

An Act for the speedy Tryal of Criminals & ascertaining their punishments in the County Courts when prosecuted there.

Whereas many Acts of Assembly have been heretofore made against theiving & stealing which at this present are not sufficient to prevent the committing those crimes or to punish them when committed.

Be it therefore Enacted by the Queens most Excellent Majesty by & with the Advice & Consent of her Majesty's Governour Council & Assembly of this Province and the Authority of the same, that it shall & may be lawful to & for the several Justices of the County Courts of this Province to hold Plea of adjudge and in lawful manner determine all theiving & stealing of any Goods or Chattels whatsoever not being above the value of one thousand pounds of Tobacco (Robbery Burglary & House-breaking excepted) and ev'ry person or persons legally convicted of any such theiving & stealing (except before excepted) by testimony of one or more sufficient Evidence not being the party greived 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 theived or stolen as aforesaid to the party or partys greived thereby and by putting in the Pillory & whipping so many stripes as the Court before whom such matter is tryed shall adjudge (not exceeding forty) which Court shall allways adjudge the value of the goods so theived & stolen as aforesaid, and if any such person so convicted have not sufficient goods & chattels or be a servant whereby he is incapable to have goods & chattels to satisfy & pay the said four fold, in ev'ry such case such person or persons shall receive the corporal punishment as aforesaid & satisfy the four fold and fees of conviction by servitude

And be it hereby Enacted & Declar'd that the time of service of a free person convicted as aforesaid not having goods & chattels as aforesaid shall commence from the time of his conviction as aforesaid. and the time of service of a servant convicted as aforesaid shall commence at the expiration of such time of servitude to which at the time of his conviction he stood bound, which time of servitude for satisfaction for the stolen goods and fees accrued as aforesaid shall be adjudg'd by such County Court either to the party greived or any other person the Court shall order such convict to that will then and there pay or secure to be paid fourfold & cost aforesaid at the discretion of the Court, and if any person or persons shall receive or take part of such stolen goods or assist the person so stealing as aforesaid to make away or conceal them being legally convicted as aforesaid shall suffer the same corporal pains with the party stealing as aforesaid, any Law statute usage or custom to the contrary notwithstanding.

And if any person or persons have been once convicted of any such theiving and stealing (except before excepted) and shall after be again presented for theiving and stealing of any goods or chattels luid to be above the value of twelve pence it shall not be tryed & determined by any County Court but the party presented upon such presentment shall be proceeded against in the Provincial Court as a Felon for simple Felony but shall not be punished by death but only by paying the four fold branding with an hot iron or such other corporal punishment as the Court shall adjudge saving life, and such presentment shall be by the Clerk of every such County Court immediately sent to the then next Provincial Court together with a Transcript of his former conviction if such conviction was in the same Court where the presentment aforesaid shall be or otherwise made known to the Attorney General in what other Court such former conviction was if to him known under the penalty of five hundred pounds of tobacco to our Sovereign Lady the Queen her Heirs & Successors for the support of government and the partys witnesses against such Felons if in Court at the time of such presentment shall be bound over to give evidence as aforesaid or otherwise if not in Court an account of their names & places of dwelling to be sent the Attorney General to be summon'd against the then next Provincial Court in order to such Tryal, and the party presented if in Court to be bound over also by due course of Law to answer such presentment or if not in Court proceeded against by due course of Law as aforesaid.

And be it further Enacted by the authority advice & consent aforesaid, that any person or persons whatsoever that shall kill any unmark'd Swine above three Months old if not upon his or their own Land or not in company with his or their own Stock shall & is hereby adjudg'd a Hogstealer and shall be lyable to restore four fold and suffer such corporal pains as against the first offence in this Act is mention'd.

And to prevent any person or persons concealing or disfiguring the mark of any Swine kill'd as aforesaid, Be it further Enacted by the Authority Advice & Consent aforesaid, that if any person or persons killing any such unmark'd Swine in the woods or elsewhere and shall willfully disfigure the mark or cut off the Ear of such Swine so as to conceal the true & real mark or whether it were mark'd or not shall be deem'd & adjudgd

County Court to hold Plea of adjudge and in lawful manner determine all theiving & stealing of goods under the value of 1000 lbs. Robbery and House-breaking excepted. not party greived. four fold. whipping & pillory. Court adjudge value goods. person convicted if no goods to satisfy four fold and fees by servitude. not saving goods &c. then time of service to commence. if free man from conviction. if servant from end of the former term. or another that will pay persons receiving goods stolen or assisting them to make them away principal. 2^d offence not tryable in County Court. Provincial Court. if convicted then punishment 4 fold branding or other punishment as the Court shall adjudge saving life. the County Court to send record of the first conviction &c. killing Swine unmarked above 3 months old, hogstealer not upon own Land or not in company with their Stock. Cutting off or disfiguring the ears hogstealer.