

David G. Banker Esq.

A C T S
OF THE
TWENTY-SECOND
GENERAL ASSEMBLY
OF THE
S T A T E
OF
N E W - J E R S E Y.

AT A SESSION BEGUN AT TRENTON ON THE TWENTY-FOURTH DAY OF
OCTOBER, SEVENTEEN HUNDRED AND NINETY-SEVEN,
AND CONTINUED BY ADJOURNMENTS.

BEING THE SECOND SITTING.

David G. Banker Esq.



TRENTON:

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M,DCC,XCVIII.

C H A P. DCCXXVII.

An Act respecting Slaves.

Sect. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,

Slaves shall
continue so, un-
less set free;

That every negro, indian, mulatto or mestee, within this state, who, at the time of passing this act, is a slave for his or her life, shall continue such during his or her life, unless he or she shall be manumitted and set free in the manner prescribed by law.

shall not be a
witness, &c.

2. *And be it enacted,* That no slave shall be admitted a witness against any person in any matter, cause, or thing whatsoever, civil or criminal, except in criminal cases, in which the evidence of one slave shall be admitted for or against another slave.

Penalty for
trading with
slaves, &c.

3. *And be it enacted,* That no person or persons shall trade or traffic, either in buying, bartering or selling, with any slave, without the leave or consent of the master or mistress of such slave, on pain of forfeiting three dollars, for each offence, to the master or mistress of such slave, to be recovered, with costs, against the person or persons so trading contrary to the true intent and meaning of this act, by action of debt, in any court having cognizance thereof; and also, that every contract or bargain, which shall be so made, with any slave, without the permission or consent of his or her master or mistress, shall be void and of no effect.

Penalty for
employing
slaves.

4. *And be it enacted,* That if any person or persons shall hereafter employ, harbour, conceal, or entertain any negro or other slave, knowing such negro or other slave to be the slave of any other person or persons, without the consent of the master, mistress, or owner of such slave, he, she or they shall forfeit to the master, mistress or owner of such slave the sum of four dollars for every twenty-four hours, and in that proportion for a greater or less time, while such slave shall have been employed, harboured, concealed, or entertained as aforesaid; which forfeiture or penalty shall be recovered by action of debt, with costs of suit, in any court having cognizance thereof—*Provided always,* That such forfeiture or penalty shall not in the whole exceed the value of such slave.

In what case, if
slave be lost, the
master shall be
paid therefor.

5. *And be it enacted,* That if any person or persons shall be found guilty of harbouring, entertaining, or concealing any slave, or conveying, or assisting to convey away such slave, and if such slave shall be lost, die, or be otherwise destroyed, or shall be disabled, or rendered unserviceable, the person or persons, so harbouring, entertaining, concealing, conveying, or assisting to convey away such slave, shall be liable to pay the value of such slave to the owner or owners, to be recovered by action of debt or trespass on the case, with costs of suit, in any court having cognizance thereof.

6. *And be it enacted,* That if any person shall take up

or other slave at a distance of ten miles from the habitation of his or her master or mistress, who hath not permission in writing from his or her master or mistress, or is not known to be on his or her service or business, the person so taking up such slave shall have for his reward one dollar, with reasonable charges for carrying him or her home, to be paid by the master or mistress of such slave; and in case of non-payment, to be recovered by action of debt or trespass on the case, with costs of suit, in any court having cognizance thereof.

Reward to be paid for taking up negroes 10 miles from home,

7. *And be it enacted*, That if any negro or other slave, of or belonging to any inhabitant of any of the other states in the union, shall come into this state without license, under the hand of his or her master or mistress, or who is not known to be on his or her business or service, every such negro or other slave shall be taken up by any person in this state, and be carried before the next justice of the peace, who is hereby authorized and required, by a warrant under his hand and seal, to commit such slave to the gaol of the city or county; and the person so taking up every such slave, shall have for his reward two dollars, to be paid by the master or mistress of such slave; and further, that such slave shall remain in prison till the same be paid, with all reasonable charges.

and from other states.

8. *And be it enacted*, That if any negro or other slaves shall meet and assemble together in a disorderly or tumultuous manner, any constable, or other person, on view or information thereof, shall and may require them immediately to disperse, and go to their respective places of abode; and if such slaves shall not forthwith disperse and retire accordingly, such constable, or other person, are hereby authorized, and it is especially made the duty of such constable, to apprehend such slaves and carry them before the next justice or justices of the peace, who is and are hereby empowered and directed to enquire into the charges exhibited against such slaves, or any of them, and at his or their due discretion, according to the circumstances of the case, to send them, or any of them, to their respective master or mistress, or to commit them, or any of them, to the gaol of the city or county, there to remain for any space of time not exceeding one week, or (if the master or mistress of any such slave or slaves shall signify their desire, either in person or by writing, to the said justice or justices) to order and direct such slaves, or any of them, to be whipped on the bare back by the said constable, not exceeding twenty lashes; and any of the said slaves being committed to prison, shall there remain until the master or mistress shall satisfy all reasonable charges; and any of the said slaves being whipped, the master or mistress shall be liable to pay the said constable one dollar for each and every of his or her slaves so whipped.

