

CHAPTER 26.

AN ACT for the speedy trial of Criminals, and ascertaining their punishment in the county courts when prosecuted there, and for payment of fees due from criminal persons.

A supplementary act, May, 1766, ch. 6.

Preamble. WHEREAS many acts of assembly have been heretofore made against thieving and stealing, which at this present are not sufficient to prevent the committing those crimes, or to punish them when committed;

Justices to hold plea, &c.

SEC. 2. *Be it therefore enacted, by the King's most excellent majesty, by and with the advice and consent of his majesty's Governor, Council and Assembly of this province, and the authority of the same,* That it shall and may be lawful to and for the several justices of the county courts of this province, to hold plea of, adjudge, and in lawful manner determine, all thieving and stealing of any goods or chattels whatsoever, not being above the value of one thousand pounds of tobacco (robbery, burglary, and house breaking excepted,) and every person or persons legally convicted of any such thieving and stealing (except before excepted,) by testimony of one sufficient evidence, not being the party grieved, before any such county court as aforesaid, shall and may cause to be punished, by paying four-fold of the value of the goods so thieved or stolen as aforesaid, and the stolen goods returned to the party or parties grieved thereby, and by putting in the pillory, and whipping so many stripes as the court before whom such matter is tried shall adjudge, not exceeding forty; which court shall always adjudge the value of the goods so thieved and stolen as aforesaid; and if any such person, so convicted, have not sufficient goods and chattels, or be a servant, whereby he is incapable to have goods and chattels to satisfy and pay the said four-fold, in every such case, such person or persons shall receive the corporal punishment as aforesaid, and satisfy the four-fold, and fees of conviction, by servitude.

By 1785, ch. 87, sec. 7, the justices of the county courts are empowered (unless in cases particularly directed by law to be tried in the general court) to try all persons who have committed any manner of offence, although it may subject such person to the pains of death.

The restriction as to jurisdiction is removed—the power to try is conferred by 1804, ch. 55, on the county courts as now organized, and the punishment is fixed by 1809, ch. 138.

The third and fourth sections are supplanted by 1809, chap. 138, and 1804, chap. 55.

Penalty for killing unmarked swine, &c.

SEC. 5. *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,