

execution, conditioned to appear and plead in discharge of the said execution, and to abide by and fulfil the judgment of the court thereupon. C H A P. XLII, XLIII.

III. And be it enacted, That the governor, with the advice of the council, be authorised to remit the whole or any part of any fine, penalty, or forfeiture, heretofore imposed, or hereafter to be imposed, in any court of law; provided if the fine, penalty, or forfeiture, be certain, and not in the discretion of the court, that the case of the person so stated in writing by the court before whom such fine, penalty, or forfeiture, shall be imposed, and a recommendation be made for a remission of the whole or some part thereof, by one or more of the judges of the general court, or three or more of the justices of the county court; and the governor and council, or such of them as shall remit such fine, penalty, or forfeiture, or any part thereof, shall cause the case of the party to be entered at large on the proceedings of the council, and shall subscribe their names thereto. Governor may remit fines, &c.

IV. And be it enacted, That no *noli prosequi* shall be granted by the governor, in case of any prosecution, by presentment or indictment, or the recovery of any fine, penalty, or forfeiture only. Not to grant noli prosequi, &c.

V. And be it enacted, That the governor, with the advice of the council, be authorised to remit the whole or any part of any fine heretofore imposed, or hereafter to be imposed, by any militia court-martial, provided the case and reasons for remission be stated and signed by the persons granting the same. May remit fines by militia courts-martial, &c.

VI. And be it enacted and declared, That on conviction for treason, the judgment shall be to suffer death by hanging only, and the circumstance of cruelty in the judgment by the law of England shall be omitted, and judgment as to forfeiture of property shall be as heretofore. Part of judgment for treason omitted, &c.

C H A P. XLIII.

AN ACT to empower Robert Dick to settle and collect the debts due to David Dalzell, George Oswald and company, and Oswald, Denniston, and company, or either of them, and to apply the same.

**W**HEREAS Robert Dick, of Prince-George's county, hath by his petition to this general assembly set forth, that he has carried on the business as a merchant for many years previous to the present war, a factor for and partner with David Dalzell, George Oswald and company, merchants of Glasgow, from the commencement of the partnership until the year seventeen hundred and twenty-one, when David Dalzell died, and from that time as factor and partner with Oswald, Denniston and company, under both of which names debts were contracted in this state, some of which are still due to the said partnership; and that the said company of Glasgow merchants have unto the said Robert Dick a sum exceeding the whole amount of the debts due to them in this state, which he apprehends he has it not in his power to recover, unless he can receive it from this state; and therefore prays that a law may pass, authorising him, his heirs or assigns, Preamble: