falsity of such coin or note, the oaths or affirmations of witnesses who may, by experience and habit, have become expert in judging of the genuineness, or otherwise, of such coin or paper, and such testimony may be submitted to the jury without first requiring proof of the hand-writing or the other tests of genuineness, as the case may be, which have been

heretofore required by law; and in prosecutions for either of the offences mentioned or described in the one hundred and sixty-fourth, one hundred and sixty-fifth, one hundred and sixty-sixth and one hundred and sixty-seventh sections of the act to consolidate, revise and amend the penal laws of this commonwealth, the courts shall not require the commonwealth to produce the charter of either of said banks, but the jury may find that fact upon other evidence, under the direction of the court.

SECTION 56. No witness in any case who enters his or her recognition, in such sum as the magistrate may demand, to appear and testify in such prosecutions as require his testimony, shall be committed to prison by the judge, alderman or magistrate before whom any criminal charge may be preferred : *Pro-
vided however,* That in all cases triable in the oyer and terminer, where a positive oath is made, reduced to writing and signed by the deponent, setting forth sufficient reasons or facts to induce the firm belief on the part of the judge, magistrate or alderman, that any witness will abscond, elope or refuse to appear upon the trial, that then and in such case the judge, magistrate or alderman may exact bail of said witness to testify.

Witnesses not to
be imprisoned
except in certain
cases.

Proviso.

SECTION 57. Upon the trial of any indictment for murder, *Bills of exception
and writs of error
allowed.* or voluntary manslaughter, it shall and may be lawful for the defendant or defendants to except to any decision of the court upon any point of evidence or law, which exception shall be noted by the court, and filed of record as in civil cases, and a writ of error to the supreme court may be taken by the defendant or defendants, after conviction and sentence.

SECTION 58. If during the trial upon any indictment for murder, or voluntary manslaughter, the court shall be required by *Written opinions
to be filed.* the defendant or defendants to give an opinion upon any point submitted and stated in writing, it shall be the duty of the court to answer the same fully, and file the point and answer with the records of the case.

SECTION 59. No such writ shall be allowed, unless special *Granting of writs
regulated.* application be made therefor, and cause shown within thirty days after sentence pronounced; and if the supreme court be sitting in banc in any district, the application shall be made, and cause shown there; if the said court be not sitting, application may be made to, and cause shown before one of the judges of that court, and upon the allowance of such writ, the said court or judge shall fix a time and place for hearing the said case, which time shall not be more than thirty days thereafter; if the said court shall be at that time sitting in banc in any district of the state, the said court or judge, upon the allowance of any such writ, shall make all such proper orders, touching notice to the commonwealth, and paper books, as may be considered necessary.

SECTION 60. The writ of error shall issue from the prothono- *When a writ of
error to issue.* tary's office of the proper district, and all orders, decrees and judgments in the case shall also be entered of record there; but the application and final hearing may be made and had before the said supreme court while sitting in any other district.

SECTION 61. Upon the affirmance of the supreme court of the *Affirmance or re-
versal of judg-
ment.* judgment in any case, the same shall be enforced pursuant to the directions of the judgment so affirmed, and the said court

may make any further order requisite for carrying the same into effect ; and if the supreme court shall reverse any judgment, they shall remand the record, with their opinion, setting forth the causes of reversal, to the proper court for further proceeding.

TITLE V. *Of Costs.*

**Power of jurors
ever costs.**

SECTION 62. In all prosecutions, cases of felony excepted, if the bill of indictment shall be returned ignoramus, the grand jury returning the same shall decide and certify on such bill whether the county or the prosecutor shall pay the costs of prosecution ; and in all cases of acquittals by the petit jury on indictments for the offences aforesaid, the jury trying the same shall determine, by their verdict, whether the county, or the prosecutor, or the defendant, shall pay the costs, or whether the same shall be apportioned between the prosecutor and the defendant, and in what proportions ; and the jury, grand or petit, so determining, in case they direct the prosecutor to pay the costs or any portion thereof, shall name him in their return or verdict ; and whenever the jury shall determine as aforesaid, that the prosecutor or defendant shall pay the costs, the court in which the said determination shall be made shall forthwith pass sentence to that effect, and order him to be committed to the jail of the county until the costs are paid, unless he give security to pay the same within ten days.

Of the defendant's costs.

SECTION 63. That in all prosecutions where the petit jury trying the same shall acquit the defendant, and shall determine, by the verdict, that the prosecutor shall pay the costs, the defendant's bill for his subpœnas, serving the same, and attendance of his material and necessary witnesses, shall be included in the costs and paid accordingly.

