

CHAPTER 27.

AN ACT for the punishing the offences of Adultery and Fornication.

SEC. 1. Certain persons to be adjudged fornicators, &c.

Since the adoption of the Bill of Rights, the church of England has been deprived of its authority to cite and admonish its members, pro salute animæ.

Second section repealed by 1785, ch 47.

SEC. 3. *And be it enacted, by the authority, advice and consent aforesaid,* That every person or persons that shall commit adultery, and shall be thereof convict, either by confession, or verdict of twelve men, in the provincial or any of the county courts of this province, shall be fined, by the justices before whom such conviction shall be, three pounds current money as aforesaid, or twelve hundred pounds of tobacco, to the king's majesty, his heirs and successors, towards defraying such county charges as aforesaid. Penalty for committing adultery, &c.

Fourth section repealed by 1819, ch. 49.

Fifth section. See preceding note.

By the act of 1749, ch. 12, sec. 6, so much of this act as relates to corporal punishment for fornication, is repealed.

Sixth section. See note to the first section.

CHAPTER 28.

AN ACT for taking Special Bail in the several counties of this province upon actions or suits depending in his majesty's provincial court, and in the several county courts of this province.

For the greater ease and benefit of all persons inhabiting or residing within this province, in taking recognizances of special bail in all actions and suits depending, or to be depending, in his majesty's provincial or county courts of this province, Preamble.

SEC. 2. *Be it 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 defendant in any writ issued, or to be issued, out of the provincial court, after arrest and bail given to the sheriff for his appearance, and before the return of such writs, to go before one of the justices of the provincial court, or before the president or any two justices of the county court where such defendant shall be arrested, with two sufficient freeholders of this province, such as the justice or justices before whom such defendant shall go shall approve of, and then and there give special bail to any action wherein he shall be so arrested by virtue of such writ, which bail, so taken, shall be delivered to the sheriff of such county where the same is taken, to be by him returned, with such writ, to the provincial court. Special bail, how to be given.

Recognizance, how to be taken.