

C H A P.
XVI.

fender 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.

Swearers to be
fined.

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, vestryman, churchwarden 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.

Drunkards to
be fined.

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.

How they may
be punished,
&c.

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, and shall not have money to pay the aforesaid fines, the magistrate, or other officer, shall be, and are by this act, required to certify all such convictions to the several county clerks where the offence shall be committed, who shall, every November court, make out lists thereof with the county levy, to the several sheriffs, under the county seal, by virtue whereof, the sheriffs shall and may levy the same in money, or tobacco at one penny per pound, by way of execution, as other public dues are to be levied.

Provido.

V. PROVIDED ALWAYS, That no offender shall receive above thirty-nine lashes, or be kept in the stocks above three hours, upon any one conviction.

Penalty on ma-
gistrates, &c.

VI. AND BE IT ENACTED, That every magistrate, or other officer, appointed to put this act in execution, and being guilty themselves of cursing, swearing or drunkenness, or omitting to punish others according to law, shall for every such offence or omission, and conviction thereof in manner aforesaid, before any other magistrate or officer aforesaid, forfeit ten shillings current money, to be levied and applied as aforesaid.

Offenders, how
to be treated.

VII. AND BE IT ENACTED, That if any offender shall revile or abuse any magistrate, or other officer, putting this act in execution, the offender shall be obliged to give good security (in the sum of five pounds current money,) for his good behaviour for the space of three months, and in default thereof to suffer one month's imprisonment, without bail or mainprize.

Magistrates,
&c. assaulted,
&c.

VIII. AND BE IT ENACTED, That if any magistrate, or other person putting this act in execution, shall be assaulted or beaten by the offender, or any other, that the party grieved, if he brings an action of assault and battery, shall and may recover treble damages and full costs.

General issue.

IX. AND BE IT ENACTED, That if any person shall be sued or impleaded for any thing to be done in execution of this act, the defendant may plead the general issue, and give this act and the special matter in evidence, and if a verdict shall be found for the defendant, or the plaintiff be nonsuit, or discontinue his action, the defendant shall have and recover treble costs.

Sabbath break-
ing punishable,
&c.

X. AND BE IT ENACTED, That no person whatsoever shall work or do any bodily labour on the Lord's day, commonly called Sunday, and that no person, having children, servants or slaves, shall command, or wittingly or willingly suffer any of them to do any manner of work or labour on the Lord's day, (works of necessity and charity always excepted); nor shall suffer or permit any children, servants or slaves, to profane the Lord's day, by gaming, fishing, fowling, hunting, or unlawful pastimes or recreations; and that every person transgressing this act, and being thereof convicted by the