Slaves may be punished for disorderly behaviour,

9. *And be it enacted*, That if any negro or other slave shall be seen or found from the dwelling-house of his or her master or mistress after the hour of ten at night, except on the particular busi-

and being out after 10 o'clock at night,

ness of his or her master or mistress, or shall be seen to hunt or carry a gun on the first day of the week, or christian Sabbath, commonly called Sunday, any constable or other person, on information or knowledge thereof, are hereby authorized, and it is especially made the duty of such constable, to apprehend and carry such negro or other slave before the next justice or justices of the peace, who, on examination of the matter (if such slave shall not give a good account of himself or herself) shall, at his or their due discretion, according to the circumstances of the case, do and act towards such slave in the same manner in all respects as by the preceding section of this act is prescribed; and any such slave being committed to prison, shall there remain until the master or mistress shall satisfy all reasonable charges, and in case such slave shall be ordered to be whipped, then the master or mistress of such slave shall be liable to pay the constable for performing that service the sum of one dollar: *Provided*, That nothing in this, or the preceding section contained, shall be construed or taken to prevent any negro or other slave from going to any place of worship, or from any innocent recreation, or from doing any other reasonable act with his or her master or mistress's consent.

Penalty for per-
mitting slaves
to beg,

10. *And be it enacted*, That no person or persons within this state shall, knowingly and willingly, suffer or permit his, her or their slave to go about begging of others victuals, clothing, or other necessities, or money; and if any person or persons shall offend herein, he, she or they shall, for every such offence, forfeit the sum of eight dollars, to be recovered by action of debt, with costs of suit, in any court having cognizance thereof, by any person or persons who will sue for the same, the one half thereof to be paid to the overseers of the poor of the township where such offence shall be committed, and the other half to the person or persons who shall prosecute for the same to effect.

and for selling
a negro to a
poor person.

11. *And be it enacted*, That if any person or persons shall, by any collusive conveyance, or fraudulent agreement, sell or dispose of, or pretend to sell or dispose of any aged or decrepid slave, to any person or persons who is or are unable to keep and maintain such slave, such sale or pretended sale shall be absolutely void, and the person or persons making such sale or pretended sale, shall forfeit the sum of forty dollars for each offence, and shall moreover be deemed the owner or owners of such slave; which forfeitures shall be recovered and applied in the manner directed in and by the next preceding section of this act.

Penalty for
bringing a ne-
gro into New-
Jersey.

12. *And be it enacted*, That, from and after the passing of this act, it shall not be lawful for any person or persons whatsoever to bring into this state, either for sale or for servitude, any negro or other slave whatsoever; and every person offending, by bringing into this state any such negro or other slave, shall, for each slave, forfeit and pay the sum of one hundred and forty dollars, to be recovered by action of debt, with costs of suit, in any court

manumission of them under certain restrictions, and to prevent the abuse of slaves," passed the second day of March, in the year of our Lord one thousand seven hundred and eighty-six, and the supplement thereto, passed the twenty-fourth day of November, in the year of our Lord one thousand seven hundred and eighty-eight, be and the same are hereby repealed.

A. Passed at Trenton, March 14, 1798.

C H A P. DCCXXVIII.

A Supplement to an Act, intituled, "An Act for the Relief of insolvent Debtors."

BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same, That the act, intituled, "An act for the relief of persons imprisoned for debt," passed the eighteenth day of March, in the year of our Lord one thousand seven hundred and ninety-five, be and the same is hereby revived, extended and continued to all persons who now are imprisoned in any of the gaols of this state for debt.

Former act revived and extended to all persons now confined.

A. Passed at Trenton, March 15, 1798.

C H A P. DCCXXIX.

An Act constituting Courts for the Trial of small Causes.

Sect. 1. **B**E IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same, That every suit of a civil nature at law, where the debt, balance, or other matter in dispute does not exceed, exclusive of costs, the sum or value of sixty dollars, shall be and hereby is made cognizable before any justice of the peace of any county in this state, who is hereby authorized to hold a court within such county to hear, try, and determine the same according to law, although the cause of action did not arise in the said county; and further, that the said court shall be a court of record, and vested, for the purposes aforesaid, with all such power as is usual in courts of record of this state—*Provided always*, That this act shall not extend to any action of replevin, slander, trespass, for assault, battery, or imprisonment, or to any action wherein the title of any lands, tenements, hereditaments, or other real estate shall or may in any wise come in question.

Justices jurisdiction to try causes;

2. And be it enacted, That the territorial jurisdiction of every justice of the peace, under this act, shall be co-extensive with the

Co-extensive with the limits of the county.