



Another



"Ware of Pains And Penalties"

1668

Jersey Justice In Olden Days

1799

The Lord Proprietors of New Jersey, in 1665, offered civil and political liberty, and a substantial amount of land, to settlers within the new colony. Each colonist must be "armed with a good musket, bore twelve bullets to the pound, with ten pounds of powder and twenty pounds of bullets, with bandilers and match convenient and with six months provision for his own person". Many of them came from Connecticut and "virtually re-established the New Haven Colony with all of its customs and laws" on the banks of the Passaic River (Newark). Two years later, in 1668, they joined with the Shrewsbury, Middletown, Woodbridge, Bergen and Elizabeth-Town Colonies and established the General Assembly of East Jersey at Elizabeth-Town. Among their first acts, was the adoption of the "pains and penalties" or "Capital" laws:—

If any person or persons shall wittingly or unwittingly by lying in wait, poison, or in any way commit wilful murder they shall be put to death—

If any person or persons shall likewise bear false witness, or purpose to take away a man's life, they shall be put to death.

The West Jersey proprietors, however, were Quakers, and their General Assembly provided no punishment for Capital crimes; the penalty for persons convicted of murder was determined by order of the Assembly. Their aim was to reform rather than to penalize criminals. Nor was there any law in West Jersey to punish pirates or piracy until after the surrender

of the Government by the Quakers to the Crown, in 1702. Then a Governor-in-Chief was commissioned and the two divisions merged into one General Assembly for the entire province.

The Slave Act of 1713-14, provided that any negro, Indian or other slave or servant who "conspired" or "attempted" to murder, rape or maim any person or burn any building, upon conviction should be sentenced to death "in such manner as the aggravation or enormity of the crime shall merit or require". In most cases the prisoner was hung, but in "heinous cases" he usually was sentenced to be burned alive. In 1796, a general criminal code was adopted making no distinction between the white and colored races.

There was a law which provided that any person, male or female, found to be a witch was to be put to death, but there is no record of conviction for practicing witchcraft in the colony. A law passed by the General Assembly held artificial feminine wiles and deceptions—vamping—to be a capital offense. It condemned all women, "whether virgins, maids or widows, who impose upon, seduce and betray into matrimony any of his Majesty's subjects by virtue of scents, cosmetics, washes, paints, artificial teeth, false hair, or high-heeled shoes, shall incur the penalty of the law now in force against witchcraft and like misdemeanors." . . .

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—C. S. Boyer—1931.