

MARK SELWYN (CA Bar No. 244180)
mark.selwyn@wilmerhale.com
WILMER CUTLER PICKERING
HALE AND DORR LLP
2600 El Camino Road
Palo Alto, California 94306
Telephone: (650) 858-6031
Facsimile: (650) 858-6100

*Attorneys for Defendants Los Angeles County
Sheriff's Department and Sheriff Robert Luna*

(additional counsel listed below)

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

CALIFORNIA RIFLE & PISTOL
ASSOCIATION, INCORPORATED;
THE SECOND AMENDMENT
FOUNDATION; GUN OWNERS OF
AMERICA, INC.; GUN OWNERS
FOUNDATION; GUN OWNERS OF
CALIFORNIA, INC.; ERICK
VELASQUEZ, an individual; CHARLES
MESSEL, an individual; BRIAN
WEIMER, an individual; CLARENCE
RIGALI, an individual; KEITH REEVES,
an individual; CYNTHIA GABALDON,
an individual; and STEPHEN HOOVER,
an individual,

Plaintiffs,

v.

LOS ANGELES COUNTY SHERIFF'S
DEPARTMENT; SHERIFF ROBERT
LUNA, in his official capacity; LA
VERNE POLICE DEPARTMENT; LA
VERNE CHIEF OF POLICE COLLEEN
FLORES, in her official capacity;
ROBERT BONTA, in his official
capacity as Attorney General of the State
of California; and DOES 1-10,

Defendants.

Case No. 2:23-cv-10169-SPG-ADS

**DEFENDANTS LOS ANGELES
COUNTY SHERIFF'S
DEPARTMENT AND SHERIFF
ROBERT LUNA'S REQUEST FOR
JUDICIAL NOTICE -
COMPENDIUM OF HISTORICAL
LAWS**

1 ALAN SCHOENFELD (*pro hac vice* forthcoming)

2 alan.schoenfeld@wilmerhale.com

3 NOAH LEVINE (*pro hac vice* forthcoming)

4 noah.levine@wilmerhale.com

5 RYAN CHABOT (*pro hac vice* forthcoming)

6 ryan.chabot@wilmerhale.com

7 WILMER CUTLER PICKERING

8 HALE AND DORR LLP

9 7 World Trade Center

10 250 Greenwich Street

11 New York, NY 10007

12 Telephone: (212) 937-7294

13 Facsimile: (212) 230-8888

14
15 *Attorneys for Defendants Los Angeles County*
16 *Sheriff's Department and Sheriff Robert Luna*
17
18
19
20
21
22
23
24
25
26
27
28

Licensure Requirement for Concealed Carry

L A W S

O F T H E

State of Delaware.

AT A GENERAL ASSEMBLY, BEGUN AT *NEW-CAS-
TLE*, THE FOURTEENTH DAY OF OCTOBER, AND
CONTINUED BY ADJOURNMENT UNTIL THE TWEN-
TY-SEVENTH DAY OF NOVEMBER, IN THE
TWELFTH YEAR OF THE REIGN OF KING WILLIAM,
AND IN THE YEAR OF OUR LORD ONE THOUSAND
SEVEN HUNDRED. ON WHICH DAY THE FOLLOW-
ING ACTS WERE PASSED BY WILLIAM PENN, esq;
PROPRIETARY AND GOVERNOR IN CHIEF OF THE
PROVINCE OF PENNSYLVANIA AND TERRITORIES,
&c. THAT IS TO SAY,

CHAP. I. a.

An ACT for the siting of the Orphans Court.
Supplied. See after chap. xxx. a.

CHAP.
I.
1700.

CHAP. II. a.

An ACT against buying land of the natives

BE it enacted by the Proprietary and Governor, by and
with the advice and consent of the freemen of this
province and territories, in General Assembly met, and by
the authority of the same, That if any person shall pre-
sume to buy any land of the natives, within the limits
of this province and territories, without leave from
the proprietary thereof, every such bargain and
purchase shall be void and of none effect. CHAP.

L A W S O F T H E S T A T E

C H A P.
XLII.

Sufflex county, under the penalty of Ten Shillings, and the wear to be destroyed by the order of any justice of the said county.

C H A P. XLIII. a.

An ACT for the trial of Negroes.

Two justices and six freeholders impowered to try all offences committed by Negroes, &c.

SECTION I.

BE it enacted by the honorable Patrick Gordon, esq. Lieutenant Governor 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 from and after the publication of this act, it shall and may be lawful for two Justices of the Peace of this government, who shall be particularly commissioned by the Governor for that service within the respective counties thereof, and six of the most substantial freeholders of the neighbourhood, (a) to hear, examine, try and determine all such offences committed by any Negro or Mulatto slaves within this government, which said freeholders shall be by warrant, under the hands and seals of the respective justices, commissioned as aforesaid, directed to some Constable of the said county, be summoned to appear at such time and place as the said justices shall appoint, which said freeholders the said justices shall solemnly swear or attest well and truly to give their assistance and judgment together with the said justices, upon the trial of such Negroes or Mulattoes; which freeholders, or any four of them, being qualified as aforesaid, shall hold a court at the Court-House in the said respective counties where the crime is committed, for the hearing, trying, determining and convicting

(a) So much of this act as gives power to the two justices and six freeholders to try, determine and convict any slave for a crime punishable with death, is repealed by an act passed February 3d, 1789. chap. 194. b, and trial there directed to be by jury in the Court of General Quarter-Sessions of the Peace for the several counties; the expence of trial to be paid by the county, in sects. 3, 4.

OF DELAWARE

103

victim of such Negro or Negroes, or Mulatto slaves, as shall be before them charged or accused of committing any murder, manslaughter, buggery, burglary, robbery, rape, attempts of rape, or any other high and heinous offences, committed, acted or done in any the respective courts within this government, as aforesaid.

CHAP.
XLIII.

SECT. 2. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for the said court of justices and freeholders as aforesaid, to examine, try, hear, judge, determine, convict, acquit or condemn, according to their evidence, any Negro or Negroes, or Mulatto slaves, for any the crimes or offences aforesaid, or any other high or capital offences, upon due proof to them made, to pronounce such judgment or sentence as is agreeable to law, and the nature of the offence, and to order execution of the said judgment or sentence accordingly, or otherwise to acquit, free and discharge such Negro or Negroes, or Mulatto slaves, in case the evidence shall not be sufficient for a conviction therein.

Who may acquit or condemn, according to their evidence, and order execution, &c.

SECT. 3. *And be it further enacted*, That upon the conviction of any Negro or Mulatto slave, belonging to any of the inhabitants of this government, for any capital cause for which the party convicted shall suffer death, the said justices and freeholders, before whom they were convicted, shall immediately value the said slave or slaves, and in case the Negro or Mulatto slave shall be put to death, that the two-thirds of the appraised value of such slave so executed, shall be paid to the master or owner of such slave by the County Treasurer out of the public levy, to be raised in the same manner as the county levies.

Slaves condemned to death, to be valued, and two thirds of the value paid to the master, &c.

SECT. 4. *And be it further enacted by the authority aforesaid*, That where such Negro or Negroes, or Mulatto slaves shall be convicted, and such judgment or sentence shall be pronounced by the respective justices and freeholders as aforesaid, and a warrant by them, or any four of them, one of which to be one that sat upon the trial, signed, sealed and delivered to the High Sheriff of the county where the fact was committed, for the execution of such Negro or Mulatto, the same shall be duly executed, or caused to be duly

Sheriff to cause the sentence to be executed,

CHAP.
XLIII.

duly executed by the said Sheriff, according to the directions of such warrant, on pain of being disabled to act any longer in that post or office; and if any of the said justices or freeholders neglect or refuse to do their duty herein, they shall be liable to be fined by the justices at their next Court of General Quarter Sessions of the same to be held for the said county, in any sum not exceeding Five Pounds, for the use of the Governor towards the support of government, to be levied by distress and sale of the goods and chattels of such justices or freeholders so refusing as aforesaid.

Penalty on justices or freeholders neglecting their duty herein.

Punishment of slaves attempting to commit rapes;

or convicted of stealing, &c.

Punishment of slaves presuming to carry arms, &c.

Punishment of Negroes meeting in companies.

SECT. 5. *And be it further enacted by the authority aforesaid,* That if any Negro or Mulatto slave within this government, shall attempt to commit a rape on a white woman or maid, they shall be tried in manner aforesaid, and shall be punished by standing four hours in the pillory at the Court-House on some court day, with both his ears nailed to the pillory, and before he be taken down from the same, shall have both his ears cut off close to his head. And if any Negro or Mulatto slave shall be convicted before two Justices of the Peace in this government, of stealing, or fraudulently taking or carrying away any goods, living or dead, the master or owner of such Negro or Mulatto slave, if such goods shall not be found, shall make satisfaction to the party wronged, and pay all costs, to be levied by distress and sale of the said master's or owner's goods and chattels, and the Negro or Mulatto, so offending, to be whipped as the said justices shall adjudge and appoint.

SECT. 6. *And be it further enacted by the authority aforesaid,* That if any Negro or Mulatto slave shall presume to carry any guns, swords, pistols, fowling-pieces, clubs, or other arms and weapons whatsoever, without his master's special licence for the same, and be convicted thereof before a Magistrate, he shall be whipt with twenty-one lashes, upon his bare back.

SECT. 7. *And be it further enacted by the authority aforesaid,* That if any Negroes, above the number of six in one company, not belonging to one owner, shall meet together, and upon no lawful business of their masters or owners, and being convicted thereof, by the

O F D E L A W A R E.

105

the view of one Justice of the Peace, or the testimony of one credible witness, such Negro or Negroes so offending shall be publicly whipped at the discretion of one Justice of the Peace, not exceeding twenty-one lashes, each Negro.

C H A P.
XLIII.

C H A P. XLIV, a.

An ACT against adultery and fornication. (a)

FOR the preservation of virtue and chastity among the people of this government, and to prevent the heinous sins of adultery and fornication.

SECTION 1. *BE it enacted by the honorable Patrick Gordon, esq. Lieutenant Governor 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 whofoever shall commit adultery, and be thereof legally convicted, shall forfeit and pay the sum of Fifty Pounds, one moiety thereof to the use of the Governor for the support of government, and the other moiety to the use of the poor of the county where the same is committed, or otherwise to be publicly whipt with twenty-one lashes on his or her back, well laid on, at the common whipping post, at the election of the party convicted.*

Penalty of committing adultery.

SECT. 2. *Provided always, That the testimony of either of the parties concerned in committing the adultery, shall not be sufficient to convict the other, without further evidence, that shall at least amount to violent presumption.*

SECT. 3. *And be it further enacted by the authority aforesaid, That if any person shall commit fornication, and be thereof legally convicted, such person or persons shall receive twenty-one lashes on his or her bare back, well*

Penalties on fornicators.

(a) See an act supplementary hereto passed February 9th, 1796, chap. 108, c. whereby many of the provisions in this act are repealed and supplied.

THE
LAWS
OF
MARYLAND.

4 WILLIAM and MARY. MAY, 1692.

At an ASSEMBLY, held at the CITY of SAINT MARY's, on the tenth day of May, *anno Domini* 1692, and in the 4th year of the reign of our Sovereign Lord and Lady WILLIAM and MARY, by the Grace of GOD, of England, Scotland, France and Ireland, King and Queen, &c. and ended the ninth day of June following, the act following was made.

LYONEL COPLEY, Esquire, Governor.

CHAP. XVI.

An Act for punishment of persons suborning of witnesses, or committing wilful and corrupt perjury.

List of acts relating to crimes and punishments : 1707, ch. 4.—1715, ch. 26.—1720, ch. 25.—1723, ch. 16.—1729, ch. 4.—1737, ch. 2.—1744, ch. 5. ch. 20.—1771, ch. 1.—Feb. 1777, ch. 20.—April 1782, ch. 42. 5. 6.—1793, ch. 35.—1797, ch. 96.—1791, ch. 67. 75.—1793, ch. 57.—1809, ch. 138.

WHEREAS several persons, void of grace, and the dread of the Almighty, have, and do still continue, for small profits accruing to themselves, to commit wilful and corrupt perjury, or cause or procure the same to be committed, either out of a design for the reasons and purposes aforesaid, or merely to revenge an imaginary injury done them, to the great prejudice of divers of their majesties' loyal subjects inhabiting within this province : And forasmuch as the laws for this prov-

Preamble.

JOHN HART, Esq. GOVERNOR.

109

deputy-sheriff, clerk or deputy-clerk of those courts wherein they bear office, shall plead as attornies for or in behalf of any person or persons, on penalty of forfeiting three thousand pounds of tobacco for every such offence, whereof such offenders shall be found guilty, one half thereof to his majesty, his heirs and successors for the support of the government of this province, the other half to the informer, or him or them that shall sue for the same, to be recovered in any court of record within this province, by bill, plaint or information, wherein no essoin, protection or wager of law to be allowed.

April,
1715.

plead as attornies in those courts wherein they bear office.

X. AND, for the discouragement of litigious suits that frequently arise in the provincial and county courts within this province, BE IT ENACTED, *by the authority, advice and consent aforesaid*, 'That all persons whatsoever, except executors and administrators, that are cast in any cause, be they Plaintiff or Defendant, shall be amerced, besides the damages and costs, in the provincial court, fifty pounds of tobacco, to be employed as the governor and council shall think fit, and in the county court, thirty pounds of tobacco, to be employed and disposed of towards defraying the county charge of each respective county,

Persons cast in a cause to be amerced.

This section is repealed by 1722, ch. 12. sec. 3.

XI. AND, for the due collection thereof, BE IT ENACTED, *by the authority, aforesaid*, 'That the clerk of the provincial court, and the clerks of the several county courts, keep an exact account of the amerciaments, and deliver or send the same to the several sheriffs of the particular counties, who are hereby required to collect the same with the levy, and are accordingly empowered, for default of payment, to make distress, and commanded not to return any in arrears, except in case of the debtor's insufficiency.

Clerks to keep account, of the amerciaments and to send them to the sheriff for collection

XII. AND BE IT FURTHER ENACTED, That the clerks of the several county courts give unto the chief justice of such county court a list of the amerciaments every November court that shall have arisen each preceding year; and that the clerk of the provincial court lay a list of the provincial amerciaments, as they shall yearly arise, before the governor and council of this province for the time being.

Lists of the county amerciaments to be given to the chief justice—of the provincial, to the governor and council.

Vide list of acts relating to the administration of justice, 1805, ch. 65.

CHAP. XLIV.

An ACT relating to servants and slaves.

Supplementary and other acts: 1715, ch. 44.—1717, ch. 13.—1723, ch. 15.—1728, ch. 4.—1729, ch. 4.—1748, ch. 19.—1751, ch. 14.—1753, ch. 26.—1755, ch. 9.—1787, ch. 33.—1796, ch. 67.—1797, ch. 15. 75.—1798, ch. 76.—1801, ch. 109.—1802, ch. 68. 92. 96.—1804, ch. 90.—1805, ch. 66. 80.—1806, ch. 56.—1807, ch. 164.—1808, ch. 81.—1809, ch. 171.

April,
1715.
Preamble.

WHEREAS there have been several acts provided against servants, runaways, which have hereto proved ineffectual, in regard they do not sufficiently provide encouragement for such person or persons, inhabitants of this province, as should seize such runaways or servants, by this act deemed runaways ; therefore, for the better discovery, seizing and apprehending such runaways,

No servant
to travel ten
miles from
home with-
out a note
from his or
her master.

II. BE IT ENACTED, by the King's most excellent majesty, by and with the advice and consent of his majesty's Governor, Council and Assembly of this province, and the authority of the same, That from and after the publication hereof, no servant or servants whatsoever, within this province, whether by indenture, or according to the custom of the country, or hired for wages, shall travel by land or water ten miles from the house of his, her or their master, mistress or dame, without a note under their hands, or under the hand of his or their overseer, if any be, under the penalty of being taken for a runaway, and to suffer such penalties as are hereafter provided against runaways.

Penalty on
servants for
absenting
themselves.

III. AND IT IS HEREBY FURTHER ENACTED, by the authority, advice and consent aforesaid, That any servant or servants, unlawfully absenting him, her or themselves, from his, her or their said master, mistress, dame or overseer, shall make such satisfaction by servitude, or otherwise, at the discretion of the justices of the county court where such runaway servant did dwell not exceeding ten days service for any one day's absence, with such reasonable cost for his, her or their taking up, as the court shall think fit, be it before or after the expiration of such servant's first time of servitude by indenture or otherwise.

On persons
entertaining
them.

IV. AND BE IT FURTHER ENACTED, by the authority, advice and consent aforesaid, That any person or persons whatsoever, that shall wittingly or willingly entertain any such servant or slave unlawfully absenting him, her or themselves as aforesaid, shall be fined five hundred pounds of tobacco for every (a) night, or twenty-four hours, that such person or persons shall give such entertainment as aforesaid, the one half to his majesty, his heirs and successors, for the support of government, and the other half to the informer, or him or them that shall sue for the same, to be recovered in any county court of this province, by action of debt, bill, plaint or information, wherein no essoin, protection or wager of law to be allowed.

(a) By 1748, ch. 19, persons wittingly or willingly entertaining any servants or slaves, unlawfully absenting, &c. or permitting them to be about their houses or plantations, for one hour or longer, shall forfeit 100lb. of tobacco for each hour, &c. and persons unable to pay the penalty, are punishable by whipping, and shall give security for good behaviour, &c. also servants or slaves so offending may be whipped.

And on free-
negroes har-
bouring
them.

V. AND BE IT FURTHER ENACTED, That if any free negro or mulatto shall harbour or entertain any such servant or slave

JOHN HART, Esq. GOVERNOR.

111

as aforesaid; in every such case, he or they so offending shall forfeit and pay as aforesaid, for every such offence, the sum of one thousand pounds of tobacco, the one half to our sovereign lord the king, his heirs and successors, for the use of the free-schools, the other half to the party grieved, to be recovered as aforesaid; and if any such offending negro or mulatto hath not an estate sufficient wherewith immediately to satisfy and pay such penalty as aforesaid, it shall and may be lawful for the justices before whom such matter is tried, to order satisfaction, by servitude or otherwise, as they shall seem meet.

April,
1715.

VI. AND, for the better discovery of runaways, IT IS HEREBY FURTHER ENACTED, *by the authority, advice and consent aforesaid*, That any person or persons whatsoever within this province, travelling out of the county where he, she or they shall reside or live, without a pass under the seal of the said county, for which they are to pay ten pounds of tobacco, or one shilling in money, such person or persons, if apprehended, not being sufficiently known, or able to give a good account of themselves, shall be left to the discretion and judgment of such magistrate or magistrates before whom such person or persons as aforesaid shall be brought, to judge thereof, and if, before such magistrate, such person or persons so taken up, shall be deemed and taken as a runaway or runaways, he, she or they shall suffer such fines and penalties as are hereby provided against runaways.

Persons travelling without passes (not being able to give a good account of themselves) may be taken up as runaways.

VII. AND, for better encouragement of all persons to seize and take up such runaways, IT IS HEREBY FURTHER ENACTED, *by the authority, advice and consent aforesaid*, That all and every such person or persons as aforesaid, seizing or taking up such runaways, travelling without passes as aforesaid, not being able to give a sufficient account of themselves as aforesaid, shall have and receive two hundred pounds of tobacco, to be paid by the owner of such runaway servant, negro or slave, so apprehended and taken up; and if such suspected runaway or runaways be not servants, and refuse to pay the same, he, she or they, shall make satisfaction by servitude, or otherwise, as the justices of the provincial and county courts, where such person shall be so apprehended and taken up, shall think fit.

Allowance for taking up runaways.

By 1806, ch. 81. sec. 5. six dollars are allowed instead of 200lbs of tobacco.

VIII. AND, For the better discovery of, and encouragement of our neighbour Indians to seize, apprehend or take up, any runaway servants or slaves, and bring them before a magistrate, they shall, for a reward, have a match-coat paid him or them, or the value thereof, which said reward shall be paid and satisfied by the county where such person shall be so apprehended; and such runaway, if not a slave, to reimburse the said county by servitude, or otherwise, as the justices of the provincial or county court shall think fit.

Reward to Indians for apprehending runaways.

April,
1715.

Persons ap-
prehended,
how to be
disposed of.

IX. AND BE IT FURTHER ENACTED, *by the authority, advice and consent aforesaid*, That at what time soever any of the said persons, runaways, shall be seized by any person or persons within this province, such person or persons so apprehending or seizing the same, shall bring, or cause him, her or them, to be brought before the next magistrate, or justice of the county where such runaway is apprehended, who is hereby empowered to take into custody, or otherwise him, her or them, to secure and dispose of, as he shall think fit, until such person or persons, so seized and apprehended, shall give good and sufficient security to answer the premises the next court that shall first ensue in the said county; which court shall secure such person or persons till he or they can make satisfaction to the party that shall so apprehend or seize such runaways, or other persons, as by this act is required, except such person shall make satisfaction as aforesaid before such court shall happen; and that notice may be conveniently given to the master, mistress, dame, or overseer of runaways taken up as aforesaid, the commissioners of the counties shall forthwith cause a note of the runaway's name, so seized and apprehended as aforesaid, to be set up at the next adjacent county courts, and at the provincial court and secretary's office, that all persons may view the same, and see where such their servants are, and in whose custody.

Freedom
dues, to a
man servant.

X. AND, furthermore, for ascertaining what each servant, according to the custom of the country, shall have at the expiration of their servitude, BE IT ENACTED, *by the authority, advice and consent aforesaid*, That every man servant shall, at such time of expiration of his servitude as aforesaid, have allowed and given him one new hat, a good suit; that is to say, coat and breeches, either of kersey or broad cloth, one new shift of white linen, one new pair of French fall shoes, and stockings, two hoes and one axe, and one gun of twenty shillings price, not above four foot by the barrel, nor less than three and an half, which said gun shall, by the master or mistress, in the presence of the next justice of the peace, be delivered to such free man, under the penalty of five hundred pounds of tobacco on such master or mistress omitting so to do, and the like penalty on the said free man selling or disposing thereof within the space of twelve months, the one half whereof to our sovereign lord the king, his heirs and successors, the other to the informer; all women servants, at the expiration of their servitude as aforesaid, shall have allowed and given a waistcoat and petticoat of new half-thick, or pen-nistone, a new shift of white linen, shoes and stockings, a blue apron, two caps of white linen, and three barrels of Indian corn.

To a woman
servant.