**Of payment of
costs generally.**

SECTION 64. That the costs of prosecution accruing on all bills of indictments charging a party with felony, returned ignoramus by the grand jury, shall be paid by the county ; and that the costs of prosecution accruing on bills of indictment charging a party with felony, shall, if such party be acquitted by the petit jury on the traverse of the same, be paid by the county ; and in all cases of conviction of any crime, all costs shall be paid by the party convicted ; but where such party shall have been discharged, according to law, without payment of costs, the costs of prosecution shall be paid by the county ; and in cases of surety of the peace, the costs shall be paid by the prosecutor or the defendant, or jointly between them, or the county, as the court may direct.

**Joint offenders,
relative to costs.**

SECTION 65. In all cases where two or more persons have committed an indictable offence, the names of all concerned (if a prosecution shall be commenced) shall be contained in one bill of indictment, for which no more costs shall be allowed than if the name of one person only was contained therein.

TITLE VI. *General Provisions.*

**Insane prisoners,
relative to.**

SECTION 66. In every case in which it shall be given in evidence upon the trial of any person charged with any crime or misdemeanor, that such person was insane at the time of the

commission of such offence, and he shall be acquitted, the jury shall be required to find specially whether such person was insane at the time of the commission of such offence, and to declare whether he was acquitted by them on the ground of such insanity ; and if they shall so find and declare, the court before whom the trial is had shall have power to order him to be kept in strict custody, in such place and in such manner as to the said court shall seem fit, at the expense of the county in which the trial is had, so long as such person shall continue to be of unsound mind.

SECTION 67. The same proceedings may be had if any person indicted for an offence shall, upon arraignment, be found to be a lunatic, by a jury lawfully empanelled for the purpose, or if, upon the trial of any person so indicted, such person shall appear to the jury, charged with such indictment, to be a lunatic, the court shall direct such finding to be recorded, and may proceed as aforesaid.

SECTION 68. In every case in which any person charged with any offence shall be brought before the court to be discharged for want of prosecution, and shall, by the oath or affirmation of one or more credible persons, appear to be insane, the court shall order the district attorney to send before the grand jury a written allegation of such insanity in the nature of a bill of indictment ; and thereupon the said grand jury shall make inquiry into the case, as in cases of crimes, and make presentment of their finding to said court thereon ; and thereupon the court shall order a jury to be empanelled to try the insanity of such person ; but before a trial thereof be ordered, the court shall direct notice thereof to be given to the next of kin of such person, by publication or otherwise, as the case requires, and if the jury shall find such person to be insane, the like proceedings may be had as aforesaid.

SECTION 69. If the kindred or friends of any person who may have been acquitted as aforesaid, on the ground of insanity, or in the default of such, the guardians, overseers or supervisors of any county, township or place, shall give security in such amount as shall be satisfactory to the court, with condition that such lunatic shall be restrained from the commission of any offence by seclusion or otherwise, it shall be lawful for the court to make an order for the enlargement of such lunatic, and his delivery to his kindred or friends, or as the case may be, to such guardians, overseers or supervisors.

SECTION 70. The estate and effects of every such lunatic shall, in all cases, be liable to the county for the reimbursement of all costs and expenses paid by such county in pursuance of such order ; but if any person acquitted on the grounds of insanity, shall have no estate or effects, the county, township or place to which such lunatic may be chargeable under the laws of this commonwealth relating to the support and employment of the poor, shall, after notice of his detention aforesaid, be liable for all costs and expenses as aforesaid, in like manner as if he had become a charge upon any township not liable for his support under the laws aforesaid.

SECTION 71. In all cases of felony heretofore committed, or which may hereafter be committed, it shall and may be lawful against felons.

for any person injured or aggrieved by such felony, to have and maintain his action against the person or persons guilty of such felony, in like manner as if the offence committed had not been feloniously done; and in no case whatever, shall the action of the party injured, be deemed, taken or adjudged to be merged in the felony, or in any manner affected thereby.

Executions upon sentences of res- titution. SECTION 72. The imprisonment awarded as part of the punishment of any offender, shall not stop or avoid the awarding or taking out of execution to levy such respective sums recovered against them, as such offenders refuse or neglect to pay, when such writs are taken out, which executions shall be directed to the sheriff or coroner of the proper county, requiring him to levy the sums due upon such recoveries as aforesaid, of the lands and tenements, goods and chattels of such offenders, returnable to the next term or session of the court where such conviction was had, which shall be executed accordingly; and the lands, goods and chattels thereby seized shall be sold and conveyed by the said officers, and such sales shall be as available and effectual in law as any other sales of land taken and sold for the payment of debts, by virtue of writs of execution awarded out of the courts of common pleas in the respective counties.

