

the authority aforesaid, That if the said prisoners or any of them shall upon any indictment for taking a false and corrupt oath or affirmation in any matter or thing contained in the said oath or affirmation be convicted by his or their own confession or by the verdict of twelve men, he or they shall suffer all the pains and penalties which by law may be inflicted on any person convicted of willful and corrupt perjury, and shall likewise be liable to be arrested, taken and imprisoned upon any process *de novo* and charged in execution for the said debt in the same manner as if he or they had never been in execution or discharged before, and shall forever after be barred of any benefit of this act.

Passed February 24, 1770. Confirmed by the King in Council, May 24, 1771. See Appendix XXVII, Section III, and the note to the Act of Assembly passed February 14, 1729-30, Chapter 315.

CHAPTER DCXII.

AN ACT FOR PUNISHING WICKED AND EVIL-DISPOSED PERSONS FROM GOING ARMED IN DISGUISE AND DOING INJURIES AND VIOLENCES TO THE PERSONS AND PROPERTIES OF HIS MAJESTY'S SUBJECTS WITHIN THIS PROVINCE, AND FOR THE MORE SPEEDY BRINGING THE OFFENDERS TO JUSTICE.

Whereas several ill-designing and disorderly persons have of late associated themselves under the name of Black Boys and entered into confederacies to support and assist one another in robbing and stealing, breaking prisons and rescuing thereout persons committed for capital offenses and other illegal practices, and have in great numbers, armed with swords, cutlasses, firearms and other offensive weapons, with their hands and faces blacked, robbed and despoiled divers of His Majesty's subjects of their goods and merchandise, have once broke one of His Majesty's gaols and rescued thereout prisoners committed for capital offenses, and since attempted to do the like, and have severely threatened such persons who should attempt to prosecute or give evidence against any of them for such their wicked

practices, to the great terror of His Majesty's peaceable subjects:

For the preventing which wicked and unlawful practices:

[Section I.] Be it enacted by the Honorable John Penn, Esquire, Lieutenant-Governor under the Honorable Thomas Penn and Richard Penn, Esquires, true and absolute Proprietaries of the Province of Pennsylvania and counties of Newcastle, Kent and Sussex upon Delaware, by and with the advice and consent of the representatives of the freemen of the said Province in General Assembly met, and by the authority of the same, That if any person or persons from and after the publication of this act, being armed with swords, cutlasses, firearms or other offensive weapons, and having his or their faces blacked or [being] otherwise disguised shall appear in any county or place within this province and shall steal or unlawfully take away or destroy any moneys, goods, wares or merchandise of any value whatsoever from any person or persons whatsoever or shall set fire to any house, barn or out-house or to any stack of corn, straw or hay, or shall willfully and maliciously shoot at any person in any dwelling-house or other place, or shall forcibly break any prison with intent to rescue any prisoner or prisoners in the same prison committed and there detained for any matter or cause whatsoever, or shall forcibly rescue any person being lawfully in custody of any officer or other person for any offense whatsoever, every person and persons so offending being thereof lawfully convicted shall be adjudged guilty of felony and shall suffer death as in cases of felony without benefit of clergy.

[Section II.] And be it further enacted by the authority aforesaid, That from and after the publication hereof the inhabitants of any county wherein the following offenses against this act shall be committed, their real and personal estates, shall be liable to make full satisfaction and amends to all and every person and persons, their executors and administrators, for the damages they shall have sustained or suffered by the stealing, taking away or destroying any moneys, goods, wares or merchandise, or by the setting fire to any house, barn or out-house, stack of corn, straw or hay which shall be committed or done within any such county in manner aforesaid, and that

every person and persons who shall sustain damages by any of the offenses last mentioned shall be and are hereby enabled to sue for and recover such his or their damages against the commissioners and assessors of and for such county elected by virtue of the act hereinafter mentioned, which said commissioners and assessors and their successors are hereby declared [to be] a body politic and corporate for that purpose, and are hereby empowered and required, immediately after judgment shall be obtained against them for such damages and the costs arising on such suit, to assess, raise and levy such damages and costs so recovered against them by such ways and means and in such manner and form as is prescribed and directed in and by an act of general assembly of this province passed in the eleventh year of His late Majesty King George the First, entitled "An act to raise county rates and levies."¹

Provided always, That no execution shall issue against the said commissioners and assessors, their goods and chattels, lands or tenements, until the expiration of one year from the time of obtaining such judgment.

Provided nevertheless, That no person or persons shall be enabled to recover any damages by virtue of this act unless he or they by themselves, their servants or other persons by them employed, within ten days after such damage or injury done him or them by any such offender or offenders as aforesaid, shall give notice of such offense done, unto some one or more of the magistrates of the county where any such fact shall be committed, and shall within four days after such notice give in his or their examination upon oath or affirmation or the examination upon oath or affirmation of his or their servant or servants that had the care of his or their houses, out-houses, corn, hay, straw, moneys, goods, wares or merchandise, before any justice of the peace of the county where such fact shall be committed, whether he or they do know the person or persons that committed such fact or any of them, and if upon such examination it be confessed that he or they do know the person or persons that committed the said fact, or any of them, that then he or they so con-

¹ Passed February 22, 1724-25, Chapter 284.

fessing shall be bound by recognizance to appear and prosecute such offender or offenders.

[Section III.] Provided also, and be it further enacted by the authority aforesaid, That where any offense shall be committed against this act and any one of the said offenders shall be apprehended and lawfully convicted of such offense within the space of nine months after such offense committed, no county or any of the inhabitants thereof, their real or personal estates, shall in any wise be subject or liable to make any satisfaction to the party injured for the damages he shall have sustained, anything in this act to the contrary notwithstanding.

Provided also, That no person who shall sustain any damage by reason of any offense to be committed by any offender contrary to this act shall be hereby enabled to sue or bring any action against the commissioners and assessors of any county where such offense shall be committed, except the party or parties sustaining such damage shall commence his or their action or suit within one year next after such offense shall be committed.

And for the better and more impartial trial of any indictment which shall be found, commenced or prosecuted for any of the offenses committed against this act:

[Section IV.] Be it enacted by the authority aforesaid, That every offense that shall be done or committed contrary to this act shall and may be inquired of, tried and determined in any county within this province in such manner and form as if the fact had been therein committed:

Provided, That no attainder for any of the offenses made felony by virtue of this act shall make or work any corruption of blood, loss of dower or forfeiture of lands or tenements, goods or chattels.

[Section V.] And be it further enacted by the authority aforesaid, That this act shall continue in force from the publication thereof for and during the space of five years, and from thence to the end of the next session of assembly and no longer.

Passed February 24, 1770. Confirmed by the King in Council, May 24, 1771. See Appendix XXVII, Section III, and the note to the Act of Assembly passed May 31, 1718, Chapter 236. Expired.