Penalty on
persons
dealing with
servants.

XI. AND BE IT FURTHER ENACTED, *by the authority, advice and consent aforesaid*, That no person whatsoever shall trade, barter, commerce, or any way deal with any servant,

JOHN HART, Esq. GOVERNOR.

113

whether hired or indented, or slave, belonging or appertaining to any inhabitant within this province, without leave or licence first had and obtained from such servant's master, mistress, dame or overseer, for his so doing, under the penalty of two thousand pounds of tobacco, the one half thereof to his majesty, his heirs and successors for the support of government, the other half to the master, mistress, or true owners of such goods so purloined, bartered or conveyed away, when proved by sufficient witness, or confession of the party, to be recovered in any court of record of this province by action of debt, bill, plaint or information, wherein no essoin, protection or wager of law to be allowed.

April,
1715.

XII. AND BE IT FURTHER ENACTED, *by the authority, advice and consent aforesaid*, That if the goods so traded or bartered for as aforesaid shall exceed the sum of one thousand pounds of tobacco, then the party or parties, whose goods shall be embezzled or bartered away as aforesaid, shall have his action at law for the damage sustained against the person or persons so offending, dealing or bartering for the same, any thing in this act to the contrary notwithstanding.

Party grieved may have action of damage.

XIII. AND, In case such person or persons so offending shall not be able to satisfy the same, then such person or persons shall be bound over by some one justice of the peace, and put in security, either to appear at the next provincial or county court, where, upon conviction, by confession or sufficient witness, the offender shall be punished by whipping on the bare back with thirty stripes.

Offenders may be whipped, if not able to pay.

XIV. AND, for the ascertaining and limiting servants times of servitude, BE IT ENACTED, *by the authority, advice and consent aforesaid*, That whosoever shall transport any servant into this province without indenture, such servant being above the age of twenty-two years, shall be obliged to serve the full time of five years; if between eighteen and twenty-two years, without indentures, six years; if between fifteen and eighteen, without indentures, seven years; if under fifteen, without indentures, shall serve till he or they arrive at the full age of twenty-two years.

Time of servitude of servants imported without indentures, settled.

XV. AND BE IT FURTHER ENACTED, *by the authority, advice and consent aforesaid*, That all servants transported out of Virginia into this province, shall complete their time of servitude here which they ought to have served in Virginia, and no more.

Time of servitude to be completed.

XVI. AND BE IT FURTHER ENACTED, *by the authority, advice and consent aforesaid*, That every master, mistress, dame, assignee or trustee whatsoever, owning or keeping any such servants as aforesaid, whether by virtue of transportation, purchase, or otherwise, shall within six months after the receiving such servants into their custody, within this province, (except he, she or they, claim but five years service of such servants,) bring the said servants into the respective county courts where

Servants are to be adjudged, within six months.

April,
1715.

they do inhabit, and every of the said courts are hereby authorized to judge and determine of the age of such servants so brought, and cause the same to be entered upon record ; and every owner as aforesaid neglecting or refusing to bring such servant or servants before the court as aforesaid, shall not only stand to the determination of the court, but also forfeit the sum of one thousand pounds of tobacco to the king, his heirs and successors, for the support of government ; and if any master or servant aforesaid be grieved with the determination of the court, he shall, within the time determined for their service, produce an authentic certificate of such servant's age, and shall have remedy to the ages afore-mentioned.

Servitude to
commence
from an-
choring.

XVII. AND, forasmuch as disputes have formerly arose at what time servants time of servitude, whether by indenture or otherwise, should commence, *BE IT ENACTED, by the authority, advice and consent aforesaid,* That all servants transported into this province, whether by indenture or otherwise, and so bound or adjudged as aforesaid, shall commence their time of servitude from the first anchoring of the vessel within this province.

Proviso.

XVIII. PROVIDED, That the said vessel tarry not above fourteen days after her entry within the capes, and her first anchorage in this province ; and all the days such ship or ships shall tarry in Virginia above fourteen days, shall be adjudged part of the service of such servant which shall be afterwards brought into Maryland, and there sold, any law, usage or custom to the contrary notwithstanding.

Certain in-
dentures to
be void.

XIX. AND BE IT ALSO ENACTED, *by the authority, advice and consent aforesaid,* That every indenture made by any servant, during the time of his service by former indenture, or judgment of the county court, according to the tenure of this act, shall be void, and not any ways oblige any servant for longer time than by his first indenture or judgment of the court shall be limited and appointed.

Owners to
pay for ser-
vants taken
up in Penn-
sylvania or
Virginia.

XX. AND BE IT FURTHER ENACTED, *by the authority, advice and consent aforesaid,* That for all such runaway servants or slaves that shall be apprehended and taken up in the province of Pennsylvania, or colony of Virginia, and from thence brought into this province, and delivered to a magistrate of the county into which they shall be brought, the person, for so doing, shall have paid and allowed him, by the master or owner of such runaway, four hundred pounds of tobacco and cask, or forty shillings in money, upon his producing a certificate from the justice or sheriff of the delivery of such runaway, except servants or runaways brought from Accomack into Somerset county, for such only two hundred pounds of tobacco, or twenty shillings, and the like from that side of Virginia next the river Patowmack ; for which said sum or sums paid, such runaway shall make satisfaction when free, by service or otherwise, besides what shall be adjudged as a recompence for the absence of such runaway servant as aforesaid, as the court shall

JOHN HART, Esq. GOVERNOR.

115

adjudge : but if such person, so apprehended, brought and delivered as aforesaid, be a freeman, and refuse to pay such sum or sums of tobacco, or money, then and in such case the magistrate before whom he or she shall be brought shall forthwith commit the said person so refusing to prison, till he or she give sufficient security, or make full satisfaction by servitude or otherwise.

April,
1715.

XXI. AND BE IT FURTHER ENACTED, *by the authority aforesaid*, That if any master or mistress of any servant whatsoever, or overseer by order or consent of any such master or mistress, shall deny, and not provide sufficient meat, drink, lodging and cloathing, or shall unreasonably burthen them beyond their strength with labour, or debar them of their necessary rest and sleep, or excessively beat and abuse them, or shall give them above ten lashes for any one offence, the same being sufficiently proved before the justices of the county courts, the said justices have hereby full power and authority for the first and second offence to levy such fine upon such offender as to them shall seem meet, not exceeding one thousand pounds of tobacco, to the use of his majesty, his heirs and successors, for the support of government, and for the third offence, to set such servant so wronged at liberty, and free from servitude ; but in case the master or owner of any such servant shall think that he or they deserves greater correction, then the said master or owner of such servant or servants shall or may carry them before any justice of the peace, who, hearing the complaint, shall order such correction as he shall see fit, not exceeding thirty-nine lashes for any one offence.

Penalty on
masters for
not providing
food, &c.

XXII. AND BE IT ALSO ENACTED, *by the authority aforesaid*, That all negroes and other slaves already imported, or hereafter to be imported into this province, and all children now born, or hereafter to be born, of such negroes and slaves, shall be slaves during their natural lives.

Slaves &c. to
be slaves for
life, together
with their
issue.

XXIII. AND, forasmuch as many people have neglected to baptize their negroes, or suffer them to be baptized, on a vain apprehension that negroes, by receiving the sacrament of baptism, are manumitted and set free ; BE IT HEREBY FURTHER DECLARED AND ENACTED, *by and with the authority, advice and consent aforesaid*, That no negro or negroes, by receiving the holy sacrament of baptism, is thereby manumitted or set free, nor hath any right or title to freedom or manumission, more than he or they had before, any law, usage or custom to the contrary notwithstanding.

Negroes not
entitled to
freedom by
being bapti-
zed.

XXIV. AND BE IT FURTHER ENACTED, That all ministers, pastors and magistrates, or other persons whatsoever, who, according to the laws of this province, do usually join people in marriage, shall not, upon any pretence, join in marriage any negro whatsoever or mulatto slave with any white person, on the penalty of five thousand pounds of tobacco, the one half to his majesty, his heirs and successors, for the use of free

Ministers
not to marry
slaves with
white per-
sons.

April,
1715.

schools, the other half to the informer, or him or them that shall sue for the same, to be recovered in any court of record of this province by action of debt, bill, plaint or information, wherein no essoin, protection or wager of law to be allowed.

By the act of 1717, ch. 13, section 4, any free negro or mulatto intermarrying with any white person shall become a slave for life, excepting mulattoes born of white women, who shall only become servants for seven years; and any white man or woman intermarrying with any negro or mulatto, shall become a servant for seven years, to be disposed of at the discretion of the county court, and applied towards the support of the county school.

Penalty on
white wo-
men being
got with
child by
slaves.

XXV. AND BE IT FURTHER ENACTED, *by the authority aforesaid*, That any white woman, whether free or a servant, that shall suffer herself to be got with child by a negro or other slave, or free negro, such woman, so begot with child as aforesaid, if free, shall become a servant for and during the term of seven years; if a servant, shall finish her time of servitude, together with the damage that shall accrue to such person to whom she is a servant, by occasion of any child or children begotten as aforesaid in the time of her servitude as aforesaid, and after such satisfaction made, shall again become a servant for and during the term of seven years aforesaid.

On free ne-
groes for be-
getting such
child.

XXVI. AND, If such begetter of such child as aforesaid be a free negro, he shall become a servant for and during the term of seven years as aforesaid, to be adjudged by the justices of the county court where such fact is committed, according to this law, in the clause made and provided against such servants as have bastards: (and the issues or children of such unnatural and inordinate copulations, shall be servants until they arrive at the age of one and thirty years.)

And on
white men
getting ne-
groes with
child.

XXVII. AND, Any white man that shall beget any negro woman with child, whether free woman or servant, shall undergo the same penalties as white women; all which times of servitude, by this act imposed upon the persons having so offended, to be disposed of or employed as the justices of such county shall think fit, the produce whereof shall be appropriated towards defraying the county charge.

By 1728, ch. 4, free mulatto women, and their bastard issue, shall be subject to the same penalties as white women (and their issue) are, for having mulatto bastards, according to the three preceding sections; and free negro women having bastards by white men, and their issue, shall be subject to the same penalties; and the proceedings thereon to be the same as above prescribed.

So much of the 26th and 27th sections as relates to the issue of the inordinate copulations mentioned in them, and in the 25th section, was repealed by 1796, ch. 67. So much of the 2d and 3d sections of the act of 1728, ch. 4, as relates to the issue therein mentioned, were repealed by the same acts, and with the same saving.

Servants
having bas-
tards to sat-
isfy dama-
ges.

XXVIII. AND BE IT FURTHER ENACTED, *by the authority aforesaid*, That any servant woman having a bastard child, and

JOHN HART, Esq. GOVERNOR.

117

not able sufficiently to prove the party charged to be the begetter of such child, in every such case the mother of such child shall be liable to satisfy the damage so sustained, by servitude or otherwise, as the court before whom such matter is brought shall see convenient.

April,
1715.

XXIX. PROVIDED, That where the mother of any such child as aforesaid do prove her charge, by sufficient testimony of witness, confession of the party charged, or pregnant circumstances, agreeing with her declaration in her extremity of her pains or throws of travail, and her oath taken by some magistrate before the time of her delivery of every such bastard child, or after her delivery, then the party charged, if a servant, shall satisfy half the said damage, if a free man, shall satisfy the whole damage by servitude or otherwise, as the court before whom such matter is brought as aforesaid, shall think fit; but if the said free man cannot be brought to justice, then, and in every such case she, shall make the same satisfaction as if she could not prove the begetter as aforesaid; and if any such mother as aforesaid be able to prove, by such testimony, or confession of the party charged, that he, being a single person and a free man, did, before the begetting of such child, promise her marriage, that then he shall be at his choice, either to perform his promise to her, or recompence her abuse according as the court before whom such matter is brought shall adjudge.

Provided,

XXX. AND BE IT FURTHER ENACTED, *by the authority, advice and consent aforesaid*, That after the end of this session of assembly, it shall and may be lawful for the provincial and county courts of this province to hear and determine any complaints, between masters and servants, by way of petition, to give judgment and award execution upon the same; and that, upon appeal or writ of error brought upon the same from any county court of this province to the provincial court, or from the provincial court to the governor and council, no such judgment shall be reversed for want of judicial process, or that the same was not tried by a jury, or any matter of form either in the entry or giving judgment; provided that it appears by the record that the Defendant was legally summoned, and not condemned unheard.

Court may determine complaints, between masters and servants by way of petition.

XXXI. AND BE IT FURTHER ENACTED, *by the authority aforesaid*, That if any matter of dispute arises concerning servants imported into this province, or any servant that binds himself for years within this province, or any bound out by the county courts of this province, in relation to their indentures, contracts or wages, or any other matter of difference between the said master and servant, the same shall be tried, heard and determined, by petition as aforesaid, any law, statute or usage to the contrary notwithstanding.

All other disputes relating to indentures, contracts, &c. are also determinable by petition.

XXXII. AND BE IT ENACTED, *by the authority, advice and consent aforesaid*, That no negro or other slave within this province shall be permitted to carry any gun, or any other of

Slaves not to carry guns, &c. from off their mag-

April,
1715.

ter's land
without
leave.

Servants
stealing to
be adjudged
felons, and
to pay four-
fold by ser-
vitude.

Persons ta-
ken up not
to be held
more than
six months.

fensive weapon, from off their master's land, without licence from their said master ; and if any negro or other slave shall presume so to do, he shall be liable to be carried before a justice of peace, and be whipped, and his gun or other offensive weapon shall be forfeited to him that shall seize the same and carry such negro so offending before a justice of peace.

XXXIII. AND BE IT ENACTED, *by the authority aforesaid, by and with the advice and consent aforesaid,* That from and after the end of this session of assembly, any servant or servants whatsoever within this province, that shall feloniously take or purloin his or their master, mistress or dame's goods or chattels, under the value of one thousand pounds of tobacco, shall be adjudged felony, and being thereof lawfully convict in any county court of this province, shall be adjudged to pay four times the value of such goods so purloined, to his or their master, mistress or dame, which he, she or they shall make good by servitude, after the expiration of their first time of service, and shall also suffer such pains of whipping or pilloring as the justices before whom such matter is brought shall adjudge.

XXXIV. AND BE IT FURTHER ENACTED *by the authority, advice and consent aforesaid,* That when any person or persons (except negroes and mulattoes) shall be found travelling without passes as aforesaid, and shall be taken up as suspected runaways, and by any justice of peace committed to the custody of any sheriff or gaoler within this province, it shall not be lawful for any such sheriff or gaoler to hold such person in custody longer than six months; and if such person can, at any time within the said six months, procure a certificate or other justification that he or she is no servant, he or she shall and may, by order of any two justices of the county where such person is committed to prison, be discharged from any further imprisonment, he, she or they serving such sheriff or gaoler, or his assigns, so many days as he, she or they were in custody of such sheriff or gaoler, or otherwise paying ten pounds of tobacco per day to such sheriff or gaoler for their imprisonment fees, and no more, and paying unto such person or persons who took up such person two hundred pounds of tobacco, or serving him, her or them twenty days in lieu thereof ; and if any such sheriff or gaoler shall detain such person in prison after such order of two justices aforesaid, or the expiration of six months, and payment of ten pounds of tobacco per day as aforesaid, such sheriff or gaoler shall be liable to an action of false imprisonment, any law, statute or usage to the contrary notwithstanding.

JOHN HART, ESQ. GOVERNOR.

119

CHAP. XLVI.

April,
1715.

An ACT for the direction of sheriffs in their offices,
and restraining their ill practices within this province.

List facts relating to sheriffs : 1724, ch. 21. 1769, ch. 15. Feb. 1777, ch. 19. 1780, ch. 10. 1789, ch. 30. 1797, ch. 43, 87. 1798, ch. 86, 94. 1805, ch. 107. 1806, ch. 16. 94.—

BE IT ENACTED, *by the King's most excellent majesty, by and with the advice and consent of his majesty's Governor, Council and Assembly of this province, and the authority of the same,* That no sheriff, under-sheriff or deputy-sheriff, shall seize any tobacco unstript, or seize or mark any merchant's or other's tobacco received, marked and nailed, for any cause whatsoever, but only for levies due to the public, county parish, or for the forty per poll to the minister; and the several sheriffs are hereby empowered to break the lock of any tobacco-house, or other houses where tobacco is or shall be secured with design to prevent the said sheriff from seizing such tobacco for levies and dues as aforesaid; and any sheriff so seizing or marking any hogshead or hogsheads of tobacco containing more than what is justly due for levies and dues as aforesaid, without satisfaction to the person to whom such tobacco doth belong, as by giving credit, or suffering him to take the overplus out of such hogshead of tobacco, at the choice of the party paying or owing the same, shall pay, for every such default the sum of two thousand pounds of tobacco, one half to his majesty, his heirs and successors, for support of government, the other half to the party grieved, to be recovered in any court of record of this province by action of debt, bill, plaint or information, wherein no essoin, protection or wager of law to be allowed.

Sheriff not to seize tobacco unstript, &c. except for public levies, &c.

II. AND, If it shall so happen that at any time any sheriff shall seize any hogshead of tobacco which shall weigh more than such levy or levies or dues as aforesaid shall amount unto, if the remaining part due to the party or parties from whom they shall receive such levy or levies or dues aforesaid be the greater quantity, then, and in every such case, the sheriff or sheriffs shall take out of the said hogshead such quantity or quantities of tobacco due to him for such levy or levies, or dues as aforesaid, and the said hogshead, and the remaining part of the tobacco, shall be and remain with the party or parties paying the same, but if the remaining part of such hogshead of tobacco, so seized as aforesaid, and belonging to the party or parties paying the same, shall be the less quantity than is due to the said sheriff or sheriffs as aforesaid, then, and in every such case, the owner or owners of such tobacco shall take out of the overplus of such tobacco, and the hogshead, with the remaining part, shall belong to such sheriff or sheriffs receiving the same.

Party entitled to the greatest share to have the cask, when the hogshead is broken upon such seizure.

T H E
P U B L I C L A W S
O F T H E S T A T E O F
S O U T H - C A R O L I N A ,

*FROM ITS FIRST ESTABLISHMENT AS A BRITISH PROVINCE
DOWN TO THE YEAR 1790, INCLUSIVE,*

I N W H I C H
I s C O M P R E H E N D E D S U C H O F T H E S T A T U T E S O F G R E A T B R I T A I N A S W E R E M A D E O F F O R C E B Y
T H E A C T O F A S S E M B L Y O F 1712,

With an Appendix containing such other Statutes as have been enacted or
declared to be of force in this State, either virtually or expressly,

T O W H I C H I S A D D E D
T H E T I T L E S O F A L L T H E L A W S (W I T H T H E I R R E S P E C T I V E D A T E S) W H I C H H A V E B E E N P A S S E D I N
S O U T H - C A R O L I N A D O W N T O T H E P R E S E N T T I M E ,

A L S O
The Constitution of the United States with the amendments thereto,

A N D L I K E W I S E
~~THE NEWLY~~ A D O P T E D C O N S T I T U T I O N O F T H E S T A T E O F S O U T H - C A R O L I N A ,

T O G E T H E R W I T H A C O P I O U S I N D E X T O T H E W H O L E .

By the Honorable JOHN FAUCHERAUD GRIMKE, Esq. A. B. & L. L. D. and one of the
associate Judges of the Superior Courts in the State of South-Carolina.

Mifera Servitus est, ubi Jus est Vagum aut Incognitum. 4 Inst. 246, 332:

P H I L A D E L P H I A :
PRINTED BY R. AITKEN & SON, IN MARKET STREET.
M.DCC.XC.

D E D I C A T I O N

TO THE FREEMEN OF THE STATE OF SOUTH-CAROLINA.

FELLOW CITIZENS,

THE operation of the same principle which led me to encounter in your army, the various vicissitudes of fortune during the late glorious Revolution, induced me to undertake the following work.

As no man who is acquainted with the nature of the army, can suppose that the citizen would embrace the soldier's life, through mercenary views; so neither can any one who is familiar with the distance of our settlements from each other, of the extreme barrenness of great part of our country, and of the few inhabitants residing in Carolina, in proportion to the extent of its territory, justly suppose that a book intended merely for the service of the inhabitants of this State, could command such a sale, as to render it an object of lucrative advantage to the compiler. In older and fully peopled countries, there are seldom less than three thousand copies of a book struck off; in the present instance, there is but one sixth of that number; so that the trifling profit upon each volume, can be no recompence for the time and labour bestowed upon the work.

The compensation that I flattered myself I should receive, was of a more laudable nature, and more beneficial to myself: I mean that the citizen of South-Carolina, should no longer be degraded into the condition of a slave, by a total ignorance of what was the law of his country, but that he might be enabled to acquire at a moderate price, and in a comprehensive view, the statutes by which his conduct was to be regulated: an object which had hitherto been unattainable, whilst wrapped up in the profound confusion, and Sibylline obscurity to which they have been doomed for this last half century.

The other gratification which was agreeable to my feelings, was that of rendering myself master of the Statute Law of my country, thereby becoming more adequate to the duties of the office, with which you have been pleased honorably to entrust me.

It is in vain to declare to you the labour I have undergone, the repeated fatigue I have supported in the toilsome execution of this work, and the frequent fits of sickness, occasioned by an unremitting industry, which tended to baffle and actually did delay the completion of my design, if I have accomplished a work which shall prove acceptable and serviceable to you, I shall deem myself fully repaid.

Wishing that you may hereafter as successfully excel the nations of the old world, in the arts of peace as you have already proved yourselves their superior in arms.

I am, my Friends and Countrymen,

with the sincerest esteem,

and most affectionate attachment,

your most obedient,

and ever devoted humble servant.

JOHN FAUCHEREAUD GRIMKÉ.

Blount, Enoree, South-Carolina, July 30, 1790.

of South Carolina.

163

tion money; unless such person or persons can shew a good and sufficient excuse before the breaking up of the said court, which said excuse shall be upon oath and to the satisfaction of the said court. *Provided*, That all such person or persons that shall be defaulters as aforesaid, shall have until the Monday before the court of common pleas, to be holden then next after such court of general sessions of the peace, oyer and terminer, assize and general gaol delivery, to make such excuse to the judges of the said court, which court is hereby empowered to adjourn until that day.

A. D. 1740.
N^o. 692.

Unless he can make a good excuse on oath.
Provido.

