

son or persons whatsoever, without a presentment be first found against the said person or persons by the grand jury, unless by a special order of *his excellency the governor in council*, or of the provincial or county courts in this province; and if the attorney-general, or any other attorney of the provincial court, shall issue forth process against any person or persons, and no presentment, *or order of his excellency the governor in council*, or order of courts, appear upon record to justify the same, the said attorney so offending shall forfeit and pay for such his offence, the sum of five thousand pounds of tobacco, the one-half to his majesty, his heirs and successors, towards the support of government within this province, the other half to the party grieved, or to him or them that shall inform or sue for the same, to be recovered in the provincial court of this province, by bill, plaint or information.

The parts in italics have ceased to operate under the present constitution of this state.

Penalty for
issuing, &c.

SEC. 2. *And*, if any clerk of the indictments in any county court of this province, or any other attorney practising in the said courts, shall issue forth process against any person or persons for any criminal matter or misdemeanour, without a presentment be first found by the grand jury against the said person or persons, or especial order of the governor in council, or county court, appearing upon record to justify the same, the said clerk of indictments or other attorney, so offending, shall forfeit and pay for such his offence, the sum of two thousand five hundred pounds of tobacco, the one-half to his majesty, his heirs and successors, towards the support of government in this province, the other half to the party grieved, or to him or them that shall inform or sue for the same, to be recovered in the respective county courts of this province where such offence was committed, by action of debt, bill, plaint or information, wherein no essoin, protection or wager of law to be allowed, neither shall the party so offending have any appeal or writ of error, but the judgment of the county court shall be definitive therein.

See the preceding note, as to the 'special order of the governor.'

Clerk
issuing to
forfeit, &c.

SEC. 3. *And*, if the clerk of the provincial court of this province, or any of the clerks of the county courts of this province, shall issue out process in criminal causes, without an order for the same, under the hand of an attorney practising in the said court or courts, to justify the same, the said clerk or clerks so offending shall be liable to the same forfeitures and penalty of attorneys so offending, and the said forfeitures to be recovered as aforesaid, and go to the uses aforesaid.