

Lib. I. L. Burglary and house breaking only Excepted) whether it be a
 No. 1. horse, mare, Gelding, Colt, Cow, Calfe, Ox, Bull, Steer, Ram,
 Ews or Lambs, Goats, Hoggs, Piggs, Poultry or other goods
 or Chattles whatsoever not exceeding the Value of one
 thousand pounds of Tobacco, and also of the severall Offences
 mentioned and conteyned in an Act made and Enacted this
 Sessions of Assembly Entituled an Act gainst hogstealers
 p. 96 and marking of hoggs, and all and all mañer of Persons
 thereof lawfully convicted by due course of Law in any of the
 County Courts aforesaid shall and may cause to be Punished
 by whipping or Pilloring or both as the Justices before
 whom such conviction shall happen to be shall think most
 agreeable to the demerit of the Offender or Offenders not
 Extending to life or Member any Law Statute or usage to
 the Contrary notwithstanding And be it further Enacted by
 the Authority aforesaid by and with the advice and consent
 aforesaid that any Offenders thieving or stealing as aforesaid
 that shall be Convicted thereof by Confession of the party or
 by one Sufficient or Lawfull witness not being the Party
 injured or damnified shall Restore four fold to the owner of
 the goods or chattles soe stolen or purloyned as aforesaid the
 value thereof to be adjudged by the Court where & when the
 Offender shall be convicted any Law Statute or usage to the
 Contrary notwithstanding. Provided allways that all convic-
 tions as aforesaid be upon and by a Verdict of twelve good
 and lawfull men of the vicinity or neighbourhood and not
 otherwise Provided nevertheless that where any person or
 persons whatsoev^r shall at any time hereafter happen to be
 accused or convicted as aforesaid of any of the Crimes afore-
 p. 97 said not above the Value of one thousand pounds of Tobacco
 as aforesaid and shall afterwards happen to committ the like
 crime not exceeding the Value, the Justices of the County
 Courts shall have power to hold plea of the said second
 offence and punished as aforesaid But if the pty shall happen
 the third time to committ the like crime then the Justices of
 the severall County Courts shall not have power to hold plea
 thereof; but shall committ the said party accused till he or she
 find bayle (if by Law baylable) to answer his or her crime at
 the then next Provinciaall Court of this Province who are to
 proceed against such criminall according to the Laws of Eng-
 land and the Justices of the said County Courts are to bind
 over the Parties Prosecutors and Evidence to Prosecute and
 give evidence at the said Provinciaall Court and to send a
 Transcript of the Record of the first and second Convictions
 of the said Criminalls under the Seale of the said County
 Court to the End the Justices of the Provinciaall Court may
 apportion such Punishment as the third offence of such pson