Outlawry. SECTION 73. If any person who hath been, or shall be legally indicted in any court of criminal jurisdiction within this commonwealth, of treason, felony of death, robbery, burglary, sodomy or buggery, or as accessories before the fact to any of the same offences, did not or will not appear to answer to such indictment, or having appeared, shall escape before trial, the same indictment, record and proceedings shall be removed by writ of certiorari into the supreme court of this commonwealth, and it shall and may be lawful for the same court to award a writ of capias, directed to the sheriff of the county where the fact shall be charged to have been committed; and if the party indicted shall be supposed, by the indictment, to inhabit or be conversant in any other county, then also to the sheriff of such county; which writ or writs shall be delivered to the said sheriff or sheriffs, at least two months before the day of the return thereof, commanding the said sheriff or sheriffs to take the person so indicted as aforesaid, if he may be found in his or their bailiwicks, and him safely keep, so that he may have his body before the justices of the said supreme court, at the next supreme court to be holden for the said commonwealth, to answer to the said indictment, or prosecute his traverse thereupon, as the case may be, and to be further dealt with as the law shall direct; and if the same sheriff or sheriffs shall make return to the same writ or writs of capias, that the person indicted as aforesaid, cannot be found in his bailiwick, then, after such return, a second writ of capias may issue out of the said supreme court, and be delivered at least three months before the return day thereof, to the sheriff of the county where the fact shall be charged to have been committed; and in case the party shall be supposed, by the indictment, to inhabit or be conversant in any other county, then another writ of capias shall also issue, and be delivered at least three months before the return day thereof, to the sheriff of such county; which writ or writs of ca-

pias shall be returnable before the justices of the same court, on the first day of the second term next after the teste of the said second writ of capias, so that a term shall intervene between the teste of the return days of the same writ or writs, whereby the said sheriff or sheriffs shall be commanded to take the said person so indicted as aforesaid, if he may be found in his or their bailiwicks, and him safely keep, so that he may have his body before the justices of the said supreme court at the day of the return thereof, to answer or prosecute his traverse as aforesaid; but if he cannot be found in his or their bailiwicks, then to cause public proclamation to be made on three several days in one of the courts of quarter sessions of the peace to be held for the said counties respectively, between the teste and return days of the same writ or writs, that the party so indicted shall appear before the said justices of the said supreme court, at a supreme court to be holden at the time and place contained in the same writs, to answer such indictment or prosecute his traverse thereof, as the case may be, or through default thereof, he will at the return of the same writ or writs be outlawed, and attainted of the crime whereof he was indicted as aforesaid; and the said second writ of capias, directed to the sheriff of the county where the crime hath been, or shall be charged to have been committed, shall contain a further clause commanding the said sheriff, in case the person indicted as aforesaid cannot be found in his bailiwick, to cause public advertisement to be made in one or more of the public newspapers of this state, once a week, in six succeeding weeks, between the teste and return of the said second writ of capias, specifying therein the coming of the said second writ of capias to his hands, with the teste thereof, and the time and place of return to be made thereof, naming the person indicted as aforesaid, with his addition of degree, mystery and place of abode, as contained in the writ, stating the nature of the offence charged against him, and commanding him to appear before the justices of the said supreme court, at the day and place directed by the said second writ of capias, to answer to the said indictment, or prosecute his traverse thereof, as the case may be, or through default thereof at the return of the said second writ of capias, he will be outlawed and attainted of the crime whereof he shall have been indicted as aforesaid; and if upon the return of the same writ or writs last mentioned, by the said sheriff or sheriffs, that the directions of the said writ or writs had been fully complied with and pursued, and the person indicted as aforesaid shall not yield himself to one of the said sheriffs, so that he may have his body before the justices of the said supreme court at the day and place as directed by the said writ or writs, or having surrendered himself, shall escape from his custody, or having been bailed, on his surrender or caption shall not appear, so that through want of his appearance at the time and place the said supreme court shall appoint for his trial, no trial of his offence can be had, the justices of the said supreme court shall in either of these cases pronounce and declare the said person indicted as aforesaid, and not appearing at the time and place appointed for his trial as aforesaid, to be outlawed and attainted of the crime whereof he shall have been indicted

PENAL LAWS OF PENNSYLVANIA.

as aforesaid; the said supreme court to pronounce the judgment of outlawry against the principal offender, previously to the declaration of outlawry against the accessory, against whom, in all other respects, it shall be lawful to carry on the proceedings together, and at the same time the said supreme court shall declare the legal punishment for the same crime; and wherever imprisonment shall be a part of the sentence for any of the said offences, the term thereof shall commence from the time the person outlawed shall, subsequent to his outlawry, actually be in the custody of the sheriff of the county where the offence was or shall be committed, which sentence shall be fully and particularly entered upon the records of the said supreme court; and the said sentence of outlawry shall have the legal effect of a judgment upon verdict or confession against the person so outlawed, for the offence whereupon he shall have been outlawed, unless and until the same outlawry shall be afterwards avoided by the judgment of the same court, on plea pleaded in the nature of a writ of error.

