

bail or mainprise ; and that, for the second offence, the offender being thereof convict as aforesaid, shall be stigmatized by burning in the forehead, with the letter B, and fined forty pounds sterling to the lord proprietor, to be applied and levied as aforesaid ; and, in case the same cannot be levied, the offender shall suffer twelve months' imprisonment, without bail or mainprise ; and that, for the third offence, the offender being convict as aforesaid, shall suffer death, without the benefit of the clergy.

The punishment of boring and burning, and whipping, directed by this act, is repealed by 1819, ch. 49.

Swearers to be fined.

SEC. 2. *And be it enacted*, That every person that shall hereafter profanely swear or curse, in the presence and hearing of any magistrate, minister, the commissary-general, secretary, sheriff, coroner, provincial or county clerk, vestryman, churchwarden or constable, or be convicted thereof before any magistrate, by the oath of one lawful witness, or confession of the party, shall, for the first oath or curse, be fined two shillings and six-pence current money, and for every oath or curse after the first, five shillings, like money, to be applied to the uses aforesaid.

Drunkards to be fined.

SEC. 3. *And be it enacted*, That every person that shall be drunk in the presence of any of the persons aforesaid, or shall be thereof convict in manner aforesaid, before any magistrate, shall be fined for every offence five shillings current money, to be applied as aforesaid.

How they may be punished, &c.

SEC. 4. *And be it enacted*, That where the said fines shall not be immediately paid on conviction, that it shall and may be lawful for the magistrates, or other officers aforesaid, and they are hereby required, to order the offender (not being a freeholder, or other reputable person,) to be whipped, or put in the stocks, and for that purpose to appoint any person, (not having a lawful exemption,) as a constable, on such occasion, to punish such offender ; and that any such person to be so appointed, that shall refuse to obey such magistrate, or other officer, shall forfeit ten shillings current money, to be applied as aforesaid, for which fine, the magistrate, or other officer, shall and may give judgment, and award execution against such offender ; and that where the offenders shall be freeholders, or other reputable persons, and shall not have money to pay the aforesaid fines, the magistrate, or other officer, shall be, and are by this act, required to certify all such convictions to the several county clerks where the offence shall be committed, who shall, every November court, make out lists thereof with the county levy, to the several sheriffs under the county seal, by virtue whereof, the sheriffs shall and may levy the same in money, or tobacco at one penny per pound, by way of execution, as other public dues are to be levied.

See note to sec. 1.