

victed shall suffer death as a felon without the benefit of Clergy, and the benefit thereof shall be abolished.

CAP. XXXVI.

An Act in addition to, and in amendment of an Act, intituled, "An Act relating to the punishment of persons convicted of Felony, within the benefit of Clergy."

Passed 8th March, 1880.

Preamble.

WHEREAS, in and by an Act made and passed in the Twenty-ninth year of the Reign of His late Majesty King George the Third, intituled, "An Act relating to the punishment of persons convicted of Felony, within the benefit of Clergy," it is among other things 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 such conviction; and an entry thereof shall be made of Record pursuant to such judgment and award; and such offender so judged and awarded, to remain and be kept in such House of Correction, Public Work-house or Prison, shall be there set at work
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“and kept at hard labour, for and during such time as shall be judged and awarded.” *And whereas*, doubts have been entertained whether such persons so judged and awarded to remain and be kept in such House of correction, Public Work-house or Prison, can be so set to work without the limits of the same.

I. *Be it therefore enacted, by the President, Council and Assembly*, That any person who has heretofore been, or may hereafter be sentenced and adjudged to hard labour in any House of Correction, Public Work-house or Prison, under and by virtue of the Provisions of the hereinbefore in part recited Act, or under and by virtue of the provisions of any other Act or Acts now in force, or which may hereafter be in force in this Province, shall be liable to be set at work, and kept at hard labour, as well without, as within the limits of such House of Correction, Public Work-house or Prison, for and during the period of his imprisonment:

Persons sentenced to hard labour in any House of Correction, Public Work-house or Prison, may be kept at work as well without as within the same.

III. *And be it further enacted*, That the Justices of the Peace in the several Counties in this Province, shall at their General Sessions, or at any Special Session to be for that purpose holden, have full power and authority, and they are hereby authorized and empowered to make such rules and regulations as they in their discretion shall think necessary for the management, securing and government of all such persons as have before the passing of this Act been adjudged by any Court, or by any Justice of the Peace having competent jurisdiction, to hard labour in any House of Correction, Public Work-house or Prison in any County or City in this Province, and whose periods of imprisonment have not yet expired, or who shall or may in like manner be adjudged to hard labour under and by virtue of any Act or Acts now in force, or which may hereafter be in force

Justices to make regulations for the securing and government of such persons,

And to appoint the place where they shall work, and persons to oversee them.

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in this Province; and also to have power and authority to fix and appoint the place where, and the manner in which such person shall be set to hard labour, as well within as without the limits of any House of Correction, Public Work-house or Prison, within the County, place, or City where such Person shall have been, or hereafter may be convicted, and also to appoint one or more suitable or fit person or persons to superintend and oversee all such persons so adjudged to hard labour.

Application of money arising from the labour.

III. *And be it further enacted*, That the proceeds arising from the work and labour of all such persons so adjudged to hard labour as aforesaid, shall in the first place be applied by the said Justices so convened as aforesaid, to the support and clothing of such persons, and the overplus, if any, to be paid over to the respective County Treasurers for the use and benefit of the County.

Justices in Sessions may order persons refusing to work or guilty of any misbehaviour to be whipped.

IV. *And be it further enacted*, That if any person so adjudged to hard labour as aforesaid, shall refuse to perform any labour authorized by this Act, or who shall be guilty of any misbehaviour, or disorderly conduct, it shall and may be lawful for the Justices of the Peace in the several Counties in this Province, at their General Sessions, or any Special Session to be for that purpose holden, to order such offender to be whipped, the said whipping not to exceed thirty-nine stripes.

CAP. XXXVII.

An Act to appropriate a part of the Public Revenue to the payment of the Ordinary Services of the Province.

Passed 8th March, 1830.

I. **BE** it enacted by the President, Council and Assembly, That there be allowed and paid out of the Treasury of the Province
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