

another case in 1703 the conclusion was the same, and the sentence was to stand in the pillory, to have the right ear cut off, and to be imprisoned one whole year without bail or mainprize, according to the statute. Several other cases occurred of the practice under this statute, which might probably be in force in the state connected with others, but for the act of 1809, Ch. 138. There are several other acts of assembly respecting forgery, and there were other statutes which will hereafter be noticed.



8 Elizabeth.—A. D. 1565.

CHAP. 4. An act to take away the benefit of clergy from certain offenders for felony.

Although the circumstances stated in the preamble to this statute, were more applicable to the situation of England, than to that of the province, I have found some cases of indictments under it, which although the parties were acquitted, serve to shew that it was considered in force for the punishment of this offence.

The first case (in 1669) stated that A. B. on ———, an assault did make, and 8s. sterling, which in the pocket of ———, then and there did remain, privately and secretly from the person of the said ——— feloniously did steal, take and carry away contrary to the peace, and against the form of the statute. The last case was in 1751; this offence, which, although a larceny from the person, does not amount to robbery, is not expressly mentioned in the act of 1809, but nevertheless it is not considered proper that this statute should be incorporated, &c. but such stealing must be held as simple larceny, unless the legislature should otherwise provide. As to the last part respecting the benefit of clergy, see 4 Bl. Com. 367, and see the note on 25 Edw. 3, St. 3, Ch. 4.



13 Elizabeth.—A. D. 1570.

CHAP. 12. An act for the ministers of the church to be of sound religion.

This statute was mentioned in the toleration act. See the note on 3 James 1, Ch. 4.



14 Elizabeth.—A. D. 1572.

CHAP. 8. An act for the avoiding of recoveries suffered by collusion by tenants for term of life, and such others.

See the note on 7 Hen. 8, Ch. 4.



18 Elizabeth.—A. D. 1576.

CHAP. 7. An act to take away clergy from the offenders in rape or burglary, and an order for the delivery of clerks convict without purgation.

Although some doubt has been expressed as to the 4th section of this statute, respecting the abuse of women children under 10 years of age, there is some ground for believing that it was in force in the province, and it is certain that the other parts (excepting perhaps the 3d section,) were so.