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*New-Castle, Kent and Suffex*  
*Upon Delaware.*

*Published by Order of the ASSEMBLY.*



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before such Witnesses shall be admitted to depose or give any Manner of Evidence, they shall first take an Oath or Affirmation to say the Truth, the whole Truth and nothing but the Truth, in such Manner as the Witnesses for the King are by the Laws of this Government obliged to do; and if convicted of any wilful Perjury in such Evidence, shall suffer all the Punishments, Penalties, Forfeitures and Disabilities, which by any of the Laws and Statutes of *Great-Britain* are or may be inflicted upon such Persons convicted of wilful Perjury. But if any of the said Prisoners shall upon their Arraignment for any of the said Crimes, stand mute, or not answer directly, or shall peremptorily challenge above the Number of Twenty Persons returned to serve of the Jury; he or they so offending shall suffer as a Felon Convict, and shall lose the Benefit of the Clergy and of this Act, in the same Manner as he or they should have done if they had been indicted, arraigned, and found guilty, if it appear to the Justices, before whom such Felons be arraigned, by Evidence given before them or by Examination, that the same Felonies, whereon they are so arraigned, had been such Felonies by reason whereof they should have lost the Benefit of their Clergy. And when any Person or Persons shall be so, as aforesaid, convicted or attainted of any of the said Crimes, they shall suffer as the Laws of *Great-Britain* now do or hereafter shall direct and require in such Cases respectively. And it shall and may be lawful for the Justices of the Court, where any of the said Attainders or Convictions shall happen, to give and pronounce such Judgment or Sentence against the Persons so attainted or convicted, as their Crimes respectively require, according to the Manner, Form and Direction of the Laws of that Part of *Great-Britain* called *England*, in the like Cases; and thereupon to award and order Execution to be done accordingly.

*Witnesses convicted of Perjury shall be punished accordingly.*

*Persons standing mute, &c. shall suffer as Felons convicted, &c.*

*Justices to give Judgment accordingly.*

*Persons convicted of Sodomy, &c. shall suffer as Felons.*

AND BE IT FURTHER ENACTED by the Authority aforesaid, That if any Person or Persons shall commit Sodomy, or Buggery, or Rape, or Robbery, which Robbery is done by assaulting another on or near the Highway, putting in Fear, and taking from his Person Money or other Goods, to any Value whatsoever; he or they so offending, or committing any of the said Crimes within this Government, their Counsellors, Aiders, Comforters and Abettors being convicted thereof, as aforesaid; shall suffer as Felons, according to the Tenor, Direction, Form and Effect of the several Statutes in such Cases respectively

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respectively made and provided in *Great-Britain*; any Act or Law of this Government to the contrary in any wise notwithstanding.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That if any Woman shall be delivered of any Issue of her Body, Male or Female, which being born alive, should by the Law be deemed a Bastard, and that she endeavours privately, either by Drowning, or secret Burying thereof, or any other Way, by herself or the procuring of others, so to conceal the Death thereof as it may not come to Light, whether it were born alive or not, but be concealed; in every such Case the Mother so offending, being convicted thereof according to the usual Course of Proceeding in Capital Crimes within this Government, shall suffer Death, as in Case of Murder, except such Mother can make Proof by one Witness at the least, that the Child, whose Death was by her so intended to be conceal'd, was born dead. And if any Person or Persons shall counsel, advise or direct such Woman to kill the Child she goes with, and, after she is delivered of such Child, she kills it; every such Person so advising or directing, shall be deemed Accessary to such Murder, and shall have the same Punishment as the Principal shall have.

*Women concealing the Death of their Bastards to be deemed Murderers.*

*Accessaries to such Murder:*

AND BE IT FURTHER ENACTED by the Authority aforesaid, That the Statute against Stabbing, made in the First Year of the Reign of King JAMES the First, Chapter the Eighth, entituled, *An Act to take away the Benefit of the Clergy for some kind of Manslaughter*; shall be duly observed and put in Execution in this Government, and be of like Force and Effect as if the same Act were here repeated and enacted: But that all such Persons as shall happen to be present and aiding to the stabbing another, which by the said Act is made Murder, shall not be deemed Principals, but Accessaries to such Stabbing.