When any person outlawed as aforesaid, shall be taken either by capias *utlagatum*, or otherwise, or being in the sheriff's custody, shall be brought to the bar of the supreme court, the court shall, upon the suggestion and prayer of the attorney general, award execution to be done upon him, unless the prisoner shall plead either *ore tenus*, or in writing, as his counsel shall advise, that he was not the person who was outlawed, or shall assign errors, in fact or in law, sufficient to prevent the award of execution, in which case the court shall proceed to determine the same either by an inquest or by their own judgment, agreeably to law; and the prisoner shall by such plea have all the benefit and advantage of all legal matters in his favor, as if he or she had brought a writ of error and had assigned the several matters pleaded as errors: *Provided*, If any person outlawed shall within the space of one year next after the outlawry pronounced against him, yield him to one of the justices of the supreme court, and offer to traverse the indictment whereon the said outlawry shall be pronounced as aforesaid, that then he shall be received to the same traverse; and being thereupon found not guilty, by the verdict of a jury, of the offence for which he shall have been outlawed as aforesaid, he shall be clearly acquitted and discharged of the said outlawry, and of all penalties and forfeitures by reason of the same, as fully as if no such outlawry had been had, anything hereinbefore contained to the contrary thereof notwithstanding.

Proviso.

All the costs and charges of the said proceedings to outlawry shall be borne and paid by the county where the crime is laid to have been committed: *Provided always*, That if the person or persons so outlawed shall have real or personal estate, the same or so much thereof as shall be necessary, shall be sold in the manner provided by the seventy-second section of this act, and the net proceeds of such sales shall be applied to the payment of the said costs and charges, or so far as the same shall extend, in exoneration of the county.

Sentences of separation or solitary confinement.

SECTION 74. Whenever any person shall be sentenced to imprisonment at labor by separate or solitary confinement, for any period not less than one year, the imprisonment and labor shall

be had and performed in the state penitentiary for the proper district: *Provided*, That nothing in this section contained shall prevent such person from being sentenced to imprisonment and labor, by separate or solitary confinement, in the county prisons now or hereafter authorized by law to receive convicts of a like description: *And provided also*, That no convict shall be sentenced by any court of this commonwealth, to either of the penitentiaries thereof, for any term which shall expire between the fifteenth of November and the fifteenth of February of any year.

SECTION 75. No person shall be sentenced to imprisonment at labor, by separate or solitary confinement, for a period of time less than one year, except in the counties where, in the opinion of the court pronouncing the sentence, suitable prisons have been erected for such confinement and labor; and all persons sentenced to simple imprisonment for any period of time, shall be confined in the county jail where the conviction shall take place: *Provided*, That in the counties where suitable prisons for separate or solitary confinement at labor do not exist, and the sentence shall be for less than one year, simple imprisonment shall be substituted in all cases for the separate and solitary confinement at labor required by the act to consolidate, revise and amend the penal laws of this commonwealth.

SECTION 76. Whenever, hereafter, any person shall be condemned to suffer death by hanging, for any crime of which he shall have been convicted, the said punishment shall be inflicted upon him within the walls or yard of the jail of the county in which he shall have been convicted; and it shall be the duty of the sheriff or coroner of the said county to attend and be present at such execution, to which he shall invite the presence of a physician, the district attorney of the county, and twelve reputable citizens, who shall be selected by the sheriff; and the said sheriff shall, at the request of the criminal, permit such ministers of the gospel, not exceeding two, as he may name, and any of his immediate relatives, to attend and be present at such execution, together with such officers of the prison, and such of the sheriff's deputies as the said sheriff or coroner, in his discretion, may think it expedient to have present; and it shall be only permitted to the persons above designated to witness the said execution: *Provided*, That no person under age shall be permitted, on any account, to witness the same; and after the execution, the said sheriff or coroner shall make oath or affirmation, in writing, that he proceeded to execute the said criminal, within the walls or yard aforesaid, at the time designated by the death warrant of the governor; and the same shall be filed in the office of the clerk of the court of oyer and terminer of the aforesaid county, and a copy thereof published in two or more newspapers, one, at least, of which shall be printed in the county where the execution took place.

