

Memorandum
L A W S

OF THE

January
S T A T E

O F

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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M,DCC,XCVII.

An ACT providing for the security and defence of the town of Lewes, in the county of Sussex; within this government.

WHEREAS the inhabitants of the town of Lewes having heretofore suffered, and now are in danger of suffering by the depredations and insults of privateers and pirates; for prevention whereof,

SECTION 2. *BE it enacted by the honorable 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 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 it shall and may be lawful to and for the Governor for the time being, from time to time, and at all times hereafter, to commission and impower two sufficient and well-qualified persons or officers, in the said town of Lewes, to keep a military watch within the said town, or in such place and places within the limits herein after particularly described, consisting of such persons, under such regulations, and at such times as to them, or either of them, shall seem necessary.*

The Governor may appoint officers to keep a watch in Lewes, &c.

SECT. 3. *And that all the inhabitants and freemen within these limits, That is to say, from the mouth of Canary-Run and Pagan-Creek, to Southern's-Run, at the King's-Road, from thence to the head of Pot-hook Creek, from thence down to Lewes Creek, and from thence down the said Lewes Creek, to the mouth of Canary Creek aforesaid, within the said county of Sussex, shall each of them provide and keep, when thereunto required by the said officer or officers, these following arms, to-wit, a well-fixed firelock or musket, one cartouch-box, with twelve sufficient charges of gun-powder and ball therein, three good flints, a worm and prining-wire, to be approved by the said officer or officers; and if any inhabitant or freeman, as aforesaid, within the limits aforesaid, shall, for the space of one month next after*

Arms to be provided.

ter

C H A P.
LXVIII.

13 Geo. II.

Penalty on neglect, &c. to provide them.

Obedience to the officers enjoined.

Penalty on non-attendance or disobedience.

Days and times of exercise.

ter notice given him by the said officer or officers, neglect or refuse to provide the arms aforesaid, or to produce them to the said officer or officers, when thereunto commanded, and be thereof convicted before any one Justice of the Peace for the said county, every such person so offending, shall, for the first offence or neglect, pay to the said officer or officers the sum of Ten Shillings, and afterwards, for every such refusal or neglect, monthly the sum of Twenty Shillings, to be recovered, together with costs, by distress and sale of the offenders goods and chattels, by warrant under the hand and seal of the said justice; and if no such goods or chattels shall be found, the offender shall be committed to the gaol of the said county, there to remain the space of ten days, for every such offence.

SECT. 4. *And be it further enacted by the authority aforesaid,* That all the said inhabitants and freemen, within the said town of Lewes and limits aforesaid, shall yield obedience to the said officers, and to each of them, in all things relating to the aforesaid watch, and the defence of the said town and limits aforesaid: And if any person, being an inhabitant or freeman within the said limits, shall wilfully refuse or neglect to give his attendance, when commanded by the said officer or officers, or disobey them, or either of them, in any matter or thing relating to the watch or defence aforesaid, every such person so offending, upon conviction and due proof thereof made before any one Justice of the Peace for the said county, shall, for every such offence, forfeit and pay to the said officer or officers the sum of Five Shillings, to be recovered, together with costs, in manner aforesaid.

SECT. 5. *And be it further enacted by the authority aforesaid,* That the said officer and officers, for the time being, are hereby empowered and required to call together all and every the inhabitants and freemen within the limits aforesaid, once in every month, between the first day of April and the first day of October, and once in every three months, between the first day of October and the first day of April, yearly, to exercise or train the said inhabitants or freemen, and to view their arms and ammunition, that they be in good order, and fit for service, on all occasions;

And

And if any person or persons, having due notice, shall neglect or refuse to attend, or attending, shall wilfully disobey the commands of such officer or officers, or those impowered by them, or either of them, every such person so offending, upon conviction and due proof thereof made as aforesaid, shall, for every such offence, forfeit and pay to the said officer or officers the sum of Five Shillings, to be recovered, together with costs, in manner aforesaid.

C H A P.
LXVIII.
13 Geo. II.

Penalty.