III. And that all defaulters may have due notice of the fines intended to be laid on them, *Be it further enacted*, That the clerk of the sessions shall be, and he is hereby directed and required to cause a list of the names of all such jurors as shall be defaulters at any court of general sessions of the peace, oyer and terminer, assize and general gaol delivery, that shall hereafter be holden in this Province to be inserted in the gazette within 10 days after such defaulter shall be noted for non-appearance.

Clerk of the sessions to cause the defaulters names to be inserted in the gazette within 10 days after they are noted for non-appearance.

IV. And whereas by an act passed on the 20th day of August, 1731, all constables throughout this Province are to be appointed by the court of general sessions. And whereas it may be necessary in case of the death or removal of any constable out of the parish or district for which he may be appointed, to appoint another constable or constables in his or their room, as well in the vacation time, as at the time of sitting of the said court, *Be it further enacted*, That it shall and may be lawful for the said court, or the * Chief Justice and any 2 of the justices of the court, in case of death or removal of any constable out of his parish or district for which he shall be appointed to appoint another in his room, either at the sitting of the said court, or in the vacation time, as the case shall require; and in case any person so appointed as aforesaid, either by virtue of the afore recited act, or this act, shall neglect or refuse to act or take upon himself the office of constable, every person so offending shall on due conviction before the said court forfeit the sum of £ 10 proclamation money; one half of which forfeiture shall be to the use of his Majesty to be applied by the General Assembly of this Province, and the other half to him or them who will prosecute and sue for the same.

How constables are to be appointed.

Penalty on refusing to act.
How disposed of.

V. And to the intent that no person may be ignorant of the fines hereby imposed in such cases, *It is further enacted*, That the * provost marshal of this Province shall give notice in writing to all persons hereafter to be summoned as grand jurors, that they do attend at the court for which they shall be respectively summoned under the pain of forfeiting the sum of £ 10 proclamation money; and to the petit jurors that they attend under pain of forfeiting the sum of £ 5 proclamation money.

The sheriff to give notice to persons summoned, the amount of their fine for non-attendance &c.

VI. *Altered by A. A. 1789.*

VII. *And be it further enacted*, That all the fines imposed by this act shall be to the use of his Majesty to be appropriated and applied by the General Assembly, and shall be paid into the hands of the public treasurer of this Province for the time being for that purpose.

Application of the fines.

CHARLES PINCKNEY, SPEAKER.

5th April, 1740.

WILLIAM BULL.

* Or any of the judges, 1789. † The sheriff by circuit court act of 1769.

An Act for the better Ordering and Governing Negroes and other Slaves in this Province.

N^o. 695.

WHEREAS in his majesty's plantations in America, slavery has been introduced and allowed; and the people commonly called negroes, Indians, mulatos and mestizos, have deemed absolete slaves, and the subjects of property in the hands of particular persons; the extent of whose power over such slaves, ought to be settled and limited by positive laws, so that the slaves may be kept in due subjection and obedience, and the owners and other persons having the care and government of slaves, may be restrained from exercising too great rigour and cruelty over them; and that the public peace and order of this Province may be preserved: *Be it enacted*, that all negroes, Indians, (free Indians in amity with this government, and negroes, mulatos and mestizos who are now free excepted) mulatos or mestizos, who now are or shall hereafter be in this Province, and all their issue and offspring born or to be born, shall be and they are hereby declared to be and remain for ever hereafter absolute slaves.

Preamble.

Enacted.

What persons are deemed slaves.

164

The Public Laws

A. D. 1740.
No. 695.

Proviso.

3rd Nov 1740 p. 324.

1st Nov 1740 p. 489.

Proviso.

Proviso.

The defendant
to enter into a
recognizance to
produce the
ward of the
plaintiff, &c.

No slave to be
absent from
home without
a letter or tick-
et.

Slaves found
from home
without a ticket
how to dealt be
with.

Any person who
shall give a tick-
et to a slave with-
out his master's
consent shall for-
feit £20 to the
owner.

slaves, and shall follow the condition of the mother; and shall be deemed, should, taken, reputed and adjudged in law to be chattles personal in the hands of their owners and possessors and their executors, administrators and assigns, to all intents, constructions and purposes whatsoever. *Provided* that if any negro, Indian mulato, or mestizo shall claim his or her freedom, it shall and may be lawful for such negro, Indian, mulato or mestizo, or any person or persons whatsoever, on his or her behalf to apply to the justices of his Majesty's court of common pleas by petition or motion, either during the sitting of the said court, or before any of the justices of the same court at any time in the vacation. And the said court or any of the justices thereof, shall and they are hereby fully empowered to admit any person so applying, to be guardian for any negro, Indian, mulato or mestizo claiming his, her or their freedom, and such guardians shall be enabled; intitled and capable in law to bring an action of trespass, in the nature of ravishment of ward, against any person who shall claim property in, or who shall be in possession of any such negro, Indian, mulato or mestizo: and the defendant shall and may plead the general issue on such action brought, and the special matter may and shall be given in evidence, and upon a general or special verdict found, judgment shall be given according to the very right of the cause, without having any regard to any defect in the proceedings, either in form or substance: And if judgment shall be given for the plaintiff, a special entry shall be made declaring, that the ward of the plaintiff is free, and the jury shall assess damages which the plaintiff's ward hath sustained, and the court shall give judgment, and award execution against the defendant for such damages with full costs of suit, but in case judgment shall be given for the defendant, the said court is hereby fully empowered to inflict such corporal punishment not extending to life or limb on the ward of the plaintiff as they in their discretion shall think fit. *Provided* that in any action or suit to be brought in pursuance of the direction of this act, the burthen of the proof shall lay upon the plaintiff, and it shall be always presumed, that every negro, Indian, mulato and mestizo, is a slave, unless the contrary can be made appear. (The Indians in amity with this government excepted) in which case the burthen of the proof shall lie on the defendant. *Provided* also, that nothing in this act, shall be construed to hinder or restrain any other court of law or equity in this Province, from determining the property of slaves, or their right of freedom, which now have cognizance or jurisdiction of the same, when the same shall happen to come in judgment before such courts or any of them, always taking this act for their direction therein.

II. And in every action or suit to be brought by any such guardian as aforesaid, appointed pursuant to the direction of this act, the defendant shall enter into a recognizance with one or more sufficient sureties to the plaintiff in such sum as the said court of common pleas shall direct, with condition that he shall produce the ward of the plaintiff at all times, when required by the court and that whilst such action or suit shall be depending and undetermined, the ward of the plaintiff, shall not be eloiigned, abused or misused.

III. And for the better keeping slaves in due order and subjection: *Be it further enacted*, that no person whatsoever, shall permit or suffer any slave under his or their care or management, and who lives, or is employed in Charlestown, or any other town in this Province, to go out of the limits of the said town, or any such slave who lives in the country to go out of the plantation to which such slave belongs, or in which plantation such slave is usually employed, without a letter superscribed and directed, or a ticket in the words following.

PERMIT this slave to be absent from Charlestown, (or any other town, or if he lives in the country) from Mr. . plantation in . parish, for . days or hours, dated the . day of — or to that purpose or effect; which ticket shall be signed by the master or other person having the care or charge of such slave, or by some other person by his or their order, direction and consent: And every slave who shall be found out of Charlestown, or any other town, if such slaves lives or is usually employed there, or out of the plantation to which such slave belongs, or in which such slave is usually employed, if such slave lives in the country, without a letter or ticket as aforesaid, or without a white person in his company, shall be punished with whipping on the bare back not exceeding 20 lashes.

IV. And if any person shall presume to give a ticket or licence to any slave, who is the property or under the care or charge of another without the consent or against the will of the owner, or other person having charge of such slave, shall forfeit to the owner the sum of £20 current money.

V. If

#867
of South-Carolina.

165

V. If any slave, who shall be out of the house or plantation where such slave shall live or shall be usually employed, or without some white person in company with such slave, shall refuse to submit to or undergo the examination of any white person, it shall be lawful for any such white Person to pursue, apprehend and moderately correct such slave; and if such slave shall assault and strike such white person, such slave may be lawfully killed.

VI. *Provided* that if any negro or other slave, who shall be employed in the lawful business or service of his master, owner, overseer, or other person having charge of such slave, shall be beaten, bruised, maimed or disabled by any person or persons not having sufficient cause or lawful authority for so doing, (of which cause the justices of the peace respectively may judge) every person and persons so offending, shall, for every such offence, forfeit and pay the sum of 40s. current money, over and besides the damages herein-after mentioned, to the use of the poor of that parish in which such offence shall be committed. And if such slave or slaves shall be maimed or disabled by such beating, from performing his or her work, such person and persons so offending, shall also forfeit and pay to the owner or owners of such slaves, the sum of 15s. current money per diem, for every day of his lost time, and also the charge of the cure of such slave. And if the said damages, in the whole, shall not exceed the sum of £20 current money, the same shall, upon lawful proof thereof made, be recoverable before any one of his Majesty's justices of the peace, in the same way and manner as debts are recoverable by the act for the trial of small and mean causes. And such justice before whom the same shall be recovered, shall have power to commit the offender or offenders to gaol, if he, she or they shall produce no goods on which the said penalty and damages may be levied, there to remain without bail, until such penalty and damages shall be paid, any law, statute, usage or custom to the contrary notwithstanding.

VII. And it shall and may be lawful for every justice assigned to keep the peace in this Province, within his respective county and jurisdiction, upon his own knowledge or view, or upon information received upon oath, either to go in person, or by warrant or warrants directed to any constable, or other proper person, to command to their assistance any number of persons as they shall see convenient, to disperse any assembly or meeting of slaves which may disturb the peace, or endanger the safety of his Majesty's subjects, and to search all suspected places, for arms, ammunition or stolen goods, and to apprehend and secure all such slaves as they shall suspect to be guilty of any crimes or offences whatsoever, and to bring them to speedy trial according to the direction of this act; and in case any constable or other person shall refuse to obey or execute any of the warrants or precepts of such justices, or any of them, within their several limits and precincts, or shall refuse to assist the said justices or constables or any of them, when commanded or required; such person or persons shall forfeit and pay the sum of £5 current money, to be recovered by a warrant under the hand and seal of any other justice of the peace, in the same way and manner as is directed by the act for the trial of small and mean causes.

VIII. If any person shall be maimed, wounded or disabled, in pursuing, apprehending or taking any slave that is run away, or charged with any criminal offence, or in doing any other act, matter or thing, in obedience to or in pursuance of the direction of this act, he shall receive such reward from the public as the General Assembly shall think fit; and if any such person shall be killed; his heirs, executors or administrators shall receive the like reward.

IX. And whereas natural justice forbids, that any person of what condition soever should be condemned unheard, and the order of civil government requires, that for the due and equal administration of justice, some convenient method and form of trial should be established, *Be it therefore enacted*, that all crimes and offences which shall be committed by slaves in this Province, and for which capital punishment shall or lawfully may be inflicted, shall be heard, examined, tried, adjudged, and finally determined by any 2 justices assigned to keep the peace, and any number of freeholders not less than 3 or more than 5 in the county where the offence shall be committed, and can be most conveniently assembled; either of which justices, on complaint made or information received of any such offence committed by a slave, shall commit the offender to the safe custody of the constable of the parish where such offence shall be committed, and shall without delay, by warrant under his hand and seal, call to his assistance, and request any one of the nearest justices of the peace, to associate with him; and shall by the same warrant summon such a number of the neighbouring freeholders as aforesaid, to assemble and meet together with the said justices, at a certain day and place not exceeding* 3 days after the apprehending of such slave or slaves; and the justices and freeholders being so assembled, shall cause the slave

A. D. 1740.

N^o. 695.

Slaves refusing to be examined by any white person, may be corrected, and if they resist they may be lawfully killed.

Slaves beaten, &c. without cause, every person so offending shall forfeit 40s. to the poor. And if such slave shall be disabled from performing his work, the offender shall forfeit 15s. per day, for each day of his lost time, and the cure of such slave.

How to be recovered.

Justices impowered to command any number of persons as they shall see convenient, to disperse any assembly or meeting of slaves &c. and search for arms, ammunition or stolen goods, and to apprehend suspected slaves, &c.

Persons refusing to execute the justices warrant when commanded, shall forfeit 5l.

How to be recovered.

Persons maimed or wounded in taking runaway slaves to be rewarded by the General Assembly.

How slaves are to be tried for offences (capital).

T t

accused

* Altered to 6 or longer by A. A. 1754.

A. D. 1740. accused or charged, to be brought before them, and shall hear the accusation which shall be brought against such slave, and his or her defence, and shall proceed to the examination of witnesses, and other evidence, and finally hear and determine the matter brought before them, in the most summary and expeditious manner; and in case the offender shall be convicted of any crime, for which by law the offender ought to suffer death, the said justices shall give judgment, and award and cause execution of their sentence to be done, by inflicting such manner of death, and at such time as the said justices, by and with the consent of the freeholders, shall direct, and which they shall judge will be most effectual to deter others from offending in the like manner.

And for offences not capital.

X. If any crime or offence, not capital, shall be committed by any slave, such slave shall be proceeded against and tried for such offence in the manner herein-before directed, by any 1 justice of the peace, and any 2 freeholders of the county where the offence shall be committed, and can be most conveniently assembled; and the said justice and freeholders shall be summoned, assembled and called together, and shall proceed upon the trial of any slave who shall commit any offence, not capital, in like manner as is herein-before directed for trying of cases capital: And in case any slave shall be convicted before them, of any offence not capital; the said 1 justice, by and with the consent of the said freeholders, shall give judgment, for the inflicting any corporal punishment, not extending to the taking away life or member, as he and they in their discretion shall think fit; and shall award and cause execution to be done accordingly.

Provido,

Provided, That if the said 1 justice and 2 freeholders, upon examination of any slave charged or accused before them, for an offence not capital, shall find the same to be a greater offence, and may deserve death, they shall with all convenient speed, summons and request the assistance of another justice, and one or more freeholders, not exceeding 3; which said justice and freeholders newly assembled, shall join with the justice and freeholders first assembled, and shall proceed in the trial, and unto final judgment and execution, if the case shall so require, in manner as is herein-before directed for the trial of capital offences.

Two justices & one freeholder or one justice and two freeholders to be a Quorum on the trial of slaves.

XI. And by it further enacted, That 2 justices and 1 freeholder, or 1 justice and 2 freeholders of the said 2 justices and 3 freeholders, shall make a *Quorum*, and the conviction or acquittal of any slave or slaves by such a *Quorum* of them, shall be final in all capital cases; but on the trial of slaves for offences not capital, it shall and may be sufficient, if before sentence or judgment shall be given, for inflicting a corporal punishment not extending to life or member, that 1 justice and any 1 of the freeholders shall agree, that the slave accused is guilty of the offence with which he shall be charged.

XII. So soon as the justice or justices and freeholders shall be assembled as aforesaid, in pursuance of the direction of this act, the said justices shall administer to each other the following oath:

Oath to be administered on the trial of slaves.

I, A. B. do solemnly swear in the presence of Almighty God, That I will truly and impartially try and adjudge the prisoner or prisoners who shall be brought before me, upon his or their trial, and honestly and duly, on my part, put in execution on this trial an act, entitled, An act for the better ordering and governing negroes and other slaves in this province, according to the best of my skill and knowledge; So help me God.

And the said justice or justices having taken the aforesaid oath, shall immediately administer the said oath to every freeholder who shall be assembled as aforesaid, and shall forthwith proceed upon the trial of such slave or slaves as shall be brought before them.

Evidence to be allowed against slaves.

XIII. And for the preventing the concealment of crimes and offences committed by slaves, and for the more effectual discovery and bringing slaves to condign punishment, *Be it enacted*, That not only the evidence of all free Indians without oath, but the evidence of any slave without oath shall be allowed and admitted, in all causes whatsoever, for or against another slave accused of any crime or offence whatsoever, the weight of which evidence being seriously considered, and compared with all other circumstances attending the case, shall be left to the conscience of the justices and freeholders.

And against free negroes.

XIV. And whereas slaves may be harboured and encouraged to commit offences, and concealed and received by free negroes; and such free negroes may escape the punishment due to their crimes, for want of sufficient and legal evidence against them; *Be it enacted*, That the evidence of any free Indian or slave without oath, shall in like manner be allowed and admitted in all cases, against any free negroes, Indians, (free Indians in amity with this government only excepted) mulatto or mestizo, and all crimes and offences committed by free negroes,

Indians,

Indians, (except as before excepted) mulattoes or mestizos, shall be proceeded in, heard, tried, adjudged and determined by the justices and freeholders appointed by this act for the trial of slaves, in like manner, order and form as is hereby directed and appointed for the proceedings and trial of crimes and offences committed by slaves, any law, statute, usage or custom to the contrary notwithstanding.

XV. If any slave in this Province shall commit any crime or offence whatsoever, which by the laws of England, or of this Province, now in force, is or has been made felony without benefit of the clergy, and for which the offender by law ought to suffer death; every such slave, being duly convicted according to the directions of this act, shall suffer death, to be inflicted in such manner as the justices, by and with the advice and consent of the freeholders, who shall give judgment on the conviction of such slave, shall direct and appoint.

XVI. And whereas some crimes and offences of an enormous nature, and of the most pernicious consequence, may be committed by slaves, as well as other persons, which being peculiar to the condition and situation of this Province, could not fall within the provision of the laws of England; *Be it therefore enacted*, that the several crimes and offences herein-after particularly enumerated, are hereby declared to be felony without the benefit of the clergy, *That is to say*, If any slave, free negro, mulatto, Indian or mestizo, shall wilfully and maliciously burn or destroy any stack of rice, corn or other grain, of the product, growth or manufacture of this Province; or shall wilfully and maliciously set fire to, burn or destroy any tar kiln, barrels of pitch, tar, turpentine or rosin, or any other the goods or commodities of the growth, produce or manufacture of this Province; or shall feloniously steal, take or carry away any slave, being the property of another, with intent to carry such slave out of this Province; or shall wilfully and maliciously poison, or administer any poison to any person, free-man, woman, servant or slave; every such slave, free negro, mulatto, Indian (except as before excepted) and mestizo, shall suffer death as a felon.

XVII. Any slave who shall be guilty of homicide of any sort, upon any white person, except by misadventure, or in defence of his master or other person under whose care and government such slave shall be, shall upon conviction thereof as aforesaid, suffer death.

* And every slave who shall raise or attempt to raise an insurrection in this Province, or shall endeavour to delude or entice any slave to run away and leave this Province; every such slave and slaves, and his and their accomplices, aiders and abettors, shall upon conviction as aforesaid, suffer death. *Provided always*, That it shall and may be lawful to and for the justices who shall pronounce sentence against such slaves, by and with the advice and consent of the freeholders as aforesaid, if several slaves shall receive sentence at one time, to mitigate and alter the sentence of any slave, other than such as shall be convicted of the homicide of a white person, who they shall think may deserve mercy, and may inflict such corporal punishment (other than death) on any such slave, as they in their discretion shall think fit, any thing herein contained to the contrary thereof in any wise notwithstanding. *Provided*, That one or more of the said slaves who shall be convicted of the crimes or offences aforesaid, where several are concerned, shall be executed for example, to deter others from offending in the like kind.

XVIII. And to the end that owners of slaves may not be tempted to conceal the crimes of their slaves, to the prejudice of the public, *Be it enacted*, That in case any slave shall be put to death, in pursuance of the sentence of the justices and freeholders aforesaid, (except slaves guilty of murder, and slaves taken in actual rebellion) the said justices, or one of them, with the advice and consent of any 2 of the freeholders, shall, before they award and order their sentence to be executed, appraise and value the said negroes so to be put to death, at any sum not exceeding £200 current money, and shall certify such appraisement to the public treasurer of this Province, who is hereby authorised and required to pay the same; one moiety thereof at least to the owner of such slave, or to his order, and the other moiety, or such part thereof as such justices and freeholders shall direct, to the person injured by such offence for which such slave shall suffer death.

XIX. And the said justices, or any of them, are hereby authorised, empowered and required to summons and compel all persons whatsoever, to appear and to give evidence upon the trial of any slave; and if any person shall neglect or refuse to appear, or appearing, shall refuse to give evidence; or if any master or other person who has the care and government of any slave, shall prevent or hinder any slave under his charge or government, from appearing or giving evidence in any matter depending before the justices and freeholders aforesaid; the said justices may, and they are hereby fully empowered and required to bind every such person offending as aforesaid; by recognizance, with 1 or more sufficient sureties, to appear at the

A.D. 1740.

N^o. 695.

Crimes committed by slaves, which by the laws of England or this province, is or has been made felony without benefit of clergy, the offender shall suffer death.

Crimes declared felony.

Slaves who shall attempt to raise an insurrection or to entice other slaves to run away and leave this province, shall suffer death. *Provido*.

That the justices with the consent of the freeholders, if several slaves shall receive sentence at any time, may mitigate the punishment, &c. One or more of the slaves convicted, to be executed for example.

If any slave shall be executed for any crime except murder and rebellion, the justices and freeholders shall appraise such slave, at any sum not exceeding 200l. and shall certify the same to the public treasurer, who is required to pay the same.

Justices empowered to compel any persons to appear and give evidence on the trial of slaves. And any person refusing, shall be

A. D. 1740.

N^o. 695.

bound over to the sessions.

Any person who shall conceal any slave, accused of a capital crime, shall forfeit 250l. But if such slave shall be accused of a crime not capital, then such person shall forfeit 50l.

Constables to cause execution to be done on all slaves, &c. And shall be paid (unless in such cases where the prosecution shall appear to be malicious, which shall be then paid by the prosecutors) for whipping and other corporal punishment 20s. and for punishment extending to life, 5l. and other charges, &c. The constable empowered to impress any slave to inflict the punishment on offenders, &c. Persons who shall put any slave to work on Sunday, shall forfeit 5l.

It shall not be lawful for slaves to use fire arms, without a ticket. The tickets to be renewed every month. No slave shall carry any weapon from home between Saturday evening and Monday morning.

In what case fire arms, &c. may be taken from slaves.

And if not committed by the owner, then the justice of the peace shall have power to seize the same.

And if the owner be a Quaker, the justice of the peace shall have power to seize the same.

the next general sessions, to answer such their offences and contempt; and for default of finding sureties, to commit such offender to prison.

XX. In case the master or other person having charge or government of any slave who shall be accused of any capital crime, shall conceal or convey away any such slave, so that he cannot be brought to trial and condign punishment, every master or other person so offending, shall forfeit the sum of £250 current money, if such slave be accused of a capital crime as aforesaid; but if such slave shall be accused of a crime not capital then such master or other person, shall only forfeit the sum of £50 current money.

