

thereof, or of so much thereof as shall not be restored, and moreover shall be sentenced to undergo an imprisonment in the gaol and penitentiary-house aforesaid, for any term of time not less than — years, nor more than — years, and be kept at hard labour and solitary confinement, and be fed, cloathed, treated and dealt with, in the manner herein after mentioned.

XVII. **And be it enacted,** That every person convicted of horse stealing, or as accessory thereto before the fact, shall restore the horse, mare or gelding stolen, to the owner or owners thereof, or shall pay to him, her or them, the full value thereof, and moreover undergo an imprisonment in the gaol and penitentiary-house aforesaid for any term not exceeding — years, in the discretion of the court before which the conviction shall be, and shall be kept to hard labour, and solitary confinement, fed, cloathed, treated and dealt with, in manner herein after mentioned; every person convicted of simple larceny to the value of — dollars, or upwards, or as accessory before the fact, shall restore the goods or chattels so stolen, to the right owner or owners thereof, or shall pay to him, her or them, the full value thereof, or of so much thereof as shall not be restored, and moreover shall undergo a confinement for any term of years not exceeding — years, in the gaol and penitentiary-house aforesaid, and shall be kept at hard labour, fed, cloathed, treated and dealt with, in manner herein after mentioned.

XVIII. **And be it enacted,** That every person convicted of any crime in virtue of this act, and who shall be sentenced to hard labour or solitary confinement, and confined in the gaol and penitentiary-house aforesaid, shall be placed and kept in the solitary cells thereof, for such part and portion of the terms of his or her imprisonment as the court in their sentence shall direct and appoint; provided, that it be not more than one half, nor less than one twelfth part thereof, and that the inspectors of the said gaol shall have power to direct the infliction of the said solitary confinement at such intervals, and in such manner as they shall judge best.

XIX. **And be it enacted,** That every person convicted of the crime of murder of the first degree, his or her aiders, abettors and counsellors, shall suffer death, by hanging by the neck.

XX. **And be it enacted,** That no person indicted for any crime, the punishment whereof is altered by this act, shall lose any peremptory challenge to which he or she would have been entitled had this act not been passed, nor be liable to be tried before any court other than the county court, or court of oyer and terminer or general gaol delivery, held in and for the county or city wherein the offence shall have been committed; provided nevertheless, that if the person accused of any of the offences punishable in virtue of this act shall, by affidavit, make appear to any one of the judges of the general court, or district court, that he or she can-