

39, § 2, 7, 9, 13, 14, 15, 18, 20, 22, 39.---1729, c. 24, § 4, 6, 14.
 ---Feb. 1777, c. 8, § 2, 3, 7, 8, 9, 10, 11, 12, 15, 16, 17.---Oct. 1777,
 c. 9, § 2, 3.---May, 1781, c. 22, § 2.---1785, c. 80, § 10. The act of
 1791, c. 76, is continued by the continuing act of 1798, to the 30 Oct.
 1805, &c. but as the Testamentary system contains similar provisions, it
 would only create confusion to introduce the same.

O U T L A W R Y.

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; which 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, which judgment of outlawry shall amount in law to a conviction and attainder of such person, as if found guilty thereof by a petit jury, and forfeit to the use of this state all the estate which he had at the time when the indictment shall alledge his commission of the treason.---Oct. 1777, c. 20, § 28.

O Y E R AND T E R M I N E R.

THE governor for the time being, upon application being made, shall have full power and authority to issue commissions of oyer and terminer and gaol delivery, for the trial of all crimes, offences and misdemeanors, whatsoever, that hath arisen or may arise in any county within this state, whenever it shall appear to him that there is a necessity such commission should issue.---Nov. 1787 c. 1, § 2. See *Mortal Stroke*, 1, 2, 3. *Officers fees*, 23.

P A R D O N S.

THE governor of this state may, in his discretion, grant to any offender capitally convicted a pardon, on condition contained therein, and