SECT. 6. *And be it further enacted by the authority aforesaid,* That the firing three guns successively, or one after another, and the beating of a drum, shall be deemed and taken for an alarm; and that upon every such alarm given, all the inhabitants and freemen within the limits aforesaid, shall forthwith, either in the day-time, or in the night, repair with their arms and ammunition, to the Market-street of the said town of Lewes, and from thence whithersoever the Commanding Officer shall direct, and shall obey all and every the commands of the said officer and officers, and those impowered by them for the defending of the said town of Lewes and limits, from any invasion or descent which shall happen to be made, and shall not depart without the leave of the said officer or officers first had and obtained: And if any person, being an inhabitant or freeman within the limits aforesaid, shall, upon such alarm given, refuse or neglect to attend, with his arms and ammunition, at the said Market-street, or such other place or places whithersoever he shall be commanded by the said officer or officers, or those impowered by them, or either of them; or depart without leave had, as aforesaid, every such person so offending, upon conviction and due proof thereof, made before any two Justices of the Peace for the said county, shall forfeit and pay to the said officer or officers the sum of Five Pounds, to be recovered, together with costs, by distress and sale of the offenders goods and chattels, by warrant under the hands and seals* of the said justices; and if no such goods or chattels shall be found, the offender, for every such offence, shall be committed to the gaol of the said county, there to remain for the space of two months. *And if any*

What shall be
an alarm.

Place of rendez-
vous.

Penalty on non-
appearance at
an-alarm.

person

C H A P.
LXVIII.
13 Geo. II.

Penalty on
making an
alarm, without
the command of
the officer, &c.

No pilot shall go
on board vessels,
inward bound,
without licence:

Penalty.

How the fines
shall be disposed
of.

Persons whose
attendance is
excused.

person or persons shall, without the command of the said officer or officers, or of such person or persons whom they shall empower, presume to make an alarm within the limits aforesaid, every such person so offending, and being thereof legally convicted before any court of justice for the said county, shall, for every such offence, be fined in the sum of Five Pounds, to be paid, the one moiety thereof to the said officer or officers for the time being, the other moiety to the informer.

SECT. 7. *And for prevention of the danger that may arise by the piloting into the bay and river Delaware the ships of enemies and pirates, Be it further enacted by the authority aforesaid,* That no person or persons, who are or shall be pilots within the bay and river aforesaid, shall presume to go on board any inward-bound vessels, without the licence of the Governor for the time being, first had and obtained, or the leave or licence of such person or persons as shall or may be appointed by him for that purpose, upon pain of forfeiting the sum of Ten Pounds, the one half thereof to the use of the Governor for the time being, the other half thereof to the use of such person or persons as will sue for the same, to be recovered in any Court of Record within this government; and all pilots within the bay and river aforesaid are hereby obliged to take notice of the same.

SECT. 8. *And be it further enacted by the authority aforesaid,* That all the fines and forfeitures arising by virtue of this act, and which the said officer or officers shall receive, shall by him or them be laid out for the purchasing arms and ammunition for the said town of Lewes; and the said officer and officers shall from time to time keep just and fair accounts thereof, which shall by him and them, once in every year, be laid before and approved by the Justices of the said Court of Quarter Sessions for the said county, at the time of laying the levies.

SECT. 9. *Provided always, and be it further enacted by the authority aforesaid,* That no person or persons under the age of fifteen years, or above sixty-three, and that no person or persons, producing to the said officer or officers a certificate from the meeting he or they

they frequent, and whose religious persuasion is against bearing or using arms, shall, by this act, be obliged to give his or their attendance, or be liable to any of the fines or forfeitures mentioned in this act, any thing therein contained to the contrary notwithstanding.

C H A P.
LXXXVIII.
13 Geo. II.

C H A P. LXIX. a.

An ACT about boats and canoes.

SECTION. 1. **B**E it enacted by the honorable 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, 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 if any person or persons within this government shall take up any boat or canoe, being adrift, and secure the same, the taker-up of such boat or canoe shall forthwith, at the reasonable charge of the owner, if known, send him or her notice thereof; if not known, shall advertise the same in three of the most public places of the town or hundred where the same are taken up, on penalty of making good to the owner all the damages he or she shall sustain by the want of such boat or canoe after being taken up.

The taker-up of
boats or canoes
shall give notice,
&c.

SECT. 2. And that the taker-up of a boat or canoe shall receive, as a reward from the owner thereof, the sum of Five Shillings for a boat, and Two Shillings and Six-pence for a canoe.

His reward.

SECT. 3. And if any person or persons shall at any time, after the publication of this act, take, carry away, or set adrift any boat or canoe from any landing or other place within the said counties, or within one hundred yards of any shore or landing-place within this government, without the leave or consent of the owner or possessor of such boat or canoe, and be thereof convicted before any one Justice of the Peace

Penalty on ear-
rying away or
setting adrift
boats, &c.