

absenting him, her or themselves from his, her or their master, owner or overseer, or permit or suffer them to be about their houses or plantations, during the space of one hour, or longer, such person or persons, so entertaining such servant or servants, slave or slaves, or permitting or suffering them to be about their houses or plantations, shall forfeit and pay at the rate of one hundred pounds of tobacco for every hour each servant or slave shall be by him, her or them, so entertained, or permitted or suffered to be about his, her or their house or plantation as aforesaid, to be recovered in a summary way before a single magistrate, with costs, if the penalty does not exceed six hundred pounds of tobacco, and if it does exceed six hundred pounds of tobacco, then to be recovered by action of debt, bill of indictment, plaint or information, in the county court where the offence shall be committed, wherein no essoyn, protection, wager of law, or above one imparlance, shall be allowed, the one-half whereof shall be applied to the use of the public school of the county wherein such forfeiture shall happen, and the other half to the party grieved, provided he or she shall prosecute for the same within three months next after the offence committed, otherwise to the informer, or him or them who shall sue for the same, provided such suit be commenced within twelve months after such offence committed.

See 1818, ch. 157, sec. 2.

SEC. 3. *And be it further enacted*, That if it shall appear to any magistrate before whom any conviction for breach of this act shall be had, that the offender is unable to pay or give good security for the penalty aforesaid, it shall and may be lawful for such magistrate to punish such offender, by whipping on the bare back with such number of stripes, not exceeding thirty-nine for any one offence, as to him shall seem meet, and to require security for the good behaviour of such offender for and during the term of six months then next following.

In default of payment, offenders to be punished &c.

SEC. 4. *And be it further enacted*, That if any servant or slave shall wittingly or willingly harbour or entertain any other servant or servants, slave or slaves, unlawfully absent from his, her or their master, owner or overseer, for and during the space of one hour, or longer, it shall and may be lawful for any magistrate, and he is hereby required, upon complaint to him made, immediately to issue his warrant against such servant or slave so harbouring or entertaining as aforesaid, and upon satisfactory proof of such harbouring or entertaining, to punish the offender or offenders, by whipping with such number of stripes on the bare back as to him shall seem proper, not exceeding thirty-nine for any one offence.

Servants harbouring others to be punished, &c.

This was enacted into a permanent law by 1798, ch. 71.