

or Commitment, as aforesaid, in lieu thereof; and for every Third Offence, whereof such Offender or Offenders shall be legally convicted, he, she, or they so offending shall be adjudged Felons, and shall suffer Pains of Death without any Benefit of Clergy.

AND forasmuch as it hath been too plainly found by long Experience, that there are some such bold Offenders as, to the Scandal of a Christian People, and Civil Government, at once dare Sportingly contemn the Laws of God, and their King and Country, by Profane Cursing and Swearing, notwithstanding the Provisions that have been heretofore made against them; Be it therefore Enacted by the Authority, Advice and Consent aforesaid, That if any Person or Persons shall, after the End of this present Session of Assembly, Profanely Swear or Curse in the Presence or Hearing of any Magistrate, the Commissary General, the Secretary, Constable, Provincial or County Clerk, Sheriff, Coroner, Minister, Vestryman, or Church-warden, or that shall be convicted of Profane Cursing or Swearing by the Oath of One Witness, or by the Confession of the Party offending, before any Justice of the Peace, or other Magistrate, that then for every such Offence, the Party so offending shall forfeit and pay to the Use of the County where such Offence or Offences shall be committed, the respective Sums herein after mentioned, that is to say, For the First Oath or Curse, Two Shillings and Six Pence, and for every Oath or Curse after the First, Five Shillings, Current Money of this Province.

AND it is hereby further Enacted, That upon a Neglect or Refusal of Payment of the said Forfeiture in Money or Goods to the Value thereof, any Magistrate, the Commissary General, Secretary, Provincial or County Clerk, Coroner, Constable, or the Minister of a Parish, any Vestryman, or Church-warden, shall and are hereby authorized and required to commit the said Offender to the Stocks for the Space of One Hour for every Oath or Curse, not exceeding Three Hours at any one Time of Conviction or Punishment, or order him, her, or them Punishment by Whipping, not exceeding Five Lashes for any One Oath or Curse, nor Thirty nine at any One Time of Conviction or Punishment; and, if Occasion be, to call or command Assistance in the Executing the same, in the same manner as any Sheriff or Constable might or ought to do in other Cases of Contemning His Majesty's Process or Authority, in case such Punishment shall be awarded by any the Persons aforesaid, except the Sheriff or Constable aforesaid, it shall and may be lawful for such Person to appoint any proper Person, who shall not be in Authority, or have any just Exemption, as a Constable, on such Special Occasion, to execute such Punishment on the Offender, in case the Sheriff of the County, or Constable of the Hundred, be absent from the Place where such Punishment shall be awarded; and that the Person so especially to be appointed or commanded to execute such Punishment, that shall refuse or delay to execute the same, shall forfeit to His Majesty, His Heirs and Successors, the Sum of Ten Shillings Current Money to the Use aforesaid, to be levied as the Justices of the County Court where such Contempt shall happen, shall order and direct; but in case the Offence of Profane Cursing or Swearing shall be committed by any Person or Persons under the Age of Sixteen Years, whereof they shall be convicted, as aforesaid, who shall not forthwith pay the Forfeitures aforesaid, then he, she, or they, shall, by Warrant from any the Persons aforesaid, if such Offence be committed in their Presence, or from any Justice of the Peace, or other Magistrate, if the Conviction be by Oath or Confession before them, be whipped by the Constable, or other Person especially to be appointed, as aforesaid, or by the Parent, Guardian, or Master of such Offender, in the Presence of such Magistrate, Constable, or other Person, as aforesaid; Provided such Whipping exceed not what is above directed for any One Offence, or at any One Time of Punishment.

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