*The Statute against Stabbing extended here.*

AND BE IT FURTHER ENACTED by the Authority aforesaid, That if any Person or Persons on Purpose, and of Malice fore-thought, and by lying in Wait, shall unlawfully cut out, or disable the Tongue, put out an Eye, slit the Nose, cut off the Nose or Lip, or cut off or disable any Limbs or Members of any of the King's Subjects, with Intention in so doing to maim or disfigure in any of the Manners before mentioned, such his Majesty's Subjects;

*Persons convicted of cutting out or disabling the Tongue, &c. shall suffer as Felons.*

said Courts, and they are hereby required, in such Cases, to cause an Order of Court to be made, thereby commanding and authorising the present Sheriff or Coroner, upon payment of the Consideration Money for which such Lands and Tenements were sold by the former Officer, to execute such lawful Deed or Deeds, and to do all other lawful Acts for the conveying or delivering over the said Lands and Tenements to the Purchaser or Creditor, as the Officer who sold the same could or ought to have done by Virtue of the said Writ or Writs, or by any Law of this Government; and such Sale or Sales, so made by Virtue of any such Order of Court, shall be available in Law, and the respective Vendees, Mortgagees or Creditors, their Heirs and Assigns, shall hold and enjoy the same, freed and discharged as aforesaid.

Signed by Order of the House,

A. HAMILTON, *Speaker.*

## *An ACT against Adultery and Fornication.*

FOR the Preservation of Virtue and Chastity among the People of this Government, and to prevent the heinous Sins of Adultery and Fornication, BE IT ENACTED by the Honourable 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 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 on  
Committing  
Adultery.*

open and lawful Common Roads and Cartways, from the Time of their being so laid out and recorded as aforesaid.

*Penalty on Persons appointed to view, &c. neglecting or refusing, &c.*

AND BE IT FURTHER ENACTED by the Authority aforesaid, That if any Person or Persons who shall be appointed by the respective County-Courts aforesaid to view and make Return of such Road or Roads as shall be proper and convenient as aforesaid, shall neglect or refuse to perform and execute such Charge and Duty, (unless prevented and hindered by unavoidable Accidents) such Person or Persons so neglecting or refusing, being thereof convicted by his or their own Confession, or by the Oath or Affirmation of One Witness before any Magistrate of the respective County where such Order for viewing any Road or Roads shall be made as aforesaid, shall forfeit and pay to the Overseer or Overseers of the Hundred wherein such Road shall be petitioned for, the Sum of *Ten Shillings* for every such Default; and in case of Non-Payment thereof, the same shall be levied of the Goods and Chattels of such Defaulter or Defaulters, by Distress and Sale thereof, by virtue of a Warrant from any Justice of the Peace of the respective County as aforesaid; and such Fine or Fines shall be applied towards defraying and paying the Charge of the laying out such Road or Roads as aforesaid.

*Repeal of a former Act.*

AND BE IT FURTHER ENACTED by the Authority aforesaid, That an Act of General Assembly of this Government, entituled, *An ACT for erecting Publick Bridges, and maintaining Highways, and also a Pound and Gates for the Town of Lewes*; shall be and is hereby repealed.

*Signed by Order of the House,*  
JEHU CURTIS, *Speaker.*

*Vid. supra pag. 8.*

*A Supplementary Act to an Act of General Assembly of this Government, entituled, An Act for the Advancement of Justice, and more certain Administration thereof.*

WHEREAS the Act of General Assembly of this Government, made in the Sixth Year of the Reign of His late Majesty King GEORGE the First, entituled, *An ACT for the Advancement of Justice,*  
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*and more certain Administration thereof; doth not clearly appear to have sufficiently provided for the Manner of Trial and Punishment of Petty-Treason, Misprision of Treason, Murder, Manslaughter, Homicide, Bestiality, Incest and Bigamy;*

BE IT THEREFORE ENACTED by the Honourable *GEORGE THOMAS*, Esq; by and with His Majesty's Royal Approbation, Lieutenant-Governor and Commander in Chief of the Counties of *New-Castle, Kent and Suffex on 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 every Person or Persons who shall be guilty of any Petty-Treason, Misprision of Treason, Murder, Manslaughter, Homicide, Bestiality, Incest or Bigamy, shall be tried in like Manner as other Felons by the said Act are directed to be tried, and punished in the like Manner as Persons guilty of the like Crimes and Offences are punishable by the Laws and Statutes of that Part of *Great-Britain* called *England*.

*Signed by Order of the House,*

JEHU CURTIS, *Speaker.*

*An ACT against forceable Entry, Barratry, Maintenance, Champerty and Embracery.*

BE IT ENACTED by the Honourable *GEORGE THOMAS*, Esq; by and with His Majesty's Royal Approbation, Lieutenant-Governor and Commander in Chief of the Counties of *New-Castle, Kent and Suffex on 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 forceably enter into the House, Lands or Possessions of any other Person, or being entered peaceably, shall forceably hold the House, Lands or Possessions of any other Person within this Government, shall be proceeded against and