SECTION 77. All indictments which shall hereafter be brought or exhibited for any crime or misdemeanor, murder and voluntary manslaughter excepted, shall be brought or exhibited within the time and limitation hereafter expressed, and not after; that is to say, all indictments and prosecutions for treason, arson, sodomy, buggery, robbery, burglary, perjury, counterfeiting,

forgery, uttering or publishing any bank note, check or draft, knowing the same to be counterfeited or forged, shall be brought or exhibited within five years next after the offence shall have been committed ; and all indictments and prosecutions for other felonies not named or excepted heretofore in this section, and for all misdemeanors, perjury excepted, shall be brought or exhibited within two years next after such felony or misdemeanor shall have been committed : *Provided however,* That if the person against whom such indictment shall be brought or exhibited, shall not have been an inhabitant of this state, or usual resident therein, during the said respective terms for which he shall be subject and liable to prosecution as aforesaid, then such indictment shall or may be brought or exhibited against such person at any period within a similar space of time during which he shall be an inhabitant of, or usually resident within this state :

And provided also, That indictments for misdemeanors committed by any officer of a bank, or other corporation, may be commenced and prosecuted at any time within six years from the time the alleged offence shall have been committed.

Fines. SECTION 78. All fines imposed upon any party, by any court of criminal jurisdiction, shall be decreed to be paid to the commonwealth ; but the same shall be collected and received, for the use of the respective counties in which such fines shall have been imposed as aforesaid, as is now directed by law.

Repealing section. SECTION 79. The following named acts of assembly, and parts thereof, and all other parts of the criminal laws of this state, and forms of procedure relative thereto, so far as the same are altered and supplied by the act to consolidate, revise and amend the penal laws of this commonwealth, and by this act, be and the same are hereby repealed.

- 1700. An Act against forcible entry.
- 1700. An Act against removing of land marks.
- 1700. An Act about binding the peace.
- 1700. An Act against barrators.
- 1700. An Act against the grievous sin of cursing and swearing within this province or territory.
- 1700. An Act against defacers of charters.
- 1705. An Act against incest.
- 1705. An Act against adultery and fornication.
- 1705. An Act against bigamy.
- 1705. An Act against rioters and riots.
- 1705. An Act against mixing and adulterating strong liquors.
- 1705. An Act for county seals and against counterfeiting hands and seals.
- 1705. An Act for bailing prisoners and about imprisonment.
- 1718. May 31. An Act for the advancement of justice and more certain administration thereof, except the 3d and 4th sections.
- 1722. May 22. Sections 1st, 2d, 3d, 4th, 6th, 8th, 9th, 10th and 19th of an act for establishing courts of judicature in this province.
- 1727. March 2. Section 10th of an act more effectually to prevent unfair practices in packing of beef and pork for exportation.

1760. April 9. Section 6th of an act to prevent the hunting of deer and other wild beasts beyond the limits of lands purchased from the Indians.
1762. Feb. 17. An Act for the more effectual suppressing and preventing lotteries.
1767. Feb. 21. A supplement to the act, entitled "An Act for the advancement of justice and the more certain administration thereof."
1772. March 21. A supplement to the act, entitled "An Act against adultery and fornication."
1772. March 21. A supplement to the act, entitled "An Act for the advancement of justice and the more certain administration thereof."
1774. Dec. 24. Section 10th of an act to prevent frauds in the packing of shad and herrings for exportation.
1775. March 18. Section 7th of an act to regulate the assize of bread, and for other purposes therein mentioned.
1777. Feb. 11. An Act declaring what shall be treason, and what other crimes and practices against the state shall be misprision of treason.
1780. March 8. An Act for the amendment of the laws relative to the punishment of treason, robberies, misprision of treason and other offences.
1780. March 10. An Act to increase the punishment of horse stealing.
1781. April 5. Section 15th of an act to prevent the exportation of bread and flour not merchantable, and for repealing, at a certain time, all of the laws heretofore made for that purpose.
1782. Dec. 3. An Act to prevent the erecting any new and independent state within the limits of this commonwealth.
1784. Sept. 15. So much of the 3d section as imposes a penalty for forging and altering of brand, of an act to prevent the exportation of bread and flour not merchantable.
1789. March 27. An Act to prevent the importation of convicts into this commonwealth.
1790. April 5. Sections 1st, 2d, 3d, 4th, 5th, 6th, 7th, 32d and 33d, of an act to reform the penal laws of this state.
1791. April 13. Section 7th of an act to establish the judicial courts of this commonwealth, in conformity to the alterations and amendments in the constitution.
1791. Sept. 23. Except sections 4th, 12th, 13th and 16th, a supplement to the penal laws of the state.
1792. Jan. 20. An Act to prevent the sale of lottery tickets within this commonwealth.
1794. April 18. Sections 1st and 4th of an act to prevent the damages which may happen by the firing of woods.

