

C H A P.
XXVI.

Such Presentment, together with a Copy of the former Conviction, to be sent to the next Provincial Court by the County Clerk, on Penalty of 500^{lb} Tobacco. Evidences to be bound over to the Provincial Court; and also the Party presented.

County Court; but the Party presented, upon such Presentment, shall be proceeded against in the Provincial Court, as a Felon for simple Felony; but shall not be punished by Death, but only paying the Four-fold, branding with a hot Iron, or such other corporal Punishment as the Court shall adjudge, saving Life. And such Presentment shall be, by the Clerk of every such County Court immediately sent to the then next Provincial Court, together with a Transcript of his former Conviction, if such Conviction was in the same Court where the Presentment aforesaid shall be; or otherwise, made known to the Attorney-General in what other Court such former Conviction was, if to him known; under the Penalty of Five Hundred Pounds of Tobacco to our Sovereign Lord the King, his Heirs and Successors, for the Support of Government. And the Parties Witnesses against such Felons, if in Court at the Time of such Presentment, shall be bound over to give Evidence as aforesaid; or otherwise, if not in Court, an Account of their Names and Places of Dwelling to be sent to the Attorney-General, to be summoned against the then next Provincial Court, in order to such Trial. And the Party presented, if in Court, to be bound over also, by due Course of Law to answer such Presentment; or, if not in Court, proceeded against by due Course of Law as aforesaid.

Persons killing unmarked Swine to be adjudged Hog-stealers, &c.

IV. **And be it further Enacted, by the Authority, Advice and Consent aforesaid,** That any Person or Persons whatsoever, that shall kill any unmarked Swine, above Three Months old, if not upon his or their own Land, or not in Company with his or their own Stock, shall, and is hereby adjudged an Hog-Stealer, and shall be liable to restore Four-fold, and suffer such corporal Pains as against the first Offence in this Act mentioned.

Persons concealing or disfiguring the Marks of Swine so killed, by cutting off their Ears, &c. to be adjudged Hog-stealers, &c.

V. **And to prevent any Person or Persons concealing or disfiguring the Mark of any Swine killed as aforesaid; Be it further Enacted, by the Authority, Advice and Consent aforesaid,** That if any Person or Persons, killing any such unmarked Swine in the Woods, or elsewhere, and shall wilfully disfigure the Mark, or cut off the Ears of such Swine, so as to conceal the true and real Mark, or whether it were mark'd or not, shall be deemed and adjudged a Hog-Stealer within the Purview of this Act, and shall suffer accordingly.

Persons convicted of any the aforesaid Crimes, or Vagrants, &c. hunting without Leave, on any seated Plantation, shall forfeit 1000^{lb} Tobacco, &c.

VI. **And to prevent the abusing, hunting, or worrying of any Stock of Hogs, Cattle or Horses, with Dogs, or otherwise, Be it Enacted,** That if any Person or Persons whatsoever, that have been convicted of any of the Crimes aforesaid, or other Crimes, or that shall be of evil Fame, or a Vagrant, or dissolute Liver, that shall shoot, kill or hunt, or be seen to carry a Gun, upon any Person's Land, whereon there shall be a seated Plantation, without the Owner's Leave, having been once before warned, shall forfeit and pay One Thousand Pounds of Tobacco; one Half to our Sovereign Lord the King, his Heirs and Successors, the other Half to the Party grieved, or those who shall sue for the same; to be recovered in any County Court of this Province, by Action of Debt, Bill, Complaint or Information, wherein no Effoin, Protection, or Wager of Law to be allowed.

Criminals capable of discharging the same, either by Effects, or Servitude, shall pay their own Fees.

VII. **And be it further Enacted, by the Authority, Advice and Consent aforesaid,** That from henceforth no Sheriff, Jaylor, Clerk, Cryer, or other Officer, shall charge either their own County to which they belong, or the Public, with any Fees for any Criminal committed to the Charge of the said Sheriff or Jaylor, having sufficient Estate in this Province wherewith to pay the same, or being capable to pay the same by Servitude: But that such Criminals, being discharged by Order and due Course of Law, shall pay their own Fees to the Sheriff, Jaylor, Clerk and Cryer, and other Officers, being such as they may demand according to Law, either out of his Estate, or by Servitude, or otherwise.

VIII. **Provided**