XXI. And be it further enacted that all and every the constable and constables in the several parishes within this Province, where any slave shall be sentenced to suffer death, or other punishment, shall cause execution to be done of all the orders, warrants, precepts and judgments of the justices hereby appointed to try such slaves; for the charge and trouble of which the said constable or constables, respectively shall be paid, unless in such cases as shall appear to the said justices and freeholders to be malicious or groundless prosecutions, in which cases the said charges shall be paid by the prosecutors, for whipping, or other corporal punishment not extending to life, the sum of 20s. and for any punishment extending to life, the sum of £5 current money, and such other charges for keeping and maintaining such slaves, as are allowed to the warden of the work-house in Charlestown for keeping and maintaining any slave committed to his custody; for the levying of which charges against the prosecutor, the justice or justices are hereby empowered to issue their warrant. And that no delay may happen in causing execution to be done upon such offending slave or slaves, the constable who shall be directed to cause execution to be done, shall be and is hereby empowered to press 1 or more slave, or slaves, in or near the place where such whipping or other corporal punishment shall be inflicted, to whip or inflict such other corporal punishment upon the offender or offenders; and such slave or slaves so pressed shall be obedient to and observe all the orders and directions of the constable, in and about the premises, upon pain of being punished by the said constable, by whipping on the bare back not exceeding 20 lashes; which punishment the said constable is hereby authorized and empowered to inflict; and the constable shall, if he presses a negro, pay the said negro 5s. out of his fee, for doing the said execution.

XXII. If any person in this Province, shall on the Lord's day, commonly called Sunday, employ any slave in any work or labour (works of absolute necessity, and the necessary occasions of the family only excepted) every person in such case offending, shall forfeit the sum of £5 current money, for every slave they shall so work or labour.

XXIII. It shall not be lawful for any slave, unless in the presence of some white person, to carry or make use of fire-arms, or any offensive weapon whatsoever, unless such negro or slave shall have a ticket or licence in writing from his master, mistress or overseer, to hunt and kill game, cattle, or mischievous birds, or beasts of prey, and that such licence be renewed once every month; or unless there be some white person of the age of 16 years or upwards, in the company of such slave when he is hunting or shooting; or that such slave be actually carrying his master's arms to or from his master's plantation, by a special ticket for that purpose; or unless such slave be found in the day time actually keeping off rice-birds, or other birds within the plantation to which such slave belongs, lodging the same gun at night within the dwelling-house of his master, mistress or white overseer. And provided also, that no negro or other slave shall have liberty to carry any gun, cutlafs, pistol or other weapon, abroad from home, at any time between Saturday evening after Sun-set and Monday morning before Sun-rise, notwithstanding a licence or ticket for so doing. And in case any person shall find any slave using or carrying fire-arms, or other offensive weapons, contrary to the true intention of this act; every such person may lawfully seize and take away such fire-arms or offensive weapons: But before the property of such goods shall be vested in the person who shall seize the same, such person shall, within 48 hours next after such seizure, go before the next justice of the peace, and shall make oath of the manner of the taking; and if such justice of the peace, after such oath shall be made, or if upon any other examination, he shall be satisfied, that the said fire-arms or other offensive weapons, shall have been seized according to the directions, and agreeable to the true intent and meaning of this act, the said justice shall, by certificate under his hand and seal, declare them forfeited, and that the property is lawfully vested in the person who seized the same. Provided that no such certificate shall be granted by any justice of the peace, until the owner or owners of such fire-arms or other offensive weapons so to be seized as aforesaid, or the overseer or overseers who shall or may have the charge of such slave or slaves from whom such fire-arms or other offensive weapons shall be taken or seized,

shall

A. A.
1819
p. 31

And if the owner be a Quaker, the justice of the peace shall have power to seize the same.

of South-Carolina.

169

shall be duly summoned, to shew cause (if any such they have) why the same should not be condemned as forfeited; or until 48 hours after the service of such summons, and oath made of the service thereof before the said justice.

A. D. 1740.

N^o. 695.

XXIV. If any slave shall presume to strike any white person, such slave, upon trial and conviction before the justice or justices and freeholders aforesaid, according to the directions of this act, shall for the 1st and 2^d offence, suffer such punishment as the said justice and freeholders, or such of them as are impowered to try such offences, shall in their discretion think fit, not extending to life or limb, and for the 3^d offence shall suffer death; but in case any such slave shall grievously wound, maim or bruise any white person, though it shall be only the 1st offence, such slave shall suffer death. *Provided* that such striking, wounding maiming or bruising be not done by the command, and in the defence of the person or property of the owner, or other person having the care or government of such slave; in which case the slave shall be wholly excused, and the owner or other person having the care or government of such slave, shall be answerable as far as by law he ought.

Slaves who shall strike a white person, how to be dealt with.

Any person may apprehend a runaway slave, and send him to his master, if known, otherwise to the work-house in Charles-Town. The master is to pay 20s. for taking up the slave. The warden of the work-house is to keep every runaway slave in safe custody, and to publish the best description he can of such in the gazette. If any slave shall escape through the warden's negligence, he shall answer to the owner for damages.

* XXV. And it shall and may be lawful for every person in this Province, to take, apprehend and secure any run-away or fugitive slave; and they are hereby directed and required to send such slave to the master, or other person having the care or government of such slave, if the person taking up or securing such slave, knows or can without difficulty be informed to whom such slave shall belong; but if not known or discovered, then such slave shall be sent, carried or delivered into the custody of the warden of the work-house in Charlestown: And the master or other person who has the care or government of such slave, shall pay for taking up of such slave, whether by a free person or slave, the sum of 20s. current money: And the warden of the work-house, upon receipt of every fugitive or run-away slave, is hereby directed and required to keep such slave in safe custody, until such slave shall be lawfully discharged; and shall, as soon as conveniently may be, publish in the weekly gazette, such slave, with the best descriptions he shall be able to give, first carefully viewing and examining such slave naked to the waist, for any mark or brand, which he shall also publish, to the intent the owner or other person who shall have the care and charge of such slave, may come to the knowledge that such slave is in custody: And if such slave shall make escape through the negligence of the warden of the work-house, and cannot be taken within 3 months, the said warden of the work-house shall answer to the owner for the value of such slave, or the damages which the owner shall sustain by reason of such escape, as the case shall happen.

The warden to provide for slaves at the owner's expence.

XXVI. And the said warden of the work-house, shall, at the charge of the owner of such slave, provide sufficient food, drink, clothing and covering for every slave delivered into his custody, and shall keep them to moderate labour, and advertise them in the gazette in the manner aforesaid, and on failure thereof shall forfeit all his fees due for such slave.

Persons taking up slaves to have mileage.

XXVII. And any person who shall take up any run-away slave, and shall deliver such slave either to the master or other person having the care or charge of such slave, or to the warden of the work-house, shall be entitled to receive from the owner or warden of the work-house, upon the delivery, 15d. current money per mile, for every mile such slave shall have been brought or sent, to be computed from the place where such slave was apprehended: And if such slave shall be delivered into the custody of the warden aforesaid, the person delivering such slave, shall give an account of his name, place of abode, and the time and place when and where such slave was apprehended; which account the said warden shall enter down in a book to be kept for that purpose, and shall give a receipt for any such slave which shall be delivered as aforesaid, into his custody: And the said warden is hereby fully authorized and empowered to demand and receive from the owner, or other person having the charge or care of any such slave, for negroes committed, from the month of October to March inclusive, for finding necessary clothing and coverings, to be the property of the masters, any sum not exceeding £6; and the several sums following, and no other sum, fee or reward on any pretence whatsoever, that is to say, For apprehending each slave, paid to the person who delivered such slave in custody, 20s. current money: For mileage paid to the same person, 15d. like money: For a sufficient quantity of provision for each day, for each slave, 3s. 9d. like money: For advertising and publishing every slave, as directed by this act, 5s. like money, exclusive of the charge of printing: For receiving such slave, 5s. and for delivering of him, 5s. For poundage on money advanced, 1s. in the pound, like money. And the said warden shall and may lawfully detain any slave in custody, until the fees and expences aforesaid, be

And to give an account of their names and places of abode to the warden who is to enter them in a book, and to give a receipt for any slave delivered to him.

The warden's fees.

U u

fully

* See A. A. 27 Feb. 1788, and the A. A. 1783, incorporating Charlestown, and putting the work-house under the directions of the intendant and wardens of the said city.

A. D. 1740. fully paid and satisfied; and in case the owner of such slave, or his overseer, agent manager, attorney or trustee, shall neglect or refuse to pay or satisfy the said fees and expences, for the space of 30 days after the same shall be demanded, by notice in writing served on the owner of such slave, or (if the owners is absent from this Province) upon his overseer, agent, manager, attorney or trustee, the said warden shall and may expose any such slave to sale at public outcry, and after deducting the fees and expences aforesaid, and the charges of such sale, shall upon demand, return the overplus money arising by such sale, to any person who has a right to demand and receive the same.

Nº. 695.

Slaves in the warden's custody 18 months and not claimed, shall be sold at public outcry, &c.

XXVIII. And forasmuch as for want of knowing or finding the owner of any fugitive slave, to be delivered to him as aforesaid, the said warden may not be obliged to keep such slave in his custody, and find and provide provisions for such slave over and beyond a reasonable time; *Be it therefore enacted*, That if the owner or owners of such fugitive slaves, shall not within the space of 18 months from the time of commitment, make his, her or their claim or claims, or it shall not be otherwise made known to the said warden, within the time aforesaid, to whom such committed slave shall belong; it shall and may be lawful for the said warden to sell such slave at public outcry, in Charlestown, he the said warden 1st advertising such sale 6 weeks successively in the public gazette, together with the reason of the sale of such slave, and out of the money arising by such sale, to pay, deduct or retain to himself what shall be then due for money by him disbursed on receipt of such fugitive slave, and for his fees and provisions, together with the reasonable charges arising by such sale; and the overplus money, if any there shall be, shall be rendered and paid by the said warden to the public treasurer for the time being, in trust nevertheless for the use of the owner or owners of such slave, provided the same be claimed by him, her or them, within 1 year and a day after such sale, or in default of such claim, within the time aforesaid, to the use of the public of this province, to be applied as the General Assembly shall direct.

Free negroes or slaves that shall harbour runaways, how to be dealt with.

XXIX. If any free negro, mulatto or mestizo, or any slave, shall harbour, conceal or entertain any slave that shall run away, or shall be charged or accused with any criminal matter; every free negro, mulatto and mestizo, and every slave, who shall harbour, conceal or entertain any such slave, being duly convicted thereof, according to the directions of this act, if a slave, shall suffer such corporal punishment, not extending to life or limb, as the justice or justices, who shall try such slave, shall in his or their discretion think fit; and if a free negro, mulatto or mestizo, shall forfeit the sum of £ 10 current money, for the first day, and 20s. for every day after, to the use of the owner or owners of such slave so to be harboured, concealed or entertained as aforesaid, to be recovered by warrant under the hand and seal of any one justice of the peace in and for the county where such slave shall be so harboured, concealed or entertained, in like manner as debts are directed to be recovered by the act for the trial of small and mean causes. And that in case such forfeitures cannot be levied, or such free negro, mulatto or mestizo shall not pay the same, together with the charges attending the prosecution, such free negro, mulatto or mestizo shall be ordered by the said justice to be sold at public outcry, and the money arising by such sale, shall in the first place, be paid for and applied towards the forfeiture due and made payable to the owner or owners, and the charges attending the prosecution and sale, and the overplus, if any, shall be paid by the said justice into the hands of the public treasurer, to be afterwards paid and applied in such manner as by the General Assembly of this Province shall be directed and appointed.

Slaves residing in Charles-town not to buy or sell (except as is herein-after excepted) on pain of forfeiting all the goods, &c.

How to be recovered and disposed of.

Proviso.

XXX. No slave who shall dwell, reside, inhabit or be usually employed in Charlestown, shall presume to buy, sell, deal, traffic, barter, exchange or use commerce, for any goods, wares, provisions, grain, victuals, or commodities of any sort or kind whatsoever, (except as is herein-after particularly excepted and provided, and under such provisos, conditions, restrictions and limitations as are herein particularly directed, limited and appointed) on pain that all such goods, wares, provisions, grain, victuals or commodities, which by any slave shall be so bought, sold, dealt, trafficked or bartered for, exchanged or used in commerce, shall be seized and so forfeited; and shall be sued for and recovered before any 1 justice assigned to keep the peace in Charlestown, and shall be applied and disposed of one half to him or them who shall seize, inform and sue for the same, and the other half to the commissioners of the poor of the parish of St. Philip's, Charlestown; and moreover, the said justice shall order every slave who shall be convicted of such offence, to be publicly whipped on the bare back not exceeding 20 lashes. *Provided*, That it shall and may be lawful for any slave, who lives or is usually employed in Charlestown, after such licence and ticket as herein-after is directed, shall be obtained, to buy or sell fruit, fish and garden-stuff, and to be employed as porters, carters or fishermen, and to purchase

of South Carolina.

171

purchase any thing for the use of their masters, owners, or other person who shall have the charge and government of such slaves, in open market, under such regulations as are or shall be appointed by law concerning the market of Charlestown, or in any open shop kept by a white person. A. D. 1740.
N^o. 695.

XXXI. Local.

XXXII. If any keeper of a tavern or punch-house, or retailer of strong liquors, shall give, sell, utter or deliver to any slave, any beer, ale, cyder, wine, rum, brandy, or other spirituous liquor, or strong liquor whatsoever, without the licence or consent of the owner, or such other person who shall have the care or government of such slave; every person so offending, shall forfeit the sum of £5 current money, for the 1st offence, and for the 2^d offence, £10, and shall be bound in a recognizance in the sum of £100 current money, with one or more sufficient sureties, before any of the justices of the court of general sessions, not to offend in the like kind, and to be of good behaviour for 1 year; and for want of such sufficient sureties, to be committed to prison without bail or mainprize, for any term not exceeding 3 months. No strong liquors to be sold to slaves.
Penalty thereon.

XXXIII. And whereas several owners of slaves do suffer their slaves to go and work where they please, upon conditions of paying to their owners certain sums of money agreed upon between the owner and slave; which practice has occasioned such slaves to pilfer and steal, to raise money for their owners, as well as to maintain themselves in drunkennels and evil courses; for prevention of which practices for the future, *Be it enacted*, that no owner, master or mistress of any slave, after the passing of this act, shall permit or suffer any of his, her or their slaves to go and work out of their respective houses or families, without a ticket in writing, under pain of forfeiting the sum of £10 current money, for every such offence, to be paid the 1 half to the church-wardens of the parish, for the use of the poor of the parish, in which the offence is committed, and the other half to him or them that will inform and sue for the same, to be recovered in the same way as debts are by the act for the trial of small and mean causes. And every person employing any slave without a ticket from the owner of such slave, shall forfeit to the informer, £5 current money, for each day he so employs such slave, over and above the wages agreed to be paid such slave for his work. *Provided* that the said penalty of £5 per diem, shall not extend to any person whose property in such slave is disputable. And *Provided*, that nothing herein contained shall hinder any person or persons from hiring out by the year, week or day, or any other time, any negroes or slaves to be under the care and direction of his or their owner, master or employer, and that the master is to receive the whole of the earning of such slave or slaves, and that the employer have a certificate or note in writing of the time or terms of such slave's employment, from the owner, attorney or overseer of every such slave severally and respectively. Slaves not to go out to work without a ticket.
Penalty thereon.

XXXIV And whereas several owners of slaves have permitted them to keep canoes, and to breed and raise horses, neat cattle and hogs, and to traffic and barter in several parts of this Province, for the particular and peculiar benefits of such slaves, by which means they have not only an opportunity of receiving and concealing stolen good, but to plot and confederate together, and form conspiracies dangerous to the peace and safety of the whole Province; *Be it therefore enacted* that it shall not be lawful for any slave so to buy, sell, trade, traffic, deal or barter for any goods or commodities, (except as before excepted) nor shall any slave be permitted to keep any boat, pettiauger or canoe, or to raise and breed for the use and benefit of such slave, any horses, mares, neat cattle, sheep or hogs, under pain of forfeiting all the goods and commodities which shall be so bought, sold, traded, trafficked, dealt or bartered for, by any slave, and of all the boats, pettiaugers or canoes, cattle, sheep or hogs, which any slave shall keep, raise or breed for the peculiar use, benefit and profit of such slave; and it shall and may be lawful for any person or persons whosoever to seize and take away from any slave all such goods, commodities, boats, pettiaugers, canoes, horses, mares, neat cattle, sheep or hogs, and to deliver the same into the hands of any 1 of his Majesty's justices of the peace, nearest to the place where the seizure shall be made; and such justice shall take the oath of such person who shall make any such seizure, concerning the manner of seizing and taking the same; and if the said justice shall be satisfied that such seizure hath been made according to the directions of this act, he shall pronounce and declare the goods so seized to be forfeited, and shall order the same to be sold at public outcry, and the monies arising by such sale, shall be disposed of and applied as is herein-after directed. *Provided* that if any goods shall be seized which come to the possession of any slave by theft, finding or otherwise, without the knowledge, privity, consent or connivance of the person who have a right to the property No slave to buy, &c. except as before excepted, nor to keep any boat, &c.
Any person may seize and take away any boat, &c. from any slave.
Provided.

The Public Laws

A. D. 1740. or lawful custody of any such goods, all such goods shall be restored on such persons making oath before any justice as aforesaid, who is hereby impowered to administer such oath, to the effect or in the following words.

N^o. 695.

Oath to be taken by any person claiming any goods seized in possession of a slave.

I A. B. do sincerely swear, that I have a just and lawful right or title to certain goods seized and taken by C. D. out of the possession of a slave named E. and I do sincerely swear and declare, that I did not directly or indirectly permit or suffer the said slave, or any other slave whatsoever, to use, keep or employ the said goods for the use, benefit or profit of any slave whatsoever, or to sell, barter or give away the same; but that the same goods were in the possession of the said slave by theft, finding or otherwise, or to be kept bona fide for my use, or for the use of E. F. a free person, and not for the use or benefit of any slave whatsoever: So help me God.

Persons may give a licence to their slaves to sell or barter expressing the quantity of goods in such licence.

Which oath shall be taken *mutatis mutandis*, as the case shall happen. *Provided also*, that it shall be lawful for any person, being the owner or having the care or government of any slave who resides or is usually employed in any part of this Province without the limits of Charlestown, to give a licence or permission to sell, exchange or barter in Charlestown, or elsewhere within this Province, the goods or commodities of the owner, or other person having the care or government of such slave; provided that in such licence or permission, the quantity and quality of the goods and commodities with which such slave shall be intrusted, be particularly and distinctly set down and specified, and signed by the owner or other person having the charge or government of such slave, or by some other person by his, her or their order and direction.

Persons living in Charlestown, may send their slaves to sell provisions in open market, and to buy for their masters families.

XXXV. *Provided*, that this act shall not extend to be construed to extend to debar any of the inhabitants of Charlestown from sending any of their slaves residing therein, to sell in open market any sort of provisions whatever, which the owner of such slave shall have received and brought from his or her estate in the country, to be sold at the 1st hand; nor shall such slaves be debarred from buying any kind of provisions for the use and consumption of their masters and mistresses families, and for which such slave or slaves shall have a licence or permit from the master or mistress, or some other person under whose care such slave shall be, any thing in this or any other act to the contrary notwithstanding.

Slaves found out of their master's plantation, without a ticket, may be taken up and corrected.

XXXVI. And for that as it is absolutely necessary to the safety of this Province, that all due care be taken to restrain the wanderings and meetings of negroes and other slaves, at all times, and more especially on Saturday nights, Sundays and other holidays, and their using and carrying wooden swords, and other mischievous and dangerous weapons, or using or keeping of drums, horns, or other loud instruments, which may call together or give sign or notice to one another of their wicked designs and purposes; and that all masters, overseers and others may be enjoined diligently and carefully to prevent the same, *Be it enacted*, That it shall be lawful for all masters, overseers and other persons whomsoever, to apprehend and take up any negro or other slave that shall be found out of the plantation of his or their master or owner, at any time, especially on Saturday nights, Sundays or other holidays, not being on lawful business, and with a letter from their master or a ticket, or not having a white person with them, and the said negro or other slave or slaves correct by a moderate whipping; as also any negro or other slave or slaves met or found out of the plantation of his or their master or mistress, though with a letter or ticket, if he or they be armed with such offensive weapons aforesaid, him or them to disarm, take up and whip: And whatsoever master, owner or overseer shall permit or suffer his or their negro or other slave or slaves, at any time hereafter, to beat drums, blow horns, or use any other loud instruments, or whosoever shall suffer and countenance any public meeting or feastings of strange negroes or slaves in their plantations, shall forfeit £10 current money, for every such offence, upon conviction or proof as aforesaid; provided an information or other suit be commenced within 1 month after forfeiture thereof for the same.

As also with a ticket, if he be armed.

Slaves not to be suffered to beat drums, blow horns, &c or to have public meetings, &c.

Penalty on any person who shall wilfully murder his own slave.

XXXVII. And whereas cruelty is not only highly unbecoming those who profess themselves Christians, but is odious in the eyes of all men who have any sense of virtue or humanity; therefore to restrain and prevent barbarity being exercised towards slaves, *Be it enacted*, That if any person or persons whosoever, shall wilfully murder his own slave, or the slave of any other person, every such person shall upon conviction thereof, forfeit and pay the sum of £700 current money, and shall be rendered, and is hereby declared altogether and forever incapable of holding, exercising, enjoying or receiving the profits of any office, place or employment civil or military within this Province: And in case any such person shall not be able to

pay the penalty and forfeiture hereby inflicted and imposed, every such person shall be sent to any the frontier garrisons of this Province, or committed to the work-house in Charlestown, there to remain for the space of 7 years, and to serve or to be kept at hard labour. And in case the slave murdered shall be the property of any other person than the offender, the pay usually allowed by the public to the soldiers of such garrison, or the profits of the labour of the offender, if committed to the work-house in Charlestown, shall be paid to the owner of the slave murdered: And if any person shall, on a sudden heat or passion, or by undue correction, kill his own slave or the slave of any other person, he shall forfeit the sum of £350 current money. And in case any person or persons shall wilfully cut out the tongue, put out the eye, castrate, or cruelly scald, burn, or deprive any slave of any limb or member, or shall inflict any other cruel punishment, other than by whipping or beating with a horse-whip, cow-skin, switch or small stick, or by putting iron on, or confining or imprisoning such slave; every such person shall for every such offence, forfeit the sum of £100 current money.