PENAL LAWS OF PENNSYLVANIA.

1794. April 22. An Act for the better preventing of crimes, and for abolishing the punishment of death in certain cases.
1797. March 17. Section 13th of an act to revive the incorporation of the subscribers to the Bank of North America.
1797. March 20. A supplement to the penal laws of this state.
1799. April 4. An Act for perpetuating the penal laws of this state.
1804. March 5. Section 7th of an act to incorporate the Philadelphia Bank.
1804. April 3. Section 1st of an act for the punishment of perjury and the subornation of perjury.
1804. Dec. 8. An Act to regulate the payment of costs on indictments.
1805. March 2. An Act for the more effectual prevention of excessive and deceitful gaming, and to prevent unlawful sales of chances of lottery tickets, &c.
1805. March 28. An Act explanatory of an act, entitled "An Act to regulate the payment of costs on indictments."
1806. March 17. An Act regulating the power of the justices of the peace in cases of assault and battery.
1806. March 21. A supplement to sundry penal laws of this commonwealth.
1806. March 31. An Act to restrain the horrid practice of dueling.
1807. April 4. Sections 1st, 2d, 3d and 6th, of a further supplement to the penal laws of this state.
1808. Feb. 15. An Act to declare masquerades and masked balls common nuisances, and to punish those who promote and encourage them.
1808. March 28. An Act supplementary to the penal laws of this commonwealth.
1809. March 29. An Act making perpetual an act, entitled "An Act to regulate the payment of costs on indictments," and the 2d section of an act, entitled "An Act explanatory of the act, entitled 'An Act to regulate the payment of costs on indictments.'"
1811. April 2. Section 27th of an act to incorporate the Union canal company of Pennsylvania.
1813. March 29. A further supplement to an act, entitled "An Act directing the mode of selecting and returning jurors."
1814. March 14. So much of section 17th as relates to counterfeiting numbers, marks or brands, of an act providing for the inspection of spirituous liquors.
1814. March 26. Section 11th of an act for the relief of insolvent debtors.
1814. March 28. Section 13th of an act establishing a fee bill.

1816. March 18. A further supplement to an act, entitled "An Act for the prevention of vice and immorality, or unlawful gaming, and restraining disorderly sports and dissipation."
1817. March 10. An Act to repeal an act, entitled "An Act to amend the penal laws."
1819. March 27. An Act to prevent the removal of flag-staffs, beacons or buoys in any of the navigable streams within this commonwealth.
1819. March 29. Section 4th of an act enjoining duties on the attorney general, and for other purposes.
1820. Jan. 29. Section 5th of a supplement to an act, entitled "An Act for the relief of insolvent debtors."
1820. Feb. 9. A further supplement to an act to regulate the payment of costs on indictments.
1822. April 2. Section 6th of an act to prevent the disturbance of meetings held for the purpose of religious worship.
1824. March 25. Sections 11th, 12th and 13th of an act to re-charter certain banks.
1824. March 27. An Act for the protection of vineyards.
1824. March 29. An Act to prevent the destruction of timber, and supplementary to an act to prevent the damages which may happen by the firing of woods, passed the 18th day of April, 1794, except the third section thereof.
1825. April 11. A further supplement to the penal laws of this commonwealth.
1826. April 5. An Act to enable grand jurors to administer oaths or affirmations to witnesses.
1826. April 10. Sections 5th and 6th of an act to protect the public in the full benefit and enjoyment of the works constructed for the purposes of inland navigation.
1827. Feb. 12. A supplement to an act, entitled "An Act to protect the public in the full benefit and enjoyment of the works constructed for the purposes of inland navigation."
1827. April 16. An Act concerning the backing or endorsing warrants by the justices of the peace.
1827. April 17. An Act to prevent certain abuses of the law relative to fugitives from labor.
1829. April 23. Sections 1st, 2d, 4th and 5th of a further supplement to an act, entitled "An Act to reform the penal laws of this commonwealth."
1831. March 25. Section 1st of an act more effectually to prevent and punish extortion, and for other purposes.
1831. March 28. Sections 3d and 4th of an act to enlarge the buildings of the state penitentiary, and for other purposes.
1832. April 30. Section 1st of an act concerning the administration of justice.
1832. May 5. Section 11th of an act regulating lateral railroads.

