

C C A P. VII.

An ACT relating to the punishment of persons convicted of FELONY within the BENEFIT of CLERGY.

WHEREAS the punishment of burning in the hand, when any person is convicted of felony within the benefit of clergy, is often disregarded and ineffectual. Preamble

I. Be it enacted by the Lieutenant Governor Council, and Assembly, that from and after the passing of this act, when any person shall be lawfully convicted of any felony within the benefit of clergy, for which he, or she, is liable to be burned or marked in the brawn of the left thumb; it shall and may be lawful for the Court, before which any person shall be so convicted, or any Court holden for the same place with the like authority, if such Court shall think fit, instead of such burning or marking, to impose upon such offender, such pecuniary fine, as to the Court in its discretion shall seem meet; or otherwise it shall be lawful, instead of such burning and marking, in any of the cases aforesaid, except in the case of manslaughter, to order and adjudge that such offender shall be once or oftener, but not more than three times, either publicly or privately whipped; such private whipping to be inflicted in the presence of not less than two persons, besides the offender and the officer who inflicts the same, and in case of female offenders, in the presence of females only; And such fine or whipping so imposed or inflicted instead of such burning or marking, shall have the like effects and consequences to the party, on whom the same, or either of them, shall be so imposed or inflicted, with respect to any discharge from the same or other felonies, or any restitution to his, or her estates, capacities and credits, as if he, or she, had been burned or marked as aforesaid.

Courts impow-ered to punish persons convicted of Felony within the benefit of Clergy, by fine,

or except in case of manslaughter, by whipping public or private.

Mode of inflicting private whipping.

This punishment to have the same legal consequences as burning in the hand.

II. And be it further enacted, That the Court, before which any person shall be so convicted as aforesaid of any of the felonies aforesaid, or any Court holden for the same place with the like authority, may also in its discretion, after such burning or marking, or after such whipping or fine, as may by virtue of this act be inflicted or imposed instead thereof, award and give judgment that such offender as aforesaid, shall be committed to some house of correction, or public work house, or prison, within the county, city, or place, where such conviction shall be, there to be, remain and be kept, without bail or mainprize, for such time as such Court shall then judge and award, not less than six months, and not exceeding two years, to be accounted from the time of such conviction: And an entry thereof shall be made of record pursuant to such judgment and award—And such offender so judged and

The court may also sentence the offender to a house of correction, work-house or prison,

there to remain not less than six months, nor longer than two years—

D.

awarded

To be kept at
hard labour—

and in case of
refusing to work
to be corrected
by the master or
keeper.

awarded to remain and be kept in such house of correction, public work house, or prison, shall be there set at work, and kept at hard labour, for and during such time as shall be so adjudged and awarded. And in case such person shall refuse or neglect to work and labour as they ought to do, the master or keeper of such house of correction, work house, or prison respectively, is hereby required to give such person such due correction, as shall be fit and necessary in that behalf.

C A P. VIII.

An ACT for reviving and continuing and amending sundry LAWS that have expired and are near expiring.

BE IT ENACTED by the Lieutenant Governor Council, and Assembly, That an act made and passed in the twenty-sixth year of his present Majesty's reign, entitled "An Act for relief against absconding debtors," and passed in the twenty eighth year of his present Majesty's reign, entitled "An act in addition to an act entitled an act for relief against absconding debtors," be continued in full force, until the first day of March which will be in the year of our Lord one thousand seven hundred and ninety five.

II. *And be it further enacted,* That an act made and passed in the twenty seventh year of the reign of his present Majesty entitled "An act to authorise the respective proprietors of certain Islands in the river Saint John, and other rivers in this province, to make rules and regulations for their better improvement and cultivation," except wherein it is altered and repealed by this act, shall be continued and in full force, until the first day of March which will be in the year of our Lord one thousand seven hundred and ninety five.

III. *And be it further enacted,* That the fourth section of the same last herein before recited act, whereby it is enacted "that the water surrounding the said Islands, and each of them, shall be deemed and taken in law a lawful fence," be, and the same is hereby repealed and declared to be of no force or validity whatsoever.

IV. *And be it further enacted,* That an Act made and passed in the twenty seventh year of his present Majesty's reign, entitled "An act in addition to an act entitled an act for laying out, repairing