XXXVIII. That in case any person in this Province, who shall be owner, or who shall have the care, government or charge of any slave or slaves, shall deny, neglect or refuse to allow such slave or slaves under his or her charge, sufficient cloathing, covering or food, it shall and may be lawful for any person or persons, on behalf of such slave or slaves, to make complaint to the next neighbouring justice in the parish where such slave or slaves live or are usually employed; and if there shall be no justice in the parish, then to the next justice in the nearest parish; and the said justice shall summons the party against whom such complaint shall be made, and shall enquire of, hear and determine the same; and if the said justice shall find the said complaint to be true, or that such person will not exculpate or clear himself from the charge, by his or her own oath, which such person shall be at liberty to do in all cases where positive proof is not given of the offence, such justice shall and may make such orders upon the same for the relief of such slave or slaves, as he in his discretion shall think fit, and shall and may set and impose a fine or penalty on any person who shall offend in the premises, in any sum not exceeding £20 current money, for each offence, to be levied by warrant of distress and sale of the offender's goods, returning the overplus, if any shall be; which penalty shall be paid to the church-wardens of the parish where the offence shall be committed for the use of the poor of the said parish.

XXXIX. And whereas by reason of the extent and distance of plantations in this Province, the inhabitants are far removed from each other; and many cruelties may be committed on slaves, because *no white person* may be present to give evidence of the same, unless some method be provided for the better discovery of such offence; and as slaves are under the government, so they ought to be under the protection of masters and managers of plantations; *Be it further enacted*, That if any slave shall suffer in life, limb or member, or shall be maimed, beaten or abused, contrary to the directions and true intent and meaning of this act, when no *white person* shall be present, or being present shall neglect or refuse to give evidence, or be examined upon oath concerning the same; in every such case, the owner or other person who shall have the care and government of such slave, and in whose possession or power such slave shall be, shall be deemed, taken, reputed and adjudged to be guilty of such offence, and shall be proceeded against accordingly, without further proof; unless such owner or other person as aforesaid, can make the contrary appear by *good and sufficient evidence*, or shall by his own oath, clear and exculpate himself; which oath every court where such offence shall be tried, is hereby empowered to administer, and to acquit the offender accordingly, if clear proof of the offence be not made by 2 *witnesses at least*, any law, usage or custom to the contrary notwithstanding.

XL. And whereas many of the slaves in this Province wear clothes much above the condition of slaves, for the procuring whereof, they use sinister and evil methods: For the prevention therefore of such practices for the future, *Be it enacted*, That no owner or proprietor of any negro slave or other slave (except livery-men and boys) shall permit or suffer such negro or other slave, to have or wear any sort of apparel whatsoever, finer, other, or of greater value than negro cloth, duffils kerseys, oznabrigs, blue linen, check linen or coarse garlix, or calicoes, checked cottons, or Scots plaids, under the pain of forfeiting all and every such apparel and garment, that any person shall permit or suffer his negro or other slave, to have or wear finer, other than of greater value than negro cloth, duffils, coarse kerseys, oznabrigs, blue linen, check linen or coarse garlix or calicoes, checked cottons or Scots plaids, as aforesaid; and all and every constable and other persons, are hereby authorised, empowered and required, when and as often as they shall find any such negro slave, or other slave, having on

A. D. 1740.
No. 695.

And if another person's slave.

Penalty on persons who shall in a sudden passion, or by undue correction, kill a slave.

Penalty for any cruelty exercised towards slaves.

Slaves to be allowed sufficient sloathing and food by their owners, &c.

If slaves are used cruelly, contrary to the true meaning of this act, when no *white person* shall be present, the person having the care of such slave shall be deemed guilty of the offence, unless he can prove to the contrary.

What apparel slaves are to wear.

A. D. 1740. or wearing any sort of garment or apparel whatsoever, finer, other or of greater value than negro cloth, duffels, coarse kerseys, oznabrigs, blue linen, check linen, or coarse garlix, or calicoes, checked cottons or Scots plaids, as aforesaid, to seize and take away the same, to his or their own use, benefit and behoof, any law, usage or custom to the contrary notwithstanding. *Provided*, That if any owner of any such slave or slaves shall think the garment or apparel of his said slave, not liable to forfeiture, or to be taken away by virtue of this act, he may apply to any neighbouring justice of peace, who is hereby authorized and empowered to determine any difference or dispute that shall happen thereupon, according to the true intent and meaning of this act.

Firing guns in the night time, penalty thereon.

XLI. And whereas an ill custom has prevailed in this Province, of firing guns in the night time; For the prevention thereof for the future, *Be it enacted*, That if any person shall fire or shoot off any gun or pistol in the night time after dark and before day-light, without necessity, every such person shall forfeit the sum of 40s. current money, for each gun so fired as aforesaid; to be recovered by warrant from any one justice of the peace of the county where the offence is committed, according to the direction of the *act for the trial of small and mean causes*, and shall be paid to the church wardens of the parish where the offence shall be committed, for the use of the poor of the said parish.

Slaves not to hire any house, store, plantation &c.

XLII. No slave or slaves shall be permitted to rent or hire any house, room, store or plantation on his or her own account, or to be used or occupied by any slave or slaves; and any person or persons who shall let or hire any house, room, store or plantation to any slave or slaves, or to any free person, to be occupied by any slave or slaves; every such person so offending, shall forfeit and pay to the informer the sum of £20 current money, to be recovered as in the *act for the trial of small and mean causes*.

Number of slaves to travel in the high roads.

XLIII. And whereas it may be attended with ill consequences to permit a great number of slaves to travel together in the high roads, without some white person in company with them; *Be it enacted*, That no men slaves exceeding 7 in number, shall hereafter be permitted to travel together in any high roads of this Province, without some white person with them; and it shall and may be lawful for any person or persons who shall see any men slaves exceeding 7 in number, without some white person with them, as aforesaid, travelling or assembled together in any high road, to apprehend all and every such slaves, and shall and may whip them not exceeding 20 lashes on the bare back.

Time limited for keeping slaves to labour.

XLIV. And whereas many owners of slaves, and others who have the care, management and overseeing of slaves, do confine them so closely to hard labour, that they have not sufficient time for natural rest; *Be it therefore enacted*, That if any owner of slaves, or other person who shall have the care, management or overseeing of any slaves, shall work or put any such slave or slaves to labour, more than 15 hours in 24 hours, from the 25th day of March to the 25th day of September, or more than 14 hours in 24 hours, from the 25th day of September to the 25th day of March; every such person shall forfeit any sum not exceeding £20, nor under £5 current money, for every time he, she or they shall offend herein, at the discretion of the justice before whom the complaint shall be made.

Slaves not to be taught to write.

XLV. And whereas the having of slaves taught to write, or suffering them to be employed in writing, may be attended with great inconveniencies; *Be it enacted*, that all and every person and persons whatsoever, who shall hereafter teach, or cause any slave or slaves to be taught to write, or shall use or employ any slave as a scribe in any manner of writing whatsoever, hereafter taught to write; every such person and persons shall, for every such offence, forfeit the sum of £100 current money.

No person to keep slaves on a plantation without a white person with them.

XLVI. And whereas plantations settled with slaves without any white person thereon, may be harbours for run away and fugitive slaves; *Be it enacted, aforesaid*, that no person or persons hereafter shall keep any slaves on any plantation or settlement without having a white person on such plantation or settlement, under pain of forfeiting the sum of £10 current money, for every month which any such person shall so keep any slaves on any plantation or settlement without a white person as aforesaid.

Penalty on persons refusing to comply with the directions of this act.

XLVII. XLVIII. XLIX. L. *Obsolete*.
LI. If any constable or other person directed or required to do or perform any matter or thing required, commanded or enjoined by this act, who shall know or be credibly informed of any offence which shall be committed against this act, within his parish precincts or limits, and shall not give information thereof to some justice of the peace, and endeavour the conviction of the offenders, according to his duty; but such constable or other person as aforesaid, or

any

any person lawfully called in aid of the constable or such other person as aforesaid, shall wilfully and wittingly omit the performance of his duty in the execution of this act, and shall be thereof convicted, he shall forfeit for every such offence, the sum of £20 current money: And in case any justice of the peace, warden of the work-house, or freeholder, shall wilfully or wittingly omit the performance of his duty in the execution of this act; every such justice of the peace and warden of the work-house, shall forfeit the sum of £40 current money, and every such freeholder shall forfeit the sum of £15 current money; which several penalties shall be recovered and disposed of as hereafter is directed. And moreover, the judges and justices of the court of general sessions of the peace, oyer and terminer, assize and general gaol delivery, are hereby commanded and required to give the offences against this act in charge, in open court; and all grand juries, justices of the peace, constables, and other officers, are hereby required to make due and true presentment of such of the said offences as shall come to their knowledge.

A. D. 1740.

N^o. 695.

Judges to give the offences against this act in charge in open court.

LII. If any person shall be at any time sued for putting in execution any of the powers contained in this act, such person shall and may plead the general issue, and give the special matter and this act in evidence; and if the plaintiff be non suit, or a verdict pass for the defendant, or if the plaintiff discontinue his action or enter a *noli prosequi*, or if upon demurrer, judgment be given for the defendant, every such defendant shall have his full double costs.

Persons sued for putting this act in execution, may plead the general issue.

LIII. This act and all clauses therein contained, shall be construed most largely and beneficially for the promoting and carrying into execution this act, and for the encouragement and justification of all persons to be employed in the execution thereof, and no record, warrant, precept or commitment, to be made by virtue of this act, or the proceedings thereupon, shall be reversed, avoided or any ways impeached by reason of any default in form.

How this act is to be construed.

LIV. All fines, penalties and forfeitures imposed or inflicted by this act, which are not hereby particularly disposed of, or the manner of recovery directed, shall, if not exceeding the value of £20 current money, be recovered, levied and distrained for by warrant from any justice of the peace in the county or precinct where such offence shall be committed, according to the act for trial of small and mean causes; And in case such fine, penalty or forfeiture shall exceed the sum of £20 current money; the same shall be recovered by action of debt, bill, plaint or information, in any court of record in this Province, wherein no privilege, protection, effoign, wager of law, or *non vult ulterius prosequi*, or any more than one imparlance shall be admitted or allowed. And all the said fines, penalties and forfeitures which shall be recovered by this act, and are not before particularly disposed of, shall be applied and disposed of, 1 half to be applied by the General Assembly for the use of this Province, and the other half to him or them who will sue or inform for the same.

Fines and forfeitures how to be recovered.

And applied:

LV. The State's part of the fines, penalties and forfeitures, which shall be recovered by virtue of this act, shall be paid into the hands of the justices, or in the court where the same shall be recovered, who shall make a memorial and record of the payment of the same, and shall, without delay, send a transcript of such memorial or record to the public treasurer of this Province from the said court or justices, who shall receive the State's part of such fines and forfeitures; which memorial shall be a charge on the judges or justices respectively to whom the same shall be paid; and the public treasurer of this Province for the time being, shall and may, and he is hereby authorized and empowered to levy and recover the same, by warrant of distress and sale of the goods and chattles of the said judges or justices respectively, who shall be charged with the same, in case they or any of them, shall neglect or refuse to make such memorial or record, as aforesaid, or send such transcript thereof as is before directed, or shall neglect or refuse to pay the same over to the treasurer within 20 days after receipt of the same. *Provided* that no person shall be prosecuted for any fine, forfeiture or penalty imposed by this act, unless such prosecution shall be commenced within 6 months after the offence shall be committed.

Part of the fines to be paid to the justices, &c.

Provido:-

LVI. *Obsolete.*

LVII. This act shall be deemed a public act, and shall be taken notice of without pleading the same, before all judges, justices, magistrates and courts within this Province.*

This deemed a public act.

10th May, 1740.

CHARLES PINCKNEY, SPEAKER.

WILLIAM BULL.

An

* This act made perpetual by A. A. 1783.

THE
COLONIAL RECORDS
OF THE
STATE OF GEORGIA

VOLUME XVIII.

STATUTES ENACTED BY THE ROYAL LEGISLATURE
OF GEORGIA FROM ITS FIRST SESSION IN
1754 TO 1768.

COMPILED AND PUBLISHED UNDER AUTHORITY
OF
THE LEGISLATURE
BY
ALLEN D. CANDLER, A. M., LL. D.



ATLANTA, GA.
CHAS. P. BYRD, State Printer,
1910.

STATUTES ROYAL LEGISLATURE, 1754-1768 117

Governing Negroes and Other Slaves.

Execution to be done upon such Offending Slave or Slaves the Constable who shall be directed to cause Execution to be done shall be and he is hereby im-
powered to press one or more Slave or Slaves in or near the place where such Whiping or other Cor-
poral punishment shall be inflicted to Whip or inflict such other Corporal punishment upon the Offender or Offenders and such Slave or Slaves so press'd shall be obedient to and observe all the Orders and directions of the Constable in and about the premisses upon pain of being punished by the said Constables by Whiping on the bare Back not Exceeding Twenty Lashes which punishment the said Constable is hereby Authorized and impowered to Inflict and the Constable shall if he presses a Negroe pay the said Negroe Nine pence out of his Fee for doing the said Execution.

And may impress any Slave to inflict the Punishment.

And be it further Enacted by the Authority aforesaid that if any person in this province shall on the Lords Day commonly called Sunday employ any Slave in any Work or Labour (Works of absolute necessity and the necessary Occasions of the Family only Excepted) every person in Such Case Offending shall forfeit the Sum of Ten Shillings Sterling for every Slave they shall so Work or Labour.

Persons who shall put any Slave to Work on Sunday shall forfeit Ten Shillings Sterling—

And be it further Enacted by the Authority aforesaid that it shall not be Lawfull for any Slave unless in the presence of some white person to Carry and make use of Fire Arms or any Offensive Weapon whatsoever Unless such Slaves Shall have a Tickett

It shall not be Lawfull for Slaves to use fire Arms without a Ticket which is to be renewed every Month.

or

Governing Negroes and Other Slaves.

No Slave shall carry any Weapon from home between Saturday Evening and Monday what Case fire Arms morning. In &c. may be taken from Slaves.

or licence in writing from his Master Mistres or Overseer to hunt and kill game Cattle or Mischievous Birds or Beasts of Prey and that such Licence be renewed once every Month or unless there be some white person of the Age of Sixteen Years or upwards in the Company of such Slave when he is hunting or Shooting or that such Slave be actually carrying his Masters Arms to and from his Masters plantation by a Special Tickett for that purpose or unless such Slave be found in the Day time actually keeping off Birds within the plantation to which such Slave belongs lodging the same Gun at Night within the dwelling House of his Master Mistress or White Overseer Provided also that no Slave shall have Liberty to carry any Gun Cutlass Pistoll or other Weapon abroad at any time between Saturday Evening after Sun Sett and Monday morning before Sun rise Notwithstanding a Licence or Tickett for so doing and in Case any person shall find any Slave using or carrying Fire Arms or other Offensive Weapons contrary to the true intention of this Act every such person may Lawfully Seize and take away such Offensive Weapon or Fire arms but before the property of such goods shall be vested in the person who shall Seize the same such person shall within forty Eight Hours next after such Seizure go before the next Justice of the peace and shall make Oath of the manner of the taking and if such Justice of the peace after such Oath shall be made or if upon any other Examination he shall be Satisfied that the said Fire Arms or other offensive Weapons shall have been Seized according to the directions and

STATUTES ROYAL LEGISLATURE, 1754-1768 119

Governing Negroes and Other Slaves.

and agreeable to the true intent and meaning of this Act, The said Justice shall by Certificate under his hand and Seal declare them forfeited and that the property is Lawfully vested in the person who Seized the Same Provided always that no such Certificate shall be granted by any Justice of the peace, ^{Proviso.} untill the Owner or Owners of such Fire Arms or other Offensive Weapon so to be Seized as afore-said or the Overseer or Overseers who shall or may have the charge of such Slave or Slaves from whom such Fire Arms or other Offensive Weapons shall be taken or Seized shall be duly Summoned to Shew Cause if any such they have why the same should not be Condemned as forfeited or untill forty Eight Hours after the Service of such Summons and Oath made of the Service thereof before the said Justice.

And be it further Enacted by the Authority afore-said that if any Slave shall presume to Strike any White person such Slave upon Trial and Conviction before the Justice or Justices and Freeholders afore-said according to the direction of this Act shall for the first and Second Offence suffer such punishment as the said Justice and Freeholders or such of them as are empowered to try such Offences shall in their discretion think fitt not extending to Life or Limb and for the Third Offence shall suffer Death but in Case any such Slave shall greviously Wound Maim or Bruise any White person tho' it shall be only the first Offence such Slave shall suffer Death—Provided always that such Striking wounding Maiming or Bruising be not done by the Command

^{Slaves who shall Strike a white person how to be dealt with—}

A
D I G E S T
OF THE
L A W S
OF THE
State of Georgia.
*FROM ITS FIRST ESTABLISHMENT AS A BRITISH PROVINCE DOWN
TO THE YEAR 1798, INCLUSIVE,*
AND THE
PRINCIPAL ACTS OF 1799:
IN WHICH
Is comprehended the declaration of Independence; the State Constitutions of 1777 and 1789, with the
alterations and amendments in 1794.
ALSO THE
Constitution of 1798.
IT CONTAINS
As well all the Laws in force, as those which are deemed useful and necessary, or which are explanatory
of existing Laws; together, with the
TITLES OF ALL THE OBSOLETE AND OTHER ACTS.
AND CONCLUDES
WITH AN APPENDIX containing the original Charters and other Documents, ascertaining and defining the
Limits and Boundary of the State; all the Treaties with the southern tribes of Indians; the articles of
Confederation and perpetual union; the Constitution of the United States, and a few Acts of Congress.
Together with a copious Index to the whole.

ROBERT & GEORGE WATKINS.

Philadelphia:
PRINTED BY R. AITKEN, N^o. 22, MARKET STREET.
.....
1800.

LAWS OF GEORGIA.

153

An Act to amend and continue "An Act for the establishing and regulating patrols, and for preventing any person from purchasing provisions or any other commodities from, or selling such to any slave, unless such slave shall produce a ticket from his or her owner, manager or employer." A. D. 1768.
No. 187.

WHEREAS the seventh and ninth clauses of the act for the establishing and regulating patrols, and for preventing any person from purchasing provisions or any other commodities from, or selling such to any slave, unless such slave shall produce a ticket from his or her owner, manager, or employer, do refer to the act of the general assembly of this province, entitled "An act for the better governing negroes and other slaves in this province," and to prevent the inveigling or carrying away slaves from their masters or employers, of which act his majesty hath declared his royal disallowance, and the several directions therein contained, and to which the said first recited act doth refer, are thereby annulled and of none effect, by which means many inconveniencies have arisen; to remedy which, *Be it enacted*, That immediately from and after passing of this act, it shall not be lawful for any slave, unless in the presence of some white person, to carry or make use of fire arms, or any offensive weapon whatsoever, unless such slave shall have a ticket or license in writing from his master, mistress, or overseer, to hunt and kill game, cattle, or mischievous birds or beasts of prey, and that such license be renewed every week, or unless there be some white person of the age of sixteen years or upwards in the company of such slave when he is hunting or shooting, or that such slave be actually carrying his master's arms to or from his master's plantation by a special ticket for that purpose, or unless such slave be found in the day-time, actually keeping off birds within the plantation to which such slave belongs, loading the same gun at night, within the dwelling house of his master, mistress or white overseer: *Provided always*, That no slave shall have liberty to carry any gun, cutlafs, pistol, or other offensive weapon, abroad at any time between Saturday evening after sun set, and Monday morning before sun rise, notwithstanding a license or ticket for so doing.

II. *And be it further enacted*, That in case any or either of the patrols, established or to be established within this province, by virtue of the said act, on searching and examining any negroe house for offensive weapons, fire arms and ammunition, shall find any such, or in case any person shall find any slave using or carrying fire arms or other offensive weapons, contrary to the intent and meaning of this act, such patrol, or person or persons, may lawfully seize and take away such offensive weapons, fire arms, and ammunition, but before the property thereof shall be vested in the person or persons who shall seize the same, such person or persons shall, within three days next after such seizure, go before a justice of the peace, and shall make oath of the manner of taking thereof, and if such justice of the peace, after such oath made, or upon due examination, shall be satisfied that the said fire arms, offensive weapon, or ammunition, shall have been seized according to the directions, and agreeable to the

Preamble.

Enacted.

No slaves shall carry fire arms, &c. unless in the presence of some white person, or at certain times.

Provido.

Patrol may seize offensive weapons found in negroe houses, &c.

U

true.

A. D. 1768. true intent and meaning of this act, the said justice shall, by certificate under his hand
No. 187. and seal, declare them forfeited, and that the property is lawfully vested in the person
Proviso. or persons who seized the same; *Provided always*, That no such certificate shall be
granted by any justice of the peace until the owner or owners of such fire arms, or
other offensive weapon, so seized as aforesaid, or the overseer or overseers who shall
or may have the charge of such slave or slaves from whom such fire arms or other
offensive weapon so taken or seized, shall be duly summoned to shew cause why the
same should not be condemned as forfeited, or in case of non-appearance until three
days after the service of such summons, and oath made of the service thereof, before
the said justice.

III. IV. V. Prohibiting persons trading with negroes without the license or con-
sent of owners.—Re-enacted with alterations by act of 1770, No. 204, Sect. 31,
32, 33.

The fourth
clause of the pa-
trol act not to
exempt the per-
sons mentioned
therein from pa-
trol duty in Sa-
vannah, &c the
governor and
the ministers of
the gospel ex-
cepted.

VI. *And whereas* it has been found, that the number of persons exempted in and
by the fourth clause in the said act from the patrol duty, renders the said duty very
burthenfome upon the inhabitants in the town of Savannah, who are by law obliged
to perform the same, *Be it therefore enacted*, That the said fourth clause shall not ex-
tend, or be construed to extend, to exempt the several persons therein mentioned,
being above the age of sixteen and under the age of sixty, and residing in the town
of Savannah, or hamlets of Yamacraw, Ewensburg, and the Trustees Gardens, (the
governor or commander in chief for the time being, and ministers of the gospel, only
excepted) from being subject to such patrol duty in the said town of Savannah, and
hamlets aforesaid, in the same manner, and liable to the same penalties and forfeitures,
as in and by the said recited act is particularly mentioned and declared.