1833. March 1. Section 2d of an act for the entire abolition of lotteries.
1834. April 10. An Act to abolish public executions.
1834. April 14. Section 6th of an act for the amendment of the law relating to factors.
1834. April 14. Sections 152d, 153d, 154th, 155th, 156th, 161st and 162d of an act relative to the organization of courts of justice.
1835. April 15. Sections 198th and 200th of an act relating to inspectors.
1835. April 15. An act supplementary to an act to prevent the disturbance of meetings held for the purpose of religious worship, passed 2d April, 1822.
1836. April 1. An act for the prevention of injuries to individuals by the gross negligence or wilful misconduct of stage drivers and others.
1836. June 13. Section 74th of an act relating to roads, highways and bridges.
1836. June 13. Sections 58th, 59th, 60th, 61st and 62d of an act relating to lunatics and habitual drunkards.
1836. June 16. Sections 42d, 43d, 44th and 45th of an act relating to insolvent debtors.
1836. June 16. Section 9th of an act relating to the jurisdiction and powers of courts.
1838. April 16. Sections 8th and 9th of a supplement to an act to incorporate the Middleport and Pine Creek railroad company.
1839. July 2. Sections 122d and 123d of an act relating to the elections of this commonwealth.
1840. April 1. So much of the 1st section (as provides penalties against purchasers and receivers of stolen lumber) of a supplement to an act passed twenty-ninth March, eighteen hundred and twenty-four, entitled "An Act to prevent the destruction of timber," and supplementary to the act, entitled "An Act to prevent the damages which may happen by firing woods," passed eighteenth April, seventeen hundred and ninety-four.
1840. April 16. Section 4th of a further supplement to the act, entitled "An Act to incorporate the Miners' Bank of Pottsville, in the county of Schuylkill," passed 7th February, 1828.
1841. May 27. Section 10th of an act relating to the election of county treasurers, and for other purposes, so far as the same relates to county treasurers.
1842. March 12. Section 7th of an act to provide for the resumption of specie payments by the banks of this Commonwealth, and for other purposes.
1842. March 14. Section 10th of an act to enable the commissioners of Greene county to sell real estate, and for other purposes.

1842. June 23. Section 2d of an act to establish an institution by the name of the institution for colored youths.
1842. July 12. Sections 20th and 21st of an act for abolishing imprisonment for debt, and punishing fraudulent debtors.
1843. April 19. Section 1st of an act to punish seduction, and to afford a more adequate civil remedy for the injury.
1844. April 26. Fifth resolution providing against receivers of stolen goods, entitled "Resolution to authorize the county commissioners of Philadelphia county to borrow money, and for other purposes."
1845. April 16. Section 17th of an act to increase the revenues and diminish the expenses of the commonwealth.
1846. April 17. Sections 1st and 2d of a further supplement to the penal laws of this commonwealth.
1846. April 20. Section 2d of an act to provide for the ordinary expenses of government, the repairs of canals and railroads, and other claims upon the commonwealth.
1847. Feb. 16. An Act for the suppression of gambling.
1847. Feb. 18. An Act concerning sentences of convicts.
1847. March 3. An Act to define and punish the offence of bribery.
1847. March 3. Sections 1st, 2d, 3d, 4th and 6th of an act to prevent kidnapping, preserve the public peace, &c.
1847. March 3. An Act to prevent and punish frauds in the use of false stamps and labels.
1847. March 16. Sections 1st and 3d of an act declaring obstructions to private roads to be a public nuisance, and for other purposes.
1847. March 16. Section 4th of an act relating to the second brigade, eighth division, Pennsylvania militia; and relative to the Doylestown Greys; and relative to the Luzerne and Northampton coal company; and disturbing religious congregations.
1848. April 10. Section 1st of a further supplement to the penal laws of this state.
1848. April 10. Section 3d of an act extending the chancery powers of, and the jurisdiction and proceedings in certain courts.
1849. Feb. 19. Section 16th of an act regulating railroad companies.
1849. Feb. 27. Section 1st of an act declaratory of the act, entitled "An Act declaring obstructions to private roads a public nuisance," etc.
1849. April 5. Section 2d of an act to prevent the opening of streets or public roads through burial grounds, and for the protection of cemeteries and grave yards.

PENAL LAWS OF PENNSYLVANIA.

