

the journals of the council in assembly and of the said house, into two several fair books, and in a good fair legible character, within two months after the end of each session, and shall transmit the same, so transcribed, unto the secretary's office, there to remain, and the secretary is required by this act to receive the same accordingly; and the clerk or clerks making default, shall forfeit five hundred pounds of tobacco each for every offence, the one half to his majesty, his heirs or successors, for the support of government of this province, and the other half to him or them that shall sue for the same, to be recovered as aforesaid.

Secretary's allowance.

VII. AND BE IT ENACTED, by the authority aforesaid, by and with the advice and consent aforesaid, That the secretary shall be allowed for recording the said acts, in the public levy, so much as the general assembly shall think the said secretary shall reasonably deserve.

See the constitution section 60, and the act of 1790, ch. 51.

An ACT for the speedy trial of criminals, and ascertaining their punishment in the county courts when prosecuted there, and for payment of fees due from criminal persons. Lib. LL. No. 4. fol. 164.

Passed 3d of June, 1715.

A Supplementary act, May, 1766, ch. 6.

WHEREAS many acts of assembly have been heretofore made against thieving and stealing, which at this present are not sufficient to prevent the committing those crimes, or to punish them when committed;

Preamble.

II. BE IT THEREFORE ENACTED, by the King's most excellent majesty, by and with the advice and consent of his majesty's Governor, Council and Assembly of this province, and the authority of the same, That it shall and may be lawful to and for the several justices of the county courts of this province to hold plea of, adjudge, and in lawful manner determine, all thieving and stealing of any goods or chattels whatsoever, not being above the value of one thousand pounds of tobacco (robbery, burglary, and house-breaking excepted,) (a) and every person or persons legally convicted of any such thieving and stealing (except before excepted,) by testimony of one sufficient evidence, not being the party grieved, before any such county court as aforesaid, shall and may cause to be punished, by paying fourfold of the value of the goods so thieved or stolen as aforesaid, and the stolen goods returned to the party or parties grieved thereby, and by putting in the pillory, and whipping so many stripes as the court before whom such matter is tried shall adjudge, not exceeding forty; which court shall always adjudge the value of the goods so thieved and stolen as aforesaid; and if any person, so convicted, have not sufficient goods and chattels, or be a servant, whereby he is incapable to have goods and chattels to satisfy and pay the said fourfold, in every such case, such person or persons shall receive the corporal punishment as aforesaid, and satisfy the fourfold, and fees of conviction, by servitude.

Justices to hold plea, &c.

(a) By 1785, ch. 87, section 7, the justices of the county courts are empowered (unless in cases particularly directed by law to be tried in the general court) to try all persons who have committed any manner of offence, although it may subject such person to the pains of death.

III. AND BE IT HEREBY ENACTED AND DECLARED, by the authority, advice and consent aforesaid, That the time of service of a free person convict as aforesaid, not having goods and chattels as aforesaid, shall commence from the time of his conviction as aforesaid; and the time of service of a servant, convict 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 adjudged by such county court, either to the party grieved, or any other person the court shall order such convict to, that will then and there pay, or secure to be paid, the fourfold and costs 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.

Servitude to commence from the conviction, &c.

IV. AND, If any person or persons have been once convicted of any such thieving and stealing, (except before excepted,) and shall after be again presented for thieving and stealing of any goods or chattels, laid to be above the value of twelve-pence, it shall not be tried and 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 paying the fourfold, branding with a hot iron, or such other corporal punishment as the

Persons again prosecuted may be tried, &c.