Nightly disor-
ders and riots
how to be pre-
vented:

VII. And in order to prevent nightly disorders and riots in the town of Savannah,
Be it further enacted, That every patrol, appointed and to be appointed to do duty in
the said town by virtue of the said act, shall be, and they are hereby empowered, in
case of any riot or disturbance being made by any disorderly white person or persons,
either in the streets, squares, or lanes of the said town, or in any tippling house, tavern,
or punch house, within the same, or within the district of the said patrol, calling
nevertheless a lawful constable to their assistance, before they shall enter such tippling
house, tavern, or punch house, to apprehend and take into custody such white person
or persons, and him or them safely to keep until the next morning, except such person
or persons shall be apprehended and taken in any such tippling house, tavern, or
punch house, in which case the constable so called to the assistance of such patrol,
shall continue in the charge of such offender or offenders, when such patrol or patrols
shall deliver such offender or offenders to the custody or charge of some one of the
constables appointed for the said town, who are hereby directed to take charge of
such offender, and convey him or them, at or before the hour of nine in the forenoon
of the same day, to some one of the justices of the said town, who, upon proof of
such offence, shall, and he is hereby empowered to inflict a fine not exceeding ten
shillings, upon such offender or offenders, to be recovered by warrant under the hand
and seal of such justice, and applied one half to the patrol who shall apprehend, and
the other half to the constable having charge of such offender or offenders.

VIII.

LAWS OF GEORGIA.

155

VIII. *And be it further enacted*, That the said before recited act and this act shall continue and be in force for and during the term of one year, and from thence to the end of the next session of the general assembly, and no longer, any thing in the said recited act to the contrary thereof notwithstanding.*

A. D. 1768

No. 187.

Continuation of
this and the be-
fore recited act.

N. W. JONES, *Speaker*.

JAMES HABERSHAM, *President*.

JAMES WRIGHT

December 24, 1768.

* Further continued by act of 1770, No. 203; and further continued by act of 1773, No. 224, for one year, and to the end of the next session of the general assembly, which was held in 1777; and finally made perpetual by act of 1784, No. 287.

*An Act to prevent fraudulent mortgages and conveyances, and for making valid all deeds and conveyances heretofore made, with respect to any defect in the form and manner of making thereof, with certain restrictions.**

No. 182.

WHEREAS notorious frauds have been committed by evil disposed and designing persons, who frequently mortgage and borrow money on security of lands and slaves, having before conveyed, sold, or mortgaged the same, and the recording of all deeds and conveyances of lands, tenements, negroes, and other chattels, will greatly tend to the securing the titles of the proprietors or mortgagees, and prevent such frauds for the future, *Be it therefore enacted*, That all and every deed and deeds of sale, mortgage, or conveyance of any lands, tenements, negroes, or other goods and chattels, heretofore made in this province, and which shall be recorded in the secretary's office of this province, within six months after the passing of this act, except such as have been made and executed in any of the British islands, or in any other of the colonies on the continent of North America, which shall be recorded within nine months, and except also such as have been made and executed in Great Britain or Ireland, which shall be recorded within twelve months; and all deeds of sale, mortgages, or conveyances, made and executed within this province, from and after the first day of January next ensuing, being recorded as aforesaid, within ten days after the execution thereof, shall be deemed, held, and taken as the first deed of sale, mortgage, or conveyance, and shall be allowed, adjudged, and held valid in all courts of judicature within this province, any former or other sale, mortgage, or conveyance, being of the same lands, tenements, negroes, and other goods and chattels, and not recorded as aforesaid notwithstanding.

Preamble.

Enacted.

Deeds of sale,
&c. of lands,
negroes, &c.
where and in
what time to be
recorded.

II. *Provided always, and be it further enacted*, That nevertheless if it shall so happen there be more than one mortgage at the same time made by any person or persons to any person or persons of the same lands and tenements, negroes, goods or chattels, the several late or under mortgagees, who shall have recorded their mortgages,

How to proceed
where there are
more mortgages
than one.

* See alterations made by act of 1785, No. 311, as to the recording of deeds and other conveyances of lands and tenements.



DATE DOWNLOADED: Tue Feb 20 14:08:04 2024

SOURCE: Content Downloaded from [HeinOnline](#)

Citations:

Please note: citations are provided as a general guideline. Users should consult their preferred citation format's style manual for proper citation formatting.

Bluebook 21st ed.
1735-1786 3 .

ALWD 7th ed.
, , 1735-1786 3 .

Chicago 17th ed.
" Georgia - Acts and Resolutions : 3-540

AGLC 4th ed.
" Georgia - Acts and Resolutions 3

OSCOLA 4th ed.
" 1735-1786 3 Please note: citations are provided as a general guideline.
Users should consult their preferred citation format's style manual for proper
citation formatting.

-- Your use of this HeinOnline PDF indicates your acceptance of HeinOnline's Terms and
Conditions of the license agreement available at

<https://heinonline.org/HOL/License>

-- The search text of this PDF is generated from uncorrected OCR text.

240

16

Anno Regni Quinto GEORGII III. Regis.

But half fees for en-
trance and clear-
ance.

other vessel, built in or wholly owned in this province, shall not be liable to pay more than one half of the charges or fees for entry and clearance in the several offices in this province, any thing in this or any former act to the contrary in anywise notwithstanding.

Continuation of
this act.

III. *And be it further Enacted*, by the authority aforesaid, That this act shall continue in force for three years, and from thence to the end of the next sessions of the general assembly, and no longer.

Council-Chamber,
25th March, 1765.

By Order of the Commons House of Assembly,
ALEXANDER WYLLY, *Speaker.*

Assented to,
JAMES WRIGHT.

By Order of the Upper House,
JAMES HABERSHAM, *President.*

~~XX~~

A N A C T

*For the better ordering and governing Negroes and other
Slaves in this Province, and to prevent the inveigling
or carrying away Slaves from their Masters or Em-
ployers.*

Preamble.

WHEREAS slavery has been introduced and allowed in his Majesty's colonies in *America*, and the people called negroes, Indians, mulattoes, and mestizoes, have been deemed absolute slaves, and the subjects of property in the hands of particular persons, the extent of whose power over such slaves ought to be settled and limited by positive laws, so that the slaves may be kept in due subjection and obedience, and the owners, and other persons having the care and government of slaves, may be restrained from exercising rigour and cruelty over them, and that the publick peace and order of this province may be preserved, We therefore pray your most sacred Majesty that it may be enacted, *And be it Enacted*, by his Excellency JAMES WRIGHT, Esquire, Captain-General, Governor, and Commander in Chief, in and over his Majesty's province of *Georgia*, by and with the advice and consent of the Honourable Council and Commons House of Assembly of the said province, in general assembly met, and by the authority of the same, That all negroes, Indians, (free Indians in amity with this government, and negroes, mulattoes, or mestizoes, who now are, or shall hereafter become free, excepted) mulattoes, or mestizoes, who now are, or shall hereafter be in this province, and all their issue and offspring born, or to be born, shall be, and they are hereby declared to be and remain forever hereafter absolute slaves, and shall follow the condition of the mother, and shall be deemed in law to be chattels personal in the hands of their owners and possessors, and their executors, administrators, and assigns, to all intents and purposes whatsoever; ~~Provided~~ *always*, that if any negroe, Indian, mulattoe, or mestizoe, or any person or persons what-
soever

Enacted,

That the persons
herein mentioned
be slaves.

Provide.

Anno Regni Quinto GEORGE III. Regis.

17

249.

soever on his or her behalf, do apply to the chief justice, or justices of his Majesty's general court, by petition or motion, either during the sitting of the said court, or before the chief justice, or any of the justices of the same court, at any time in the vacation; and the said chief justice, or any of the justices, shall, and he and they is and are hereby fully empowered to admit any person so applying to be guardian for any negroe, Indian, mulattoe, or mestizoe, claiming his, her, or their freedom, and such guardians shall be enabled, entitled, and capable in law, to bring an action of trespass, in the nature of ravishment of ward, against any person who shall claim property in or shall be in possession of any such negroe, Indian, mulattoe, or mestizoe; and the defendant shall and may plead the general issue on such action brought, and the special matter may and shall be given in evidence, and, upon a general or special verdict found, judgment shall be given according to the very right of the cause, without having any regard to any defect in the proceedings, either in form or substance, and if judgment shall be given for the plaintiff, a special entry shall be made, declaring that the ward of the plaintiff is free, and the jury shall assess damages which the plaintiff's ward hath sustained, and the court shall give judgment and award execution against the defendant for such damages, with full costs of suit; but in case judgment shall be given for the defendant, the said court is hereby fully empowered to inflict such corporal punishment, not extending to life or limb, on the ward of the plaintiff, as they in their discretion shall think fit; ~~Provided always~~, that in any action or suit, to be brought in pursuance of the direction of this act, the burthen of the proof shall lie on the plaintiff, and it shall be always presumed that every negroe, Indian, mulattoe, and mestizoe, is a slave, the Indians in amity with this government excepted, in which case the burthen of the proof shall lie on the defendant.

Provido.

II. And be it further ~~Enacted~~, by the authority aforesaid, That, in every action or suit, to be brought by any such guardian as aforesaid, appointed pursuant to the direction of this act, the defendant shall enter into a recognizance, with one or more sufficient sureties, to the plaintiff, in such sum as the said general court shall direct, with condition that he shall produce the ward of the plaintiff at all times when required by the court, unless such defendant shall prove upon oath, to the satisfaction of the said court, his inability to produce such ward, and that, whilst such action or suit shall be depending and undetermined, the ward of the plaintiff shall not be abused or misused.

In every action brought by guardian and the defendant to produce the ward of the plaintiff.

III. And, for the better keeping slaves in due order and subjection, be it further ~~Enacted~~, by the authority aforesaid, That no person whatsoever shall permit or suffer any slave, under his or their care or management, and who lives or is employed in *Savannah*, or any other town in this province, to go out of the limits of the said town or towns, or any such slave who lives in the country to go out of the plantation to which such slave belongs, or in which plantation such slave is usually employed, without a ticket signed or subscribed by the master or other person having the care or charge of such slave, or by some other person by his or their order, direction, and consent; and every slave, who shall be found out of the town of *Savannah*, or any other town, if such slave lives or is usually employed there, or out of the plantation to which such slave belongs, or in which such slave is usually employed, if such slave lives in the country, without a letter or a ticket as aforesaid, or without a white person in his company, shall be punished with whipping on the bare back not exceeding twenty lashes.

No person to suffer their slaves to go out of the limits herein mentioned without a ticket.

E

IV.

250.

18

Anno Regni Quinto GEORGII III. Regis.

Persons giving tickets to slaves without the consent of their owners to forfeit 5l. &c.

IV. *And be it further Enacted*, by the authority aforesaid, That if any person shall presume to give a ticket or license to any slave, who is the property or under the care or charge of another, without the consent of the owner or other person having the charge of such slave, he, she, or they, shall forfeit to the owner the sum of five pounds, over and above the damage that may accrue to such owner by the absence of such slave.

Slaves being out of the place where they live, and refusing to be examined by a white person, how to be treated.

V. *And be it further Enacted*, by the authority aforesaid, That if any slave, who shall be out of the house or plantation where such slave doth live, or is usually employed, or without some white person in company with such slave, shall refuse to submit to the examination of any white person, it shall be lawful for any such white person to pursue, apprehend, and moderately correct, such slave, and if such slave shall assault and strike such white person, such slave may be lawfully killed.

Persons beating slaves employed in the lawful business of their masters to forfeit 5s. &c.

VI. *Provided always, And be it further Enacted*, by the authority aforesaid, That if any slave, who shall be employed in the lawful business or service of his master, owner, overseer, or other person having the charge of such slave, shall be beaten, bruised, maimed, or disabled, by any person or persons, not having sufficient cause for so doing, (of which cause any justice of the peace respectively may judge) every person and persons so offending shall, for every such offence, forfeit and pay the sum of five shillings *Sterling*, over and besides the damages herein after-mentioned, to the use of the poor of the parish in which such offence shall be committed; and if such slave or slaves shall be maimed, or disabled, by such beating, from performing his or her work, such person and persons so offending shall also forfeit to the owner of such slave, or his or her lawful attorney, a sum not exceeding two shillings *per diem* for every day of his lost time, and also the charge of the cure of such slave, and satisfaction shall also be made to the owner for the damage done to such slave, and the damage to be ascertained by two freeholders of the neighbourhood, one to be named by the owner, or his or her attorney, and the other by the offender; and in case the said offender will not name one freeholder on his part, then such freeholder to be named by any justice to whom the party aggrieved shall apply; and the said penalty and damages shall, upon lawful proof thereof made, be recoverable before any one of his Majesty's justices of the peace, and such justice, before whom the same shall be recovered, shall have power to commit the offender or offenders to goal, if he, she, or they, shall produce no goods on which the said penalty and damages may be levied, there to remain without bail until such penalty and damages shall be paid, any law, statute, usage, or custom, to the contrary notwithstanding.

Meetings of slaves how to be dispersed.

VII. *And be it further Enacted*, by the authority aforesaid, That it shall and may be lawful for every justice, assigned to keep the peace in this province, within his respective parish, upon his own knowledge or view, or upon information received upon oath, either to go in person, or by warrant or warrants directed to any constable or other person, to command to their assistance any number of persons as they shall see convenient, to disperse any assembly or meeting of slaves which may disturb the peace or endanger the safety of his Majesty's subjects, and to search all suspected place for arms, ammunition, or stolen goods, and to apprehend and secure all such slaves as they shall suspect to be guilty of any crimes or offences whatsoever, and to bring them to speedy trial, according to the direction hereafter given by this act; and in case any constable or other person shall refuse to obey or execute any of the warrants or precepts of such justices, or any of them, within

Anno Regni Quinto GEORGII III. Regis.

19 251.

within their several parishes, or shall refuse to assist the said justices or constables, or any of them, when commanded and required, such person and persons shall forfeit and pay for every such offence a sum not exceeding twenty shillings *Sterling*, to be recovered by a warrant under the hand and seal of any other justice of the peace.

VIII. *And be it further Enacted*, by the authority aforesaid, That if any person shall be maimed, wounded, or disabled, in pursuing, apprehending, or taking any slave that is run away, or charged with any criminal offence, or in doing any other act, matter, or thing, in obedience to or in pursuance of the direction of this act, he shall receive such reward from the publick as the general assembly shall think fit; and if any such person shall be killed; his heirs, executors, or administrators, shall receive the like reward.

Persons maimed in taking any slave who is run away, or charged with any criminal offence, shall be rewarded by the publick as the general assembly shall think fit.

IX. *And whereas* natural justice forbids, that any person, of what condition soever, should be condemned unheard, and the order of civil government requires, that, for the due and equal administration of justice, some convenient method and form of trial should be established, *be it therefore Enacted*, by the authority aforesaid, That all crimes and offences which shall be committed by slaves in this province, and for which capital punishment shall or lawfully may be inflicted, shall be heard, examined, tried, adjudged, and finally determined, by any two justices assigned to keep the peace, and any number of freeholders not less than five, or more than seven, in the parish where the offence shall be committed, and can be most conveniently assembled, either of which justices, on complaint made, or information received of any such offence committed by a slave, shall commit the offender to the work-house, if any, or to the safe custody of the constable of the parish where such offence shall be committed, and shall, without delay, by warrant under his hand and seal, call to his assistance and request any one of the nearest justices of the peace to associate with him, and shall, by the same warrant, summon such a number of the neighbouring freeholders as aforesaid, to assemble and meet together with the said justices, at a certain day and place appointed by said justices, not exceeding three days after the apprehending of such slave or slaves, unless for want of sufficient and positive proof it may be necessary to delay the same; and the justices and freeholders being so assembled, shall cause the slave accused or charged to be brought before them, and shall hear the accusation which shall be brought against such slave, and his or her defence, and shall proceed to the examination of witnesses and other evidence, and finally hear and determine the matter brought before them in the most summary and expeditious manner; and in case the offender shall be convicted of any crime for which by law he ought to suffer death, the said justices shall give judgment, and award and cause execution of their sentence to be done, by inflicting such manner of death, and at such time as the said justices shall direct, and which they shall judge will be most effectual to deter others from offending in like manner; *Provided nevertheless*, that, in all and every trial for any offence committed by any negroe or other slave, against this present or any former act, where such slave shall be capitally convicted of such offence, it shall and may be lawful for the justices on such trial, in case any favourable circumstances shall appear, to suspend the execution of such sentence until the matter can be laid before the governor or commander in chief, and his pleasure known therein.

Slaves committing capital offences how to be tried.

Provided.

X. *And be it further Enacted*, by the authority aforesaid, That if any crime or offence not capital shall be committed by any slave, such slave shall be

Slaves guilty of offences not capital how to be proceeded against.

252.

20

Anno Regni Quinto GEORGE III. Regis.

Proviso.

be proceeded against and tried for such offence, in the manner herein before directed, by any one justice of the peace and any two freeholders of the parish where the offence shall be committed, and can be most conveniently assembled, and shall proceed upon trial of any slave who shall commit any offence not capital in like manner as is herein before directed for trying of cases capital; and, in case any slave shall be convicted before them of any offence not capital, the said justice shall give judgment for the inflicting any corporal punishment, not extending to the taking away life or member, as he in his discretion shall think fit, and shall award and cause execution to be done accordingly; ~~Provided always~~, that if the said justice, upon examination of any slave, charged or accused before him for an offence not capital, shall find the same to be a greater offence, and may deserve death, he shall, with all convenient speed, summon to his assistance another justice, and three or more freeholders, not exceeding five, which said justices shall proceed in the trial, and unto final judgment and execution if the case shall so require, in manner herein before directed for the trial of capital offences.

Oath to be taken by
freeholders at the
trials of slaves.

XI. ~~And be it further Enacted~~, by the authority aforesaid, That, so soon as the justice or justices shall be assembled as aforesaid, in pursuance of the direction of this act, the said freeholders shall take the following oath, *I A. B. do solemnly swear, in the presence of Almighty God, that I will truly and impartially try the prisoner or prisoners brought upon his, her, or their trial, and a true verdict give according to evidence to the best of my knowledge, so help me God.*

Evidence to be taken
against a slave.

XII. ~~And~~, for preventing the concealment of crimes and offences committed by slaves, and for the more effectual discovery and bringing slaves to condign punishment, ~~be it further Enacted~~, by the authority aforesaid, That the evidence of any free Indians, or slaves, not instructed in the profession of the christian religion, and baptized, without oath, shall be allowed and admitted, in all causes whatsoever, for or against another slave accused of any crime or offence whatsoever, the weight of which evidence, being seriously considered and compared with all other circumstances attending the case, shall be left to the conscience of the justices and freeholders.

Privileges, &c. to
which persons born
of free parents are
entitled.

XIII. ~~Whereas~~ no provision hath hitherto been made by any law of this province, for giving any further protection, privilege, and encouragement, or for the trial and punishment of persons born of free parents, being mulattoes or mestizoes, than to real slaves and their issue, whereby such persons so born free have been discouraged to come into this province, ~~be it therefore Enacted~~, by the authority aforesaid, That all persons, male and female, of what nation or colour soever, being born of free parents, and now are or hereafter may come into this province, and give good testimony of their humble duty and loyalty to his Majesty, and their obedience to the laws, and their affection to the inhabitants of this province, may be entitled to an act of assembly for naturalizing them, and each of them, whereby they, their wives and children, may have, use, and enjoy, all the rights, privileges, powers, and immunities whatsoever, which any person, born of *British* parents, within this province, may, can, might, could, or of right ought to have, use, or enjoy, except to vote for or be elected a member to serve in the general assembly of this province, and from thenceforth be adjudged, reputed, and taken to be, in every condition, respect, and degree, as free, to all intents, purposes, and constructions, as if they had been and were born of *British* parents within this province, any thing herein contained to the contrary notwithstanding.

XIV.

XIV. ~~And whereas~~ slaves may be harboured, and encouraged to commit offences, and concealed and received by free negroes, and such free negroes may escape the punishment due to their crimes, for want of sufficient and legal evidence against them, ~~be it therefore~~ *Enacted*, by the authority aforesaid, That the evidence of any free Indian, or slave, without oath, shall in like manner be allowed and admitted in all cases against any free negroes, Indians, (free Indians in amity with this government, and such mulattoes or mestizoes who may hereafter be naturalized by any act or acts of the general assembly of this province, excepted) mulattoe, or mestizoe, and all crimes and offences committed by free negroes, Indians, (except as before excepted) mulattoes, or mestizoes, shall be proceeded and tried by the justices and freeholders appointed by this act for the trial of slaves, in like manner as is hereby directed for the proceedings and trial of crimes and offences committed by slaves, any law, statute, usage, or custom to the contrary, notwithstanding.

Evidence of free Indians, &c. of slaves, to be admitted against free negroes, &c.

XV. ~~And whereas~~ some crimes and offences, of an enormous nature, and of the most pernicious consequence, may be committed by slaves, as well as other persons, which, being peculiar to the condition and circumstances of this province, could not fall under the provision of the laws of *England*, ~~be it therefore~~ *Enacted*, by the authority aforesaid, That the several crimes and offences herein after particularly enumerated are hereby declared to be felony without the benefit of the clergy, that is to say, if any slave, free negroe, mulattoe, Indian, or mestizoe, shall wilfully or maliciously burn or destroy any stack of rice, corn, or other grain, or shall wilfully or maliciously set fire to, burn, or destroy, any tar-kiln, barrels of pitch, tar, turpentine, or rosin, or any other goods or commodities, or shall feloniously steal any slave, every such slave, free negroe, mulattoe, Indian, (except as before excepted) and mestizoe, shall suffer death.

Crimes herein mentioned declared felony.

XVI. ~~And whereas~~ the detestable crime of poisoning hath frequently been committed by slaves, ~~be it therefore~~ *Enacted*, by the authority aforesaid, That not only such negroes, mulattoes, or mestizoes, as shall administer poison to any person or persons, whether free or bond, but also all and every negroe, mulattoe, or mestizoe, who shall furnish, procure, or convey, any poison to be administered to any slave or slaves, or to any person or persons as aforesaid, and also all such negroes, mulattoes, and mestizoes, as shall be privy (and not reveal the same) to the furnishing, procuring, or conveying any poison, to be administered to any person or persons as aforesaid, shall be deemed and adjudged, and all and every of them are hereby declared to be felons, and shall suffer death in such manner as the persons appointed by this act for trial of slaves shall adjudge and determine.

