

the Omission shall happen, and the other Half to the Informer; to be recovered by Action of Debt, Bill, Plaint or Information, wherein no Effoin, Protection or Wager of Law shall be allowed.

C H A P. XV.

Examined and Compared with the Original Act, REVERDY GHISELIN;
THOMAS BACON.

C H A P. XVI.

An ACT to punish Blasphemers, Swearers, Drunkards, and Sabbath-Breakers; and for repealing the Laws heretofore made for the Punishing such Offenders. *Lib. LL. N^o 4. fol. 598.*

Passed 26th October 1723.

BE it Enacted, by the Right Honourable the Lord Proprietor, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That if any Person shall hereafter, within this Province, wittingly, maliciously, and advisedly, by Writing or Speaking, Blaspheme or Curse GOD, or deny our Saviour JESUS CHRIST to be the Son of GOD, or shall deny the Holy Trinity, the Father, Son and Holy Ghost, or the Godhead of any of the Three Persons, or the Unity of the Godhead, or shall utter any profane Words concerning the Holy Trinity, or any the Persons thereof, and shall be thereof convicted by Verdict, or Confession, shall, for the first Offence be bored through the Tongue, and fined Twenty Pounds Sterling to the Lord Proprietor, to be applied to the Use of the County where the Offence shall be committed, to be levied on the Offender's Body, Goods and Chattels, Lands or Tenements; and in case the said Fine cannot be levied, the Offender to suffer Six Months Imprisonment without Bail or Mainprize; and that for the second Offence, the Offender being thereof convicted 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 Mainprize; and that for the Third Offence, the Offender being convicted as aforesaid, shall suffer Death without the Benefit of the Clergy.

Blasphemers,

for the first Offence to be bored thro' the Tongue, and fined 20^l. Sterling, &c.

2^d Offence to be stigmatized, and fined 40^l. Sterling.

3^d Offence, Death, without Benefit of Clergy.

II. 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, Vestry-man, Church-warden, 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.

Profane Swearers to be fined.

2 s. 6 d. for the first Oath or Curse, and 5 s. for every Oath, &c. after the first.

III. And be it Enacted, That every Person that shall be Drunk; in the Presence of any of the Persons aforesaid, or shall be thereof convicted in Manner aforesaid, before any Magistrate, shall be fined for every Offence Five Shillings Current Money, to be applied as aforesaid.

Drunkards to be fined 5 s. for every Offence.

IV. 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,

How Swearers and Drunkards (unable to pay their Fines) may be punished.