

laden or unladen, ten pence; over Neshaminy creek, for every passenger, two pence; and for man and horse, five pence: over Schuylkill, for oxen, bullocks, cows, heifers, horses and mares per head, two pence; for sheep and hogs, one halfpenny; for a single passenger, two pence; and for all passengers above one, one penny a piece; for man and horse, laden or unladen, three pence: over Brandywine and Christine [Christiana], for every passenger, two pence; and for man and horse, laden or unladen, five pence; and for cattle, as over Schuylkill.

Passed November 27, 1700; allowed to become a law by lapse of time, in accordance with the proprietary charter, having been considered by the Queen in Council, February 7, 1705-6, and not acted upon. See Appendix I, Section II, and the Acts of Assembly, passed June 7, 1712, Chapters 190 and 191.

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## CHAPTER LXI.

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### AN ACT FOR THE TRIAL OF NEGROES.

Whereas some difficulties have arisen within this province and territories about the manner of trial and punishment of negroes committing murder, manslaughter, buggery, burglary, rapes, attempts of rapes and other high and heinous enormities and capital offenses, for remedy whereof and for the speedy trial and condign punishment of such negro or negroes offending as aforesaid:

[Section I.] Be it enacted by the Proprietary and Governor, by and with the advice and consent of the freemen of this Province and Territories in General Assembly met, and by the authority of the same, That from and after the publication of this present act, it shall and may be lawful for two justices of the peace of this province or territories, who shall be particularly commissioned by the proprietary and governor for that service within the respective counties thereof, and six of the most substantial freeholders of the neighborhood, to hear, examine, try and determine all such offenses committed by any negro or ne-

groes within this government, which said freeholders shall be by warrant, under the hands and seals of the respective justices commissioned as aforesaid, directed to the next constable, summoned to appear at such time and place as the said justices shall therein appoint; which freeholders the said justices shall solemnly attest well and truly to give their assistance and judgment upon the trial of such negro or negroes, who shall hold a court for the hearing, trying, judging, determining and convicting of such negro or negroes as shall be before them charged or accused of committing any murder, manslaughter, buggery, burglary, rapes, attempts of rapes or any other high or heinous offenses committed, acted or done in any the respective counties within this province or territories as aforesaid.

[Section II.] And be it further enacted by the authority aforesaid, That upon the sitting of such court by the said justices and freeholders as aforesaid, it shall and may be lawful for the said justices and freeholders to examine, try, hear, judge, determine, convict, acquit or condemn according to evidence and full proof, any negro or negroes for any the crimes or offenses aforesaid, or any other high or capital offense; and upon due proof and conviction to pronounce such judgment or sentence in the premises as is agreeable to law and the nature of the offense, or otherwise to acquit, free and discharge such negro or negroes in case the evidence shall not be sufficient for a conviction therein.

[Section III.] And be it further enacted by the authority aforesaid, That where such negro or negroes shall be convict, and judgment or sentence shall be pronounced by the respective justices and freeholders as aforesaid, and a warrant by them signed and sealed, to be directed to the High Sheriff of the county where the fact was committed, for the execution of such negro or negroes, the same shall be duly executed or caused to be duly executed by the said sheriff, 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 delay to do their duty herein, they shall be liable to be fined by the governor and council, in any sum not exceeding five pounds, to be levied by distress and sale of the goods and chattels of such justices or freeholders so refusing as aforesaid.

[Section IV.] And be it further enacted by the authority aforesaid, That if any negro or negroes within this government shall commit a rape or ravishment upon any white woman or maid, or shall commit murder, buggery or burglary, they shall be tried as aforesaid, and shall be punished by death; and if any negro shall attempt a rape or ravishment on any white woman or maid, they shall be tried in manner aforesaid, and shall be punished by castration; and if any negro shall be convicted of robbing, stealing or fraudulently taking or carrying away any goods living or dead, the master or owner of such negro 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 to be whipped as the said justices and freeholders shall adjudge and appoint.

[Section V.] And be it further enacted by the authority aforesaid, That if any negro shall presume to carry any guns, swords, pistols, fowling-pieces, clubs or other arms or weapons whatsoever, without his master's special license for the same, and be convicted thereof before a magistrate, he shall be whipped with twenty-one lashes on his bare back.

[Section VI.] And be it further enacted by the authority aforesaid (and for the preventing of negroes meeting and companying together upon First days or any other day or time in great companies or numbers), That if any person or persons give notice thereof, and to whom they respectively belong, to any justice of the peace within this government, the same being above the number of four in company and upon no lawful business of their masters or owners, such negro or negroes so offending shall be publicly whipped at the discretion of one justice of the peace, not exceeding thirty-nine lashes.

Passed November 27, 1700; repealed by the Queen in Council, February 7, 1705-6. See Appendix I, Section II, and the Act of Assembly, passed January 12, 1705-6, Chapter 143.