Negroes, &c. poisoning any person, or being accessory thereto, declared to be felons.

XVII. ~~And~~, for the encouragement of slaves to make discovery of the designs of others to poison any person, ~~be it~~ *Enacted*, by the authority aforesaid, That every negroe, mulattoe, or mestizoe, who shall hereafter give information of the intention of any other slave to poison any person, or of any slave that hath furnished, procured, or conveyed any poison, to be administered to any person, shall, upon conviction of the offender or offenders, be entitled to and receive from the publick of this province a reward of twenty shillings, to be paid him by the treasurer, yearly and every year during the abode of such negroe, mulattoe, or mestizoe, in this province, on the day that such discovery was made, and shall also be exempted from the labour of his master on that day; and every justice, before whom such information and conviction is made, is hereby required to give a certificate

Negroes, &c. informing of the intention of any slave to poison any person how to be rewarded.

254

22

Anno Regni Quinto GEORGII III, Regis.

Proviso.

of every such information, which certificate shall entitle the informant to the reward aforesaid; ~~Provided~~ ~~always~~ ~~nevertheless~~, that no slave shall be convicted upon the bare information of another slave, unless poison be found upon the party or parties accused, or some other circumstance or overt act appear by which such information shall be corroborated.

Punishment to be inflicted on slaves giving false information.

XVIII. ~~And provided~~ also, ~~And be it further~~ ~~Enacted~~, by the authority aforesaid, That in case any slave shall be convicted of having given false information, whereby any other slave may have suffered wrongfully, every such false informer shall be liable to and suffer the same punishment as was inflicted upon the party accused, any law, usage, or custom, to the contrary notwithstanding.

Slaves teaching others in the knowledge of poisonous roots, &c. to suffer death, and those taught corporal punishment.

XIX. ~~And be it further~~ ~~Enacted~~, by the authority aforesaid, That in case any slave shall teach or instruct another slave in the knowledge of any poisonous root, plant, herb, or other sort of poison whatever, he or she offending shall, upon conviction thereof, suffer death as a felon, and the slave or slaves so taught or instructed shall suffer such punishment, not extending to life or limb, as shall be adjudged and determined by the justices before whom such slave or slaves shall be tried.

Slaves administering any medicine to another slave, unless by the direction of a white person, to suffer corporal punishment.

XX. ~~And be it further~~ ~~Enacted~~, by the authority aforesaid, That no negroes or other slaves shall hereafter be suffered or permitted to administer any medicine or pretended medicine to any other slave, but at the instance or direction of some white person, and in case any negroe or other slave shall offend herein, he or she shall, upon complaint and proof thereof made to any justice of the peace, suffer corporal punishment not exceeding fifty stripes.

Slaves guilty of homicide upon any white person, raising insurrections, or enticing any slave to leave the province, to suffer death.

XXI. ~~And be it further~~ ~~Enacted~~, by the authority aforesaid, That any slave who shall be guilty of homicide of any sort upon any white person, except by misadventure, or in defence of his master, or other person under whose care and government such slave shall be, upon conviction thereof, shall as aforesaid suffer death; and every slave who shall raise, or attempt to raise an insurrection, or shall endeavour to delude or entice any slave to run away and leave this province, every such slave and slaves, and his and their accomplices, aiders, and abettors, shall, upon conviction as aforesaid, suffer death; ~~Provided~~ that such slave shall have actually prepared provisions, arms, ammunition, horse or horses, or any boat, canoe, or other vessel, or done any other overt act, whereby such their intentions shall be manifested; ~~Provided~~ ~~always~~, that it shall and may be lawful to and for the justices who shall pronounce sentence against such slaves, if several slaves shall receive sentence at one time, to suspend the execution of the sentence of one or more of the said slaves, where favourable circumstances shall appear, until the matter shall be laid before the governor or commander in chief, and his pleasure known therein, (except such as shall be convicted of the homicide of a white person) who they shall think may deserve mercy, and may inflict some corporal punishment other than death on any such slave, as they in their discretion shall think fit, any thing herein contained to the contrary thereof in anywise notwithstanding.

Proviso.

Proviso.

Persons inveigling slaves declared to be guilty of felony.

XXII. ~~And whereas~~ the inhabitants of this province are liable to have their slaves inveigled, stolen, or carried away, and may receive great prejudice and damage by such unwarrantable and wicked practices, ~~be it therefore~~ ~~Enacted~~, by the authority aforesaid, That all and every person or persons, who shall inveigle, steal, or carry away any negroe, or other slave or slaves, or shall hire, aid, or counsel any person or persons to inveigle, steal,
or

Anno Regni Quinto GEORGIÏ III. Regis.

23

255

or carry away as aforesaid, any such slave or slaves, or that shall aid any such slave in running away or departing from his master's or employer's service, shall be, and he and they is and are hereby declared to be guilty of felony, and, being thereof convicted or attainted, shall stand mute, or will not directly answer to the indictment, or will peremptorily challenge above the number of twenty of the jury, shall suffer death as felons, and be excluded and debarred of the benefit of clergy.

XXIII. And, to the end that owners of slaves may not be tempted to conceal the crimes of their slaves, to the prejudice of the publick, ~~be it~~ **it further Enacted**, by the authority aforesaid, That in case any slave shall be put to death, in pursuance of the sentence of the justices aforesaid, the said justices, or one of them, before he or they award and order their sentence to be executed, shall cause any two freeholders to appraise and value the said negroes so to be put to death, and the appraiser to value upon oath, and shall certify such appraisement to the treasurer of this province, who is hereby authorized to pay the same to the owner of such slave, or to his order.

Slaves to be put to death shall be appraised by two freeholders, and their value to be paid to their owners by the treasurer.

XXIV. And ~~be it further Enacted~~, by the authority aforesaid, That the said justices, or any of them, are hereby authorized, empowered, and required, to summon and compel all persons whatsoever to appear and give evidence upon the trial of any slave, and if any person shall neglect or refuse to appear, or appearing shall refuse to give evidence, or if any master, or other person who has the care and government of any slave, shall prevent and hinder any slave under his charge or government from appearing and giving evidence in any matter depending before the justices and freeholders aforesaid, the said justices may, and they are hereby fully empowered and required to bind every such person offending as aforesaid by recognizance with one or more sufficient sureties to appear at the next general court to answer such their offence and contempt, and for default of finding sureties to commit such offender to prison.

Justices authorized to compel all persons to give evidence upon the trial of any slave.

XXV. And ~~be it further Enacted~~, by the authority aforesaid, That in case the master, or other person having charge or government of any slave who shall be accused of any capital crime, shall conceal, or convey away any such slave, so that he cannot be brought to trial and condign punishment, every master, or other person so offending, shall forfeit a sum not exceeding two hundred pounds *Sterling*, if such slave be accused of a capital crime as aforesaid, but if such slave be accused of a crime not capital, then such master or other person shall only forfeit a sum not exceeding twenty pounds *Sterling*, to be paid to the treasurer for the use of the publick.

Masters of slaves to forfeit 200*l.* for concealing a slave accused of a capital crime, and for a crime not capital 20*l.*

XXVI. And ~~be it further Enacted~~, by the authority aforesaid, That all and every the constable and constables in the several parishes within this province, where any slave shall be sentenced to suffer death, or other punishment, shall cause execution to be done of all the orders, warrants, precepts, and judgments, of the justices hereby appointed to try such slaves; for the charge and trouble of which the said constable or constables respectively shall be paid by the publick, unless in such cases as shall appear to the said justice or justices to be malicious or groundless prosecutions, in which cases the said charges shall be paid by the prosecutors, for whipping or other corporal punishments not extending to life the sum of five shillings, and for any punishment extending to life the sum of ten shillings, and such other charges for keeping and maintaining such slaves as are by the act for erecting a work-house appointed, for the levying of which charges against the

Duties required of constables in putting in execution the sentences pronounced against slaves.

pro-

256.

24

Anno Regni Quinto GEORGI III. Regis.

profecutor, the justice or justices are hereby empowered to issue their warrant; and, that no delay may happen in causing execution to be done upon such offending slave or slaves, the constable who shall be directed to cause execution to be done shall be, and he is hereby empowered to press one or more slave or slaves, in or near the place where such whipping or other corporal punishment shall be inflicted, to whip or inflict such other corporal punishment upon the offender or offenders, and such slave or slaves so pressed shall be obedient to and observe all the orders and directions of the constable in and about the premises, upon pain of being punished by the said constable by whipping on the bare back not exceeding twenty lashes, which punishment the said constable is hereby authorized and empowered to inflict, and the constable shall, if he presses a negroe, pay the owner of the said negroe two shillings out of his fee for doing the said execution.

Persons causing
any slave to work
on Sunday to forfeit
10s.

XXVII. *And be it further Enacted*, by the authority aforesaid, That if any person shall, on the Lord's-day, commonly called *Sunday*, employ any slave in any work or labour, (works of absolute necessity, and the necessary occasions of the family, only excepted) every person so offending shall forfeit and pay the sum of ten shillings for every slave he, she, or they, shall so cause to work or labour.

Slaves not to carry
fire-arms or other
offensive weapons,
unless as herein
mentioned.

XXVIII. *And be it further Enacted*, by the authority aforesaid, That it shall not be lawful for any slave, unless in the presence of some white person, to carry and make use of fire-arms, or any offensive weapon whatsoever, unless such slave shall have a ticket or license in writing from his master, mistress, or overseer, to hunt and kill game, cattle, or mischievous birds or beasts of prey, and that such license be renewed once every month, or unless there be some white person, of the age of sixteen years or upwards, in the company of such slave when he is hunting or shooting, or that such slave be actually carrying his master's arms to or from his master's plantation, by a special ticket for that purpose, or unless such slave be found in the daytime actually keeping off birds within the plantation to which such slave belongs, lodging the same gun at night within the dwelling-house of his master, mistress, or white overseer; *Provided also*, that no slave shall have liberty to carry any gun, cutlass, pistol, or other offensive weapon, abroad at any time between *Saturday* evening after sun-set and *Monday* morning before sun-rise, notwithstanding a license or ticket for so doing; and in case any person shall find any slave using or carrying fire-arms, or other offensive weapon, contrary to the true intention of this act, such person may lawfully seize and take away such offensive weapon or fire-arms, but, before the property of such goods shall be vested in the person who shall seize the same, such person shall, within forty-eight hours next after such seizure, go before the next justice of the peace, and shall make oath of the manner of the taking thereof, and if such justice of the peace, after such oath shall be made, or if upon any other examination he shall be satisfied that the said fire-arms, or other offensive weapons, shall have been seized according to the directions, and agreeable to the true intent and meaning of this act, the said justice shall, by certificate under his hand and seal, declare them forfeited, and that the property is lawfully vested in the person who seized the same; *Provided always*, that no such certificate shall be granted by any justice of the peace until the owner or owners of such fire-arms, or other offensive weapon, so to be seized as aforesaid, or the overseer or overseers who shall or may have the charge of such slave or slaves from whom such fire-arms, or other offensive weapon, so taken or seized, shall be duly summoned

Proviso.

Proviso.

Anno Regni Quinto GEORGII III. Regis.

25

257.

moned to shew cause why the same should not be condemned as forfeited, or until forty-eight hours after the service of such summons, and oath made of the service thereof before the said justice.

XXIX. And be it further Enacted, by the authority aforesaid, That if any slave shall presume to strike any white person, such slave, upon trial and conviction before the justice or justices, according to the directions of this act, shall for the first offence suffer such punishment as the said justice or justices shall in his or their discretion think fit, not extending to life or limb, and for the second offence shall suffer death; but in case any such slave shall grievously wound, maim, or bruise any white person, though it shall be only the first offence, such slave shall suffer death; ~~Provided always~~, that such striking, wounding, maiming, or bruising, be not done by the command and in the defence of the person or property of the owner, or other person having the care or government of such slave, in which case the slave shall be wholly excused, and the owner, or other person having the care or government of such slave, shall be answerable as if the act had been committed by himself.

Slaves striking white persons how to be punished.

XXX. And be it further Enacted, by the authority aforesaid, That it shall and may be lawful for every person to take, apprehend, and secure any runaway or fugitive slave, and they are hereby directed and required to send such slave, if convenient, to the master, or other person having the care and government of such slave, if the person taking up or securing such slave knows, or can without difficulty be informed to whom such slave belongs, or such slave shall be delivered into the custody of the master of the work-house of the parish, if any, but if none, to any constable of the said parish, and the master, or other person who has the care or government of such slave, shall pay for taking up such slave, whether by a free person or slave, the sum of five shillings *Sterling*, and the master of the work-house, or constable, upon receipt of every fugitive or runaway slave, is hereby directed and required to keep such slave in safe custody until such slave shall be lawfully discharged, and shall, as soon as conveniently it may be, advertise such slave in the publick gazette, and also in the most publick place in the parish where such slave shall be taken up, with the best description he shall be able to give, first carefully viewing and examining such slave naked to the waist for any mark or brand, which he shall also advertise, to the intent the owner, or other person who shall have the care and charge of such slave, may come to the knowledge that such slave is in custody; and if such slave shall escape through negligence, and cannot be taken up in three months, the said person shall answer to the owner for the value of such slave, or the damages which the owner shall sustain by reason of such escape, as the case shall happen.

Runaway slaves taken up to be delivered to their owners, or to the master of the work-house or any constable.

XXXI. And be it further Enacted, by the authority aforesaid, That the said master of the work-house, or constable, shall, at the charge of the owner of such slave, provide sufficient food, drink, clothing and covering, for every slave delivered into his custody, or, on failure thereof, shall forfeit all his fees, and for each day after he shall neglect to advertise as before directed the sum of three shillings.

Slaves to be maintained by the master of the work-house or constable at the charge of the owners.

XXXII. And be it further Enacted, by the authority aforesaid, That if any person shall take up any runaway slave, and shall deliver such slave either to the master, or other person having the care or charge of such slave, or to the constable of the parish, or the master of the work-house, shall be entitled to receive from the owner, or constable of the parish, or master of the work

persons taking up runaway slaves entitled to ad. per mile for every mile any slave is brought, or sent; the account

258.

26

Anno Regni Quinto GEORGII III. Regis.

herein mentioned to be given on delivery of slaves to the master of the work-house or constable.

Fees of the constable and master of the work-house.

work-house, twopence *per* mile for every mile such slave shall have been brought or sent, to be computed from the place where such slave was apprehended; and if such slave shall be delivered into the custody of the constable of the parish aforesaid, or to the master of the work-house, the person delivering such slave shall give an account of his name, place of abode, and the time and place when and where such slave was apprehended, which account the said constable or master of the work-house shall enter down in a book to be kept for that purpose, and shall give a receipt for any such slave which shall be delivered as aforesaid into his custody, and the said constable, or master of the work-house, is hereby fully authorized and empowered to demand and receive from the owner, or other person having the charge or care of any such slave, for negroes committed from the month of *October* to *March* inclusive, for finding necessary clothing and covering, to be the property of the masters, any sum not exceeding eighteen shillings, and the several sums following, and no other sum, fee, or reward, on any pretence whatsoever, that is to say, for apprehending each slave, paid to the person who delivered such slave in custody, five shillings *Sterling* money; for mileage, paid to the same person, twopence like money *per* mile; for a sufficient quantity of provision for each day for each slave, sixpence *Sterling*; for advertising every slave as directed by this act, three shillings and sixpence *Sterling*; for receiving each slave, sixpence; for poundage on money advanced, one shilling in the pound like money; and the said constable, or master of the work-house, shall and may lawfully detain any slave in custody until the fees and expences aforesaid be fully paid and satisfied; and in case the owner of such slave, or his overseer, agent, manager, attorney, or trustee, shall neglect or refuse to pay or satisfy the said fees and expences, for the space of thirty days after the same shall be demanded by notice in writing served on the owner of such slave, or (if the owner is absent from this province) upon his overseer, agent, manager, attorney, or trustee, the said constable, or master of the work-house, shall and may expose any such slave to sale at publick outcry, and, after deducting the fees and expences aforesaid, and the charges of such sale, the overplus money arising from such sale to be lodged in the hands of any one justice of the parish where such sale shall be made, and upon demand to be by him returned to any person who has a right to demand and receive the same.

Constable or master of the work-house refusing to do the duties required by the preceeding clause to forfeit 20l.

XXXIII. *And be it further Enacted*, by the authority aforesaid, That if any constable, or the master of the work-house, shall refuse to take into his or their custody any fugitive slave or slaves, and to do and perform all the several services and duties required by the foregoing clause, such constable, or master of the work-house, shall forfeit a sum not exceeding twenty pounds, one half to be paid to the owner of such slave, and the other half to the poor of the parish, such fine to be recovered on proof being made upon oath of such offence before any one justice of the peace.

Owners of fugitive slaves not making their claim within six days after advertising, slaves to be committed to the

XXXIV. *And forasmuch as*, for want of knowing or finding the owners of any fugitive slave to be delivered to him as aforesaid, the said constable, or master of the work-house, may not be obliged to keep such slave in his custody, and find and provide provisions for such slave, over and beyond a reasonable time, *be it therefore Enacted*, by the authority aforesaid, That if the owner or owners of such fugitive slaves shall not, within the space of six days from the time of advertising, make his, her, or their claim or claims, or it shall not be otherwise made known to the said constable, or master of the work-house, within the time aforesaid, to whom such committed slave shall

Anno Regni Quinto GEORGII III. Regis.

27

259

shall belong, the said constable shall commit the said slave to the custody of the master of the work-house in *Savannah*, who shall give a receipt for the same, and pay the constable his fees and expences as directed by this act, and the said master of the work house shall constantly advertise in the gazette of this province for the space of eighteen months, and if not claimed in that time, it shall be lawful for the said master of the work-house to sell such slave at publick outcry, he first advertising such sale, together with the reasons thereof, and out of the money arising from such sale to deduct or retain to himself what shall be then due for money by him disbursed on receipt of such fugitive slave, and for his fees and provisions, together with the reasonable charges arising by such sale, and the overplus money, if any, shall be rendered and paid by the said master of the work-house to the treasurer of the province for the time being, in trust nevertheless for the use of the owner or owners of such slave, provided the same be claimed by him, her, or them, within one year and a day after such sale, or in default of such claim within the time aforesaid, to be appropriated towards paying for negroes publicly executed.

custody of the master of the work house in Savannah,

XXXV. And be it further Enacted, by the authority aforesaid, That if any free person, or any slave, shall harbour, conceal, or entertain, any slave that shall run away, or shall be charged or accused with any criminal matter, every free negroe, mulattoe, and mestizoe, and every slave that shall harbour, conceal, or entertain, any such slave, being duly convicted thereof, according to the direction of this act, if a slave shall suffer such corporal punishment, not extending to life or limb, as the justice or justices who shall try such slave shall in his or their discretion think fit, and if a free person shall forfeit the sum of thirty shillings *Sterling* for the first day, and three shillings for every day such slave shall have been absent from his owner or employer, and to be recovered and proved in like manner as offenders against the thirty-seventh clause of this act.

Persons harbouring runaway slaves how to be punished.

XXXVI. And be it further Enacted, by the authority aforesaid, That no slave, who shall usually reside or be employed in any parish within this province, shall presume to buy, sell, or exchange any goods, wares, provisions, grain, victuals, or commodities of any sort or kind whatsoever, except as is herein after particularly excepted and provided, and under such provisos, conditions, restrictions, and limitations, as are herein particularly directed, limited, and appointed, on pain that all such goods, wares, provisions, grain, victuals, or commodities, which by any slave shall be so bought, sold, or exchanged, shall be seized and forfeited, and shall be sued for and recovered before any one justice assigned to keep the peace in the parish where such offence was committed, and shall be applied and disposed of one half to him or them who shall seize, inform, and sue for the same, and the other half to the poor of the said parish, and moreover that the said justice shall order every slave who shall be convicted of such offence to be publicly whipt on the bare back not exceeding twenty lashes; **Provided** always, that it may and shall be lawful for any slave, who lives or is usually employed in *Savannah* or other towns, after such licence and ticket as herein after is directed shall be obtained, to buy or sell fruit, fish, and garden stuff, and to be employed as porters, carters, or fishermen, and to purchase any thing for the use of their master, owner, or other person who shall have the charge and government of such slaves, in open market, under such regulations as are or shall be appointed by law concerning the market of *Savannah*, or in any open shop kept by a white person.

Slaves shall not buy nor sell any goods, &c. except as herein after is provided.

XXXVII.

260.

28

Anno Regni Quinto GEORGII III. Regis.

Retailers of strong liquors, or any other persons, selling beer or spirituous liquors to any slave, without the license of the owner, to forfeit 5l. for the first offence, and 10l. for the second.

XXXVII. And be it further Enacted, by the authority aforesaid, That if any retailer of strong liquors, or any other person or persons, shall give or sell to any slave any beer, or spirituous liquor whatsoever, without the license or consent of the owner, or such other person who shall have the care or government of such slave, every person so offending shall forfeit the sum of five pounds *Sterling* money for the first offence, and for the second offence ten pounds *Sterling*, and shall be bound in a recognizance in the sum of twenty pounds *Sterling*, with one or more sufficient sureties, before any of the justices of the peace, not to offend in the like kind, and to be of good behaviour for one year, and, for want of such sufficient sureties, to be committed to prison, without bail or mainprize, for a term not exceeding three months.

Slaves declaring that any person so offends, such person shall be deemed guilty, unless he or she shall declare upon oath they are not guilty.

XXXVIII. And whereas it may be difficult to procure sufficient evidence for the conviction of such offenders as may transgress against this part of the law, be it further Enacted, by the authority aforesaid, That in case any slave or slaves shall declare, before any one or more justice or justices of the peace, of the probability of which declaration such justice or justices are hereby allowed to judge, that any person whatsoever shall so offend, it shall be taken for granted that such person is guilty of such offence, and such person shall be liable to the several penalties above-mentioned, unless such person shall, upon oath before such justice or justices, declare he or she is not guilty of such offence, which said oath the said justice or justices is and are hereby empowered to tender.

No owners of slaves shall suffer them to work out of their respective houses without a ticket, under pain of forfeiting 30s.

