

L A W S
OF THE
S T A T E
DELAWARE,

FROM THE FOURTEENTH DAY OF OCTOBER, ONE THOUSAND SEVEN
HUNDRED, TO THE EIGHTEENTH DAY OF AUGUST, ONE
THOUSAND SEVEN HUNDRED AND NINETY-SEVEN.

IN TWO VOLUMES.

VOLUME I.

Published by Authority.

N E W - C A S T L E :
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CHAP.
XLII.

Suffex county, under the penalty of Ten Shillings, and the wear to be destroyed by the order of any justice of the said county.

C H A P. XLIII. a.

An ACT for the trial of Negroes.

Two justices and
six freeholders
empowered to
try all offences
committed by
Negroes, &c.

SECTION I. **B**E it enacted by the honorable Patrick Gordon, esq. Lieutenant Governor of the counties of New-Castle, Kent, and Suffex, upon Delaware, and province of Pennsylvania, by and with the advice and consent of the Representatives of the freemen of the said counties, in General Assembly met, and by the authority of the same, That from and after the publication of this act, it shall and may be lawful for two Justices of the Peace of this government, who shall be particularly commissioned by the Governor for that service within the respective counties thereof, and six of the most substantial freeholders of the neighbourhood, (a) to hear, examine, try and determine all such offences committed by any Negro or Mulatto slaves within this government, which said freeholders shall be by warrant, under the hands and seals of the respective justices, commissioned as aforesaid, directed to some Constable of the said county, be summoned to appear at such time and place as the said justices shall appoint, which said freeholders the said justices shall solemnly swear or attest well and truly to give their assistance and judgment together with the said justices, upon the trial of such Negroes or Mulattoes; which freeholders, or any four of them, being qualified as aforesaid, shall hold a court at the Court-House in the said respective counties where the crime is committed, for the hearing, trying, determining and convicting

(a) So much of this act as gives power to the two justices and six freeholders to try, determine and convict any slave for a crime punishable with death, is repealed by an act passed February 3d, 1789, chap. 104. b, and trial there directed to be by jury in the Court of General Quarter-Sessions of the Peace for the several counties; the expense of trial to be paid by the county, in respect to it.

viſting of ſuch Negro or Negroes, or Mulatto ſlaves, as ſhall be before them charged or accuſed of committing any murder, manſlaughter, buggery, burglary, robbery, rape, attempts of rape, or any other high and heinous offences, committed, acted or done in any the reſpective counties within this government, as aforeſaid.

CHAP.
XLIII.

SECT. 2. *And be it further enacted by the authority aforeſaid,* That it ſhall and may be lawful for the ſaid court of juſtices and freeholders as aforeſaid, to examine, try, hear, judge, determine, convict, acquit or condemn, according to their evidence, any Negro or Negroes, or Mulatto ſlaves, for any the crimes or offences aforeſaid, or any other high or capital offences, upon due proof to them made, to pronounce ſuch judgment or ſentence as is agreeable to law, and the nature of the offence, and to order execution of the ſaid judgment or ſentence accordingly, or otherwiſe to acquit, free and diſcharge ſuch Negro or Negroes, or Mulatto ſlaves, in caſe the evidence ſhall not be ſufficient for a conviction therein.

Who may acquit or condemn, according to their evidence, and order execution, &c.

SECT. 3. *And be it further enacted,* That upon the conviction of any Negro or Mulatto ſlave, belonging to any of the inhabitants of this government, for any capital cauſe for which the party convicted ſhall ſuffer death, the ſaid juſtices and freeholders, before whom they were convicted, ſhall immediately value the ſaid ſlave or ſlaves, and in caſe the Negro or Mulatto ſlave ſhall be put to death, that the two-thirds of the appraiſed value of ſuch ſlave ſo executed, ſhall be paid to the maſter or owner of ſuch ſlave by the County Treafurer out of the public levy, to be raiſed in the ſame manner as the county levies.

Slaves condemned to death, to be valued, and two thirds of the value paid to the maſter, &c.

SECT. 4. *And be it further enacted by the authority aforeſaid,* That where ſuch Negro or Negroes, or Mulatto ſlaves ſhall be convicted, and ſuch judgment or ſentence ſhall be pronounced by the reſpective juſtices and freeholders as aforeſaid, and a warrant by them, or any four of them, one of which to be one that ſat upon the trial, ſigned, ſealed and delivered to the High Sheriff of the county where the fact was committed, for the execution of ſuch Negro or Mulatto, the ſame ſhall be duly executed, or cauſed to be duly

Sheriff to execute the ſentence to be executed.

C H A P.
XLIII.

Penalty on justices or freeholders neglecting their duty herein.

Punishment of slaves attempting to commit rapes;

or convicted of stealing, &c.

Punishment of slaves presuming to carry arms, &c.

Punishment of Negroes meeting in companies.

duly executed by the said Sheriff, according to the directions of such warrant, on pain of being disabled to act any longer in that post or office; and if any of the said justices or freeholders neglect or refuse to do their duty herein, they shall be liable to be fined by the justices at their next Court of General Quarter Sessions of the same to be held for the said county, in any sum not exceeding Five Pounds, for the use of the Governor towards the support of government, to be levied by distress and sale of the goods and chattels of such justices or freeholders so refusing as aforesaid.

SECT. 5. *And be it further enacted by the authority aforesaid*, That if any Negro or Mulatto slave within this government, shall attempt to commit a rape on a white woman or maid, they shall be tried in manner aforesaid, and shall be punished by standing four hours in the pillory at the Court-House on some court day, with both his ears nailed to the pillory, and before he be taken down from the same, shall have both his ears cut off close to his head. And if any Negro or Mulatto slave shall be convicted before two Justices of the Peace in this government, of stealing, or fraudulently taking or carrying away any goods, living or dead, the master or owner of such Negro or Mulatto slave, if such goods shall not be found, shall make satisfaction to the party wronged, and pay all costs, to be levied by distress and sale of the said master's or owner's goods and chattels, and the Negro or Mulatto, so offending, to be whipped as the said justices shall adjudge and appoint.

SECT. 6. *And be it further enacted by the authority aforesaid*, That if any Negro or Mulatto slave shall presume to carry any guns, swords, pistols, fowling-pieces, clubs, or other arms and weapons whatsoever, without his master's special licence for the same, and be convicted thereof before a Magistrate, he shall be whipt with twenty-one lashes, upon his bare back.

SECT. 7. *And be it further enacted by the authority aforesaid*, That if any Negroes, above the number of six in one company, not belonging to one owner, shall meet together, and upon no lawful business of their masters or owners, and being convicted thereof, by the

the view of one Justice of the Peace, or the testimony of one credible witness, such Negro or Negroes so offending shall be publicly whipped at the discretion of one Justice of the Peace, not exceeding twenty-one lashes, each Negro.

C H A P.
XLIII.

C H A P. XLIV, a.

An ACT against adultery and fornication. (a)

FOR the preservation of virtue and chastity among the people of this government, and to prevent the heinous sins of adultery and fornication.

SECTION 1. *BE it enacted by the honorable Patrick Gordon, esq. Lieutenant Governor of the counties of New-Castle, Kent, and Sussex, upon Delaware, and province of Pennsylvania, by and with the advice and consent of the Representatives of the freemen of the said counties, in General Assembly met, and by the authority of the same, That* whosoever shall commit adultery, and be thereof legally convicted, shall forfeit and pay the sum of Fifty Pounds, one moiety thereof to the use of the Governor for the support of government, and the other moiety to the use of the poor of the county where the same is committed, or otherwise to be publicly whipt with twenty-one lashes on his or her back, well laid on, at the common whipping post, at the election of the party convicted.

Penalty of committing adultery.

SECT. 2. *Provided always,* That the testimony of either of the parties concerned in committing the adultery, shall not be sufficient to convict the other, without further evidence, that shall at least amount to violent presumption.

SECT. 3. *And be it further enacted by the authority aforesaid,* That if any person shall commit fornication, and be thereof legally convicted, such person or persons shall receive twenty-one lashes on his or her bare back, well

Penalties on fornicators.

[a] See an act supplementary hereto passed February 9th, 1796, chap. 125, whereby many of the provisions in this act are repealed and supplied.