

C H A P.
XX.

property from the enemy, or any one under their authority, such person, on conviction thereof in the general or any county court of this state, shall be fined by the court not exceeding the rate of ten pounds for every hundred pounds of property belonging to such person within this state; and if any person convicted of any of the offences aforesaid, shall not have property within this state, valued and rated agreeable to the late assessment act at more than two hundred pounds, the court may fine such person at the rate aforesaid, and also adjudge him to be imprisoned for any term not exceeding one year, or to be whipped not exceeding thirty-nine lashes, or both, in their discretion.

XXXVI. Whereas persons guilty of high treason may, by being out of the reach of a legal process in the common course of proceeding, evade a trial and the punishment of their crimes,

Persons indicted for treason, and not to be found, to be outlawed, &c.

XXXVII. Be it enacted, That, on indictment found by the grand jury of the general court against any person for treason, the court shall immediately order *capias* to apprehend such person, directed to the sheriff of the county in which such person lived or resided; and on return by the said sheriff of the flight of such person from this state, or that he is not to be found in the county, the general court shall cause such person to be proclaimed, and solemnly called and required, in full and open court, to appear and answer to the indictment against him, and on default thereof entered on their record, the said court shall issue a writ to the sheriff who returned the *capias*, to cause such person to be proclaimed, and solemnly called and required, at two several courts to be held for his county, in full and open court, to surrender himself to his custody, to answer to the indictment found against him; and the said sheriff shall make his return of such proclamation and default to the general court, who shall record such return and default; and thereupon proceed to adjudge such person to be outlawed, and such judgment of outlawry shall amount in law to a conviction and attainder of the person of the treason charged in the indictment, in the same manner as if the person so indicted had been found guilty thereof by a petit jury, and such person shall thereupon forfeit to the use of this state all the estate which he had at the time when the indictment shall allege his commission of the treason.

Persons not to be tried for treason unless indicted within 3 years, &c.

XXXVIII. And be it enacted, That no person shall be tried for any treason or misprision of treason against this state, unless the indictment be found within three years after the offence committed; and it is declared, that no person shall be convicted by a petit jury of either of the said crimes, unless by the oath of two lawful witnesses to prove each separate and distinct fact charged in the indictment as treason or misprision of treason, except the prisoner, willingly, and without force or violence, confess the same in open court.

Persons who have taken the oath not obliged again to take it.

XXXIX. And be it enacted, That no person who hath already taken the said oath; or made the said declaration, shall be obliged to take or make the same, agreeable to the directions of this act, any thing herein contained to the contrary notwithstanding.