XXXIX. Be it Enacted, by the authority aforesaid, That no owner, master, or mistress of any slave, after the passing of this act, shall permit or suffer any of his, her, or their slaves to go and work out of their respective houses or families without a ticket in writing, under pain of forfeiting the sum of thirty shillings *Sterling* for every such offence, to be paid the one half to the justices of the parish for the use of the poor of the parish in which the offence is committed, and the other half to him or them that will inform or sue for the same; and every person employing any slave, without a ticket from the owner of such slave, shall forfeit to the informer fifteen shillings *Sterling* for each day he so employs such slaves, over and above the wages agreed to be paid such slave for his work; ~~Provided nevertheless~~, that the said penalty of fifteen shillings *per diem* shall not extend to any person whose property in such slaves is disputable.

Provido.

Goods, &c. bartered for, or canoes, &c. kept by slaves for their own use, except as before excepted, liable to be seized, &c.

XL. And whereas several owners of slaves may permit them to keep canoes, and to breed and raise horses and neat cattle, and so traffick and barter in several parts of this province, for the particular and peculiar benefit of such slaves, by which means they may have not only an opportunity of receiving and concealing stolen goods, but to plot and confederate together, and form conspiracies dangerous to the peace and safety of the whole province, be it therefore Enacted, by the authority aforesaid, That it shall not be lawful for any slave to buy, sell, trade, traffick, deal, or barter for any goods or commodities, (except as before excepted) nor shall any slave be permitted to keep any boat, perriagua, or canoe, or to raise and breed, for the use and benefit of such slave, any horse, mares, and neat cattle, under pain of forfeiting all the goods and commodities which shall be so bought, sold, traded, trafficked, dealt, or bartered for, by any slave, and of all the boats, perriaguas, canoes, horses, or cattle, which any slave shall keep, raise, or breed, for the peculiar use, benefit, and profit of such slave, and it shall and may be lawful for any person or persons whatsoever to seize and

Anno Regni Quinto GEORGII III. *Regis.*

25

261.

and take away from any slave all such goods, commodities, boats, perriaguas, canoes, horses, mares, or neat cattle, and to deliver the same into the hands of any one of his Majesty's justices of the peace nearest to the place where the seizure shall be made, and such justice shall take the oath of such person who shall make any such seizure concerning the manner of seizing and taking the same, and if the said justice shall be satisfied that such seizure hath been made according to the directions of this act he shall pronounce and declare the goods so seized to be forfeited, and shall order the same to be sold at publick outcry, and the monies arising from such sale shall be disposed of and applied as is herein after directed; **Provided** always, that if any goods shall be seized, which comes to the possession of any slave by theft, finding, or otherwise, without the knowledge, privity, consent, or connivance of the persons who have a right to the property or lawful custody of any such goods, the same shall be restored, on such person's making oath before any justice as aforesaid, who is hereby empowered to administer such oath, to the effect or in the following words, *I A. B. do sincerely swear, that I have a just and lawful right or title to certain goods seized and taken by C. D. out of the possession of a slave named E. and I do sincerely swear and declare, that I did not, directly or indirectly, permit or suffer the said slave, or any other slave whatsoever, to keep and employ the said goods for the use, benefit, or profit of any slave whatsoever, or to sell, barter, or give away the same, but that the same goods were in possession of the said slave by theft, finding, or otherwise, or to be kept bona fide for the use of E. F. a free person, and not for the use or benefit of any slave whatsoever, so help me God;* which oath shall be taken *mutatis mutandis* as the case shall happen; **Provided** also, that it shall be lawful for any person, being the owner, or having the care or government of any slave who resides or is usually employed in any part of this province, without the limits of the town of *Savannah*, or any other town, to give license or permission to sell, exchange, or barter, in *Savannah* or elsewhere within this province, the goods or commodities of the owner, or other person having the care or government of such slave, provided that in such license or permission the quantity and quality of the goods and commodities with which such slave shall be entrusted be particularly and distinctly set down and specified, and signed by the owner, or other person having the charge or government of such slave, or by some other person by his or their order and direction.

XLI. And as it is absolutely necessary to the safety of this province, that all due care be taken to restrain the wandering and meetings of negroes and other slaves at all times, and more especially on *Saturday* nights, *Sundays*, and other holidays, and their using and carrying mischievous and dangerous weapons, or using or keeping of drums, horns, or other loud instruments, which may call together or give sign or notice to one another of their wicked designs and purposes, and that all masters, owners, and others, may be enjoined diligently and carefully to prevent the same, be it **Enacted**, by the authority aforesaid, That it shall be lawful for all masters, overseers, and other persons whomsoever, to apprehend and take up any negroe or other slave that shall be found out of the plantation of his or their master or owner at any time, especially on *Saturday* nights, *Sundays*, or other holidays, not being on lawful business, and with a ticket from their master, or not having a white person with them, and the said slave or slaves met or found out of the plantation of his or their master or mistress, though with a ticket, if he or they be armed with such offensive weapons aforesaid, him or them to disarm, take up, and whip; and whatsoever master, owner, or overseer,

H

shall

Slaves found out of the plantations of their owners without a ticket, or with a ticket and armed, to be taken up and whipt, &c.

262.

30

Anno Regni Quinto GEORGII III. Regis.

shall permit or suffer his or their slave or slaves, at any time hereafter, to beat drums, blow horns or other loud instruments, or whosoever shall suffer and countenance any publick meetings or feasting of strange slaves in their plantations, shall forfeit thirty shillings *Sterling* for every such offence, upon conviction or proof as aforesaid, provided an information or other suit be commenced within one month after forfeiture thereof for the same.

Persons murdering
slaves how to be
punished.

XLII. And whereas cruelty is not only highly unbecoming those who profess themselves christians, but is odious in the eyes of all men, who have any sense of virtue or humanity, therefore, to restrain and prevent barbarity being exercised towards slaves, be it Enacted, by the authority aforesaid, That if any person or persons shall wilfully murder his own slave, or the slave of any other person, every such person shall, upon conviction thereof, by the oath of two witnesses, be adjudged guilty of felony for the first offence, and have the benefit of the clergy, making satisfaction to the owner of such slave, and shall be rendered and is hereby declared altogether and for ever incapable of holding any place of trust, or exercising, enjoying, or receiving the profits of any office, place, or employment, civil or military, within this province; but if any person shall offend in like manner a second time, such second offence shall be deemed murder, and the offender suffer for the said crime according to the laws of *England*, except that he shall forfeit no more of his lands, tenements, goods and chattels, than what may be sufficient to satisfy the owner of such slave so killed as aforesaid; and in case any person shall not be able to make the satisfaction hereby required, every such person shall be sent to any frontier garrison of this province, or committed to the goal at *Savannah*, and there to remain at the publick expence for the space of seven years, and to serve or to be kept to hard labour, and the pay usually allowed by the publick to the soldiers of such garrison, or the profits of the labour of the offender, shall be paid to the owner of the slave murdered; and if any person shall, on a sudden heat of passion, and without an ill intent, kill the slave of any other person, he shall forfeit a sum not exceeding one hundred and fifty pounds *Sterling*; and in case any person or persons shall wilfully cut out the tongue, put out the eye, castrate, or cruelly scald, burn, or deprive any slave of any limb or member, or shall inflict any other cruel punishments, other than by whipping or beating with a horse-whip, cow-skin, switch, or small stick, or by putting irons on, or confining or imprisoning such slave, every such person shall, for every such offence, forfeit a sum not exceeding fifty pounds *Sterling*.

Slaves beaten, &c.
when no white person
is present, or
being present and
shall refuse to give
evidence, the owner
or person having
the care of such
slave to be deemed
guilty of the offence.

XLIII. And whereas, by reason of the extent and distance of plantations in this province, the inhabitants are far removed from each other, and many cruelties may be committed on slaves, because no white person may be present to give evidence of the same, unless some method be provided for the better discovery of such offence, and as slaves are under the government so they ought to be under the protection of masters and managers of plantations, be it therefore further Enacted, by the authority aforesaid, That if any slave shall suffer in life, limb, or member, or shall be maimed, beaten, or abused, contrary to the directions and true intent and meaning of this act, when no white person shall be present, or being present shall neglect or refuse to give evidence, or be examined upon oath concerning the same, in every such case the owner, or other person who shall have the care and government of such slave, and whole possession or power of such slave shall be deemed, taken, reputed and adjudged, to be guilty of such offence, and shall be proceeded against accordingly, without farther proof, unless

Unless such owner, or other person as aforesaid, can make the contrary appear, by good and sufficient evidence, or shall by his own oath clear and exculpate himself, which oath every court where such offence shall be tried is hereby empowered to administer, and to acquit such reputed offender accordingly, if clear proof of the offence be not made by two witnesses at least, any law, usage, or custom to the contrary, notwithstanding.

XLIV. ~~And be it further Enacted~~, by the authority aforesaid, That no slave or slaves shall be permitted to rent or hire any house, room, store, or plantation, on his or her own account, or to be used or occupied by any slave or slaves, and any person or persons who shall let or hire any house, room, or plantation, to any slave or slaves, or to any free person to be occupied by any slave or slaves, every such person so offending shall forfeit and pay to the informer the sum of five pounds *Sterling*.

Slaves not to rent or hire any house, &c.

XLV. ~~And whereas~~ it may be attended with ill consequences to permit a great number of slaves to travel together on the high roads, without some white person in company with them, ~~be it therefore Enacted~~, by the authority aforesaid, That no men slaves, exceeding seven in number, shall hereafter be permitted to travel together in any high road in this province without some white person with them, and it shall and may be lawful for any person and persons, who shall see any men slaves, exceeding seven in number, without some white person with them as aforesaid, travelling or assembled together in any high road, to apprehend all and every such slaves, and shall and may whip them not exceeding twenty lashes on the bare back.

Men slaves exceeding seven in number not to travel in any high road without a white person.

XLVI. ~~And whereas~~ the having of slaves taught to write, or suffering them to be employed in writing, may be attended with great inconveniences, ~~be it therefore Enacted~~, by the authority aforesaid, That all and every person and persons whatsoever, who shall hereafter teach, or cause any slave or slaves to be taught to write, or shall use or employ any slave as a scribe, in any manner of writing whatsoever, hereafter taught to write, every such person and persons shall for every such offence forfeit the sum of twenty pounds *Sterling*.

Persons teaching slaves to write to forfeit 20l.

XLVII. ~~And whereas~~ plantations settled with slaves, without any white person thereon, may be harbours for runaway and fugitive slaves, ~~be it therefore Enacted~~, by the authority aforesaid, That no person or persons hereafter shall keep any slaves on any plantation or settlement, without having a white person on such plantation or settlement, under pain of forfeiting the sum of five pounds *Sterling* for every month which any such person shall so keep any slaves on any plantation or settlement without a white person as aforesaid; and every owner of any plantation or settlement, for every twenty slave which such owner shall have thereon above the age of twelve years, shall be and is hereby obliged to retain and keep in his or her service, on such plantation or settlement, one white man capable of bearing arms, under pain of forfeiting five pounds *per* month for every white person wanting thereon.

Persons keeping slaves without a white person on their plantations to forfeit 5l. for every month they are so kept.

XLVIII. ~~And be it further Enacted~~, by the authority aforesaid, That if any person shall be at any time sued for putting in execution any of the powers contained in this act, such person shall and may plead the general issue, and give the special matter and this act in evidence, and if the plaintiff be nonsuit, or a verdict pass for the defendant, or if the plaintiff discontinues his action, or enter a *noli prosequi*, or if upon demurrer judgment be given for the defendant, every such defendant shall have his full double costs.

Persons sued for putting this act in execution may plead the general issue.

XLIX.

264

32

Anno Regni Quinto GEORGII III. Regis.

This act, and all the clauses therein contained, to be construed most beneficial for carrying the same into execution, &c.

Fines, &c. not hereby disposed of, or the manner of recovery directed, how to be recovered and applied.

His Majesty's part of the fines how to be disposed of, &c.

Proviso.

This act to be deemed a publick act.

Continuation of this act.

XLIX. And be it further Enacted, by the authority aforesaid, That this act, and all the clauses therein contained, shall be construed most largely and beneficial for the promoting and carrying into execution this act, and for the encouragement and justification of all persons to be employed in the execution thereof, and that no record, warrant, precept, or commitment, to be made by virtue of this act, or the proceedings thereupon, shall be reversed, avoided, or anywise impeached, by reason of any default in form.

L. And be it Enacted, by the authority aforesaid That all fines, penalties, and forfeitures, imposed or inflicted by this act, which are not hereby particularly disposed of, or the manner of the recovery directed, shall, if not exceeding the value of eight pounds *Sterling*, be recovered, levied, and distrained for, by warrant from any one justice of the peace in the parish where such offence shall be committed; and in case such fine, penalty, or forfeiture, shall exceed the sum of eight pounds *Sterling*, the same shall be recovered by action of debt, bill, plaint, or information, in the general court of this province; and all the said fines, penalties, and forfeitures, which shall be recovered by this act, and are not before particularly disposed of, shall be one half to his Majesty, his heirs and successors, and be paid to the treasurer to be applied and disposed of towards paying for such slaves as are executed by virtue of this act, and the other half to the informer.

LI. And be it further Enacted, by the authority aforesaid, That his Majesty's part of the fines, penalties, and forfeitures, which shall be recovered by virtue of this act, shall be paid into the hands of the justices, or in the court where the same shall be recovered, who shall make a memorial or record of the same to the treasurer of this province from the said court of justices, who shall receive his Majesty's part of such fines and forfeitures, which memorial shall be a charge on the judges or justices respectively to whom the same shall be paid; and the treasurer of this province for the time being shall and may, and he is hereby authorized and empowered to levy and recover the same by warrant of distress and sale of the goods and chattels of the said judges or justices respectively who shall be charged with the same, in case they or any of them shall neglect or refuse to make such memorial or record as aforesaid, or send such transcript thereof as is before directed, or shall neglect or refuse to pay the same over to the treasurer within thirty days after the receipt of the same; ~~Provided always~~, that no person shall be prosecuted for any fine, forfeiture, or penalty, imposed by this act, unless such prosecution shall be commenced within six months after the offence shall be committed.

LII. And be it further Enacted, by the authority aforesaid, That this act shall be deemed a publick act, and shall be taken notice of without pleading the same before all judges, justices, magistrates, and courts, within this province.

LIII. And be it further Enacted, by the authority aforesaid, That this act shall continue in force for the space of five years, and from thence to the end of the next session of the general assembly, and no longer.

*Council-Chamber, 25th
March. 1765.*

Assented to,
JAMES WRIGHT.

By Order of the Commons House of Assembly,
ALEXANDER WYLLY, Speaker.

By Order of the Upper House,
JAMES HABERSHAM, President.

AN

L A W S
O F T H E
S T A T E
O F
D E L A W A R E,

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.

STANFORD LIBRARY

N E W - C A S T L E:

PRINTED BY SAMUEL AND JOHN ADAMS,

M,DCC,XCVII.

222715

Y7A9EN 0707M4T2

SECRETARY'S OFFICE, NEW-CASTLE, AUGUST 18, 1797.

I Do certify, that this Edition of the LAWS OF THE STATE OF DELAWARE, comprised in Two Volumes, printed by Samuel and John Adams, is published pursuant to the Directions of an Act of the Legislature of the said State, passed on the nineteenth Day of June, in the Year One Thousand Seven Hundred and Ninety-three.

JAMES BOOTH,

Secretary of the State of Delaware.

LAWS OF THE STATE

CHAP.
XLII.

Suffex county, under the penalty of Ten Shillings, and the wear to be destroyed by the order of any justice of the said county.

CHAP. XLIII. a.

An ACT for the trial of Negroes.

Two justices and six freeholders empowered to try all offences committed by Negroes, &c.

SECTION I. **B**E it enacted by the honorable Patrick Gordon, esq. Lieutenant Governor 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 from and after the publication of this act, it shall and may be lawful for two Justices of the Peace of this government, who shall be particularly commissioned by the Governor for that service within the respective counties thereof, and six of the most substantial freeholders of the neighbourhood, (a) to hear, examine, try and determine all such offences committed by any Negro or Mulatto slaves within this government, which said freeholders shall be by warrant, under the hands and seals of the respective justices, commissioned as aforesaid, directed to some Constable of the said county, be summoned to appear at such time and place as the said justices shall appoint, which said freeholders the said justices shall solemnly swear or attest well and truly to give their assistance and judgment together with the said justices, upon the trial of such Negroes or Mulattoes; which freeholders, or any four of them, being qualified as aforesaid, shall hold a court at the Court-House in the said respective counties where the crime is committed, for the hearing, trying, determining and convicting

(a) So much of this act as gives power to the two justices and six freeholders to try, determine and convict any slave for a crime punishable with death, is repealed by an act passed February 3d, 1789. chap. 194. b. and trial there directed to be by jury in the Court of General Quarter-Sessions of the Peace for the several counties; the expense of trial to be paid by the county, in section 3, 4.

OF DELAWARE.

103

vic-ting of such Negro or Negroes, or Mulatto slaves, as shall be before them charged or accused of committing any murder, manslaughter, buggery, burglary, robbery, rape, attempts of rape, or any other high and heinous offences, committed, acted or done in any the respective counties within this government, as aforesaid.

CHAP.
XLIII.

SECT. 2. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the said court of justices and freeholders as aforesaid, to examine, try, hear, judge, determine, convict, acquit or condemn, according to their evidence, any Negro or Negroes, or Mulatto slaves, for any the crimes or offences aforesaid, or any other high or capital offences, upon due proof to them made, to pronounce such judgment or sentence as is agreeable to law, and the nature of the offence, and to order execution of the said judgment or sentence accordingly, or otherwise to acquit, free and discharge such Negro or Negroes, or Mulatto slaves, in case the evidence shall not be sufficient for a conviction therein.

Who may acquit or condemn, according to their evidence, and order execution, &c.

SECT. 3. *And be it further enacted,* That upon the conviction of any Negro or Mulatto slave, belonging to any of the inhabitants of this government, for any capital cause for which the party convicted shall suffer death, the said justices and freeholders, before whom they were convicted, shall immediately value the said slave or slaves, and in case the Negro or Mulatto slave shall be put to death, that the two-thirds of the appraised value of such slave so executed, shall be paid to the master or owner of such slave by the County Treasurer out of the public levy, to be raised in the same manner as the county levies.

Slaves condemned to death, to be valued, and two thirds of the value paid to the master, &c.

SECT. 4. *And be it further enacted by the authority aforesaid,* That where such Negro or Negroes, or Mulatto slaves shall be convicted, and such judgment or sentence shall be pronounced by the respective justices and freeholders as aforesaid, and a warrant by them, or any four of them, one of which to be one that sat upon the trial, signed, sealed and delivered to the High Sheriff of the county where the fact was committed, for the execution of such Negro or Mulatto, the same shall be duly executed, or caused to be duly

Sheriff to cause the sentence to be executed.

CHAP.
XLIII.

Penalty on justices or freeholders neglecting their duty herein.

Punishment of slaves attempting to commit rapes;

or convicted of stealing, &c.

Punishment of slaves presuming to carry arms, &c.

Punishment of Negroes meeting in companies.

duly executed by the said Sheriff, according to the directions of such warrant, on pain of being disabled to act any longer in that post or office; and if any of the said justices or freeholders neglect or refuse to do their duty herein, they shall be liable to be fined by the justices at their next Court of General Quarter Sessions of the same to be held for the said county, in any sum not exceeding Five Pounds, for the use of the Governor towards the support of government, to be levied by distress and sale of the goods and chattels of such justices or freeholders so refusing as aforesaid.

SECT. 5. *And be it further enacted by the authority aforesaid,* That if any Negro or Mulatto slave within this government, shall attempt to commit a rape on a white woman or maid, they shall be tried in manner aforesaid, and shall be punished by standing four hours in the pillory at the Court-House on some court day, with both his ears nailed to the pillory, and before he be taken down from the same, shall have both his ears cut off close to his head. And if any Negro or Mulatto slave shall be convicted before two Justices of the Peace in this government, of stealing, or fraudulently taking or carrying away any goods, living or dead, the master or owner of such Negro or Mulatto slave, if such goods shall not be found, shall make satisfaction to the party wronged, and pay all costs, to be levied by distress and sale of the said master's or owner's goods and chattels, and the Negro or Mulatto, so offending, to be whipped as the said justices shall adjudge and appoint.

SECT. 6. *And be it further enacted by the authority aforesaid,* That if any Negro or Mulatto slave shall presume to carry any guns, swords, pistols, fowling-pieces, clubs, or other arms and weapons whatsoever, without his master's special licence for the same, and be convicted thereof before a Magistrate, he shall be whipt with twenty-one lashes, upon his bare back.

SECT. 7. *And be it further enacted by the authority aforesaid,* That if any Negroes, above the number of six, in one company, not belonging to one owner, shall meet together, and upon no lawful business of their masters or owners, and being convicted thereof, by the

O F D E L A W A R E.

105

the view of one Justice of the Peace, or the testimony of one credible witness, such Negro or Negroes so offending shall be publicly whipped at the discretion of one Justice of the Peace, not exceeding twenty-one lashes, each Negro.

C H A P.
XLIII.

C H A P. XLIV. a.

An ACT against adultery and fornication. (a)

FOR the preservation of virtue and chastity among the people of this government, and to prevent the heinous sins of adultery and fornication.

SECTION 1. *BE it enacted by the honorable Patrick Gordon, esq. Lieutenant Governor 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 whosoever shall commit adultery, and be thereof legally convicted, shall forfeit and pay the sum of Fifty Pounds, one moiety thereof to the use of the Governor for the support of government, and the other moiety to the use of the poor of the county where the same is committed, or otherwise to be publicly whipt with twenty-one lashes on his or her back, well laid on, at the common whipping post, at the election of the party convicted.

Penalty of committing adultery.

SECT. 2. *Provided always,* That the testimony of either of the parties concerned in committing the adultery, shall not be sufficient to convict the other, without further evidence, that shall at least amount to violent presumption.

SECT. 3. *And be it further enacted by the authority aforesaid,* That if any person shall commit fornication, and be thereof legally convicted, such person or persons shall receive twenty-one lashes on his or her bare back, well

Penalties on fornicators.

(a) See an act supplementary hereto passed February 9th, 1796, chap. 108, whereby many of the provisions in this act are repealed and supplied.

ACTS

PASSED AT A

GENERAL ASSEMBLY

OF THE

COMMONWEALTH

OF

VIRGINIA.

BEGUN AND HELD AT THE CAPITOL, IN THE CITY OF RICHMOND, ON
MONDAY THE SECOND DAY OF DECEMBER, ONE THOU-
SAND EIGHT HUNDRED AND FIVE.



RICHMOND:

PRