

Restitution of stolen Goods.

XXIV. *And be it further enacted*, That all Monies, Chattels, Merchandize, or Stores, found in the possession of any Burglar, Housebreaker, Robber, Thief or Purloiner, shall be delivered by the Justice of the Peace who shall take the examination of such Offender, into the Custody of the Sheriff or his Deputy, where the Offence shall be committed, who shall be answerable for the same, until the Offender shall be convicted; and the Judge or Judges of the Court, wherein such Offender shall be convicted, shall order the said Money, Goods, or Stores, to be restored to the lawful Owner or Owners thereof; and where no Owner shall appear to claim the same, they shall be adjudged to be forfeited.

Allowance of Clergy not to protect Accessories against a Trial.

XXV. *And be it further enacted*, That notwithstanding the Allowance of Clergy, and burning in the Hand, of any principal Offender, the Accessories to such Offender shall be arraigned and tried in the same Manner as if such Clergy had not been allowed.

Clergy allowed but once.

Offenders to be burnt in the Hand.

XXVI. *And be it further enacted*, That every Person which once hath been admitted to the Benefit of his Clergy, being afterwards arraigned, shall not be admitted to the Benefit of his Clergy; and that every Person convicted of Manslaughter, shall be marked with an M upon the Brawn of the left Thumb, and for any other Felony, the Person convicted shall be marked with a T in the same Place; these marks shall be made by the Gaoler in open Court. And if any Person convicted of any Felony for which he ought to have the Benefit of his Clergy, shall pray to have the Benefit of this Act, he shall not be required to read, but without any Reading shall be allowed to be, and punished as, a Clerk Convict, which shall be as effectual and as advantageous to him as if he had read as a Clerk.

Such Offenders then to be discharged,

Saving Clause.

XXVII. And after allowance of such Clergy, and Burning in the Hand, such Person shall be enlarged and delivered out of Prison, by the Judge or Judges of the Court, before whom such Clergy shall be granted; saving that such Judge or Judges may, for the further Correction of such Persons to whom Clergy shall be allowed, keep them in Prison, or send them to the House of Correction, for such convenient Time, as the said Judge or Judges shall think fit, so as the same do not exceed One Year's Imprisonment, or to punish them by Public Whipping.

Women admitted to the Benefit of Clergy, and punishable as Men for clergyable Offences.

XXVIII. And when a Man, convicted of any Felony, may demand the Benefit of his Clergy, a Woman convicted of the like Offence, upon her Prayer to have the Benefit of this Act, Judgment of Death shall not be given against her upon such Conviction, or Execution awarded by an Outlawry for such Offence, but such Woman shall suffer the same Punishment as a Man that has the Benefit of his Clergy allowed him in the like Case (that is to say) shall be burned in the Hand by the Gaoler in open Court, and may, for further Punishment, be kept in Prison, or sent to the House of Correction, for such Time as the Judges shall think fit, so as the same do not exceed One Year, or be ordered to be publicly whipped, as the Judge or Judges, before whom such Woman is convicted, shall, from the Quality of the Offence, think meet.

Clerk to certify a transcript, &c. of Allowance of Clergy.

XXIX. And the Clerk of the Court or Assizes where such Man or Woman shall be convicted, shall, at the request of any in his Majesty's behalf, certify a Transcript containing the Tenor of every Indictment and Conviction