1849. April 9. Section 7th of an act relative to the venders of mineral water.
1849. April 16. Sections 7th, 10th and 11th of an act relating to lunatics and habitual drunkards; to punish aldermen and justices of the peace for misdemeanors; relating to arbitration in the district court for the city and county of Philadelphia; relative to deeds of assignment; relative to judgment liens; relating to the limitation of actions; relating to liens and terre tenants; and for the more effectual punishment of arson.
1849. April 21. Section 2d of an act to restrain corporations from issuing obligations redeemable otherwise than in gold and silver and in current bank notes.
1850. April 16. Section 20th of an act regulating banks.
1850. April 25. Sections 34th, 36th and 40th of an act relating to executrices; to partition in the orphans' court and common pleas, &c.
1850. May 3. Sections 4th and 5th of an act providing for the election of district attorneys.
1851. April 14. Section 11th of an act, entitled "An Act extending the time for the completion of the Hollidaysburg and Bedford turnpike company," &c.
1851. April 14. Section 8th of an act relating to the commencement of actions; to judgments and decrees for the payment of money to the widows and children of decedents; to partitions in the common pleas; relative to penalties of telegraph operators, &c.
1851. April 15. Section 1st of an act to prevent the landing of foreign convicts, &c.
1852. March 10. A further supplement to the penal laws of this state, to render their limitation uniform.
1852. May 4. Section 3d of an act relative to courts of this commonwealth.
1854. May 8. Section 5th of an act to protect certain domestic and private rights, and to prevent abuses in the sale and use of intoxicating drinks.
1855. March 13. A supplement to an act to define and punish the offence of bribery.
1855. April 26. Sections 1st and 2d of an act relating to estates held for corporate, religious and charitable uses.
1855. May 7. An Act to protect burial grounds.
1855. May 7. Section 3d of an act to protect keepers of hotels, inns and boarding houses.
1855. May 8. Section 3d of an act relating to electrical telegraphs, and messages sent thereby.
1855. May 8. An Act to punish and prevent frauds in the use of false stamps, labels and trade-marks.

1856. April 4. An Act relating to agricultural, horticultural and floral exhibitions.
1856. April 26. An Act to prevent the imprisonment of witnesses in certain cases.
1856. May 13. An Act relative to libels.
1856. Nov. 6. An Act allowing bills of exception and writs of error in criminal cases, except sections 6th and 7th thereof.
1857. April 24. An Act to repeal the act of the tenth March, eighteen hundred and fifty-two, limiting the commencement of prosecutions.
1858. March 15. A supplement to an act relating to embezzlement.
1858. April 15. An Act to make better provision for the punishment of frauds committed by bankers, trustees and other persons entrusted with property.
1858. April 20. Section 11th of a supplement to an act to regulate the sale of intoxicating liquors, &c., so far as the same relates to the sale of adulterated liquors.
1859. April 6. Section 1st of an act further to prevent the disturbance of public meetings.
1859. April 12. An Act relating to costs in certain cases.

SECTION 80. The acts of assembly, and parts thereof, herein-before repealed, shall be and the same are hereby continued in force and effect, until this act, and the act to consolidate, revise and amend the penal laws of this commonwealth, shall go into force and effect, according to the provisions thereof; and the said acts and parts thereof, and all other parts of the existing criminal law, shall continue in full force and effect, anything in this act, or the act to consolidate, revise and amend the penal laws of this commonwealth, to the contrary notwithstanding, as to all crimes and offences committed before this act, and the act to consolidate, revise and amend the penal laws of this commonwealth, shall have become a law, or shall have gone into effect: *Provided*, That all suits, indictments and prosecutions, for such crimes and offences, shall be brought within the time limited and prescribed by this act.

JOHN M. THOMPSON,
Speaker of the House of Representatives pro tem.

WM. M. FRANCIS,
Speaker of the Senate.

APPROVED—The thirty-first day of March, Anno Domini one thousand eight hundred and sixty.

WM. F. PACKER.

C E R T I F I C A T E.

SECRETARY'S OFFICE,
HARRISBURG, April 17, A. D. 1860.

Pennsylvania, ss:

I do hereby certify that the foregoing acts, to wit: "An Act to consolidate, revise and amend the penal laws of this Commonwealth," and "An Act to consolidate, revise and amend the laws of this Commonwealth relating to penal proceedings and pleadings," are full, true and correct copies of the original acts of the General Assembly, as the same remain on file in this office.

[L. s.] In testimony whereof, I have hereunto set my hand, and caused the seal of the Secretary's office to be affixed, the day and year above written.

WM. M. HESTER,
Secretary of the Commonwealth.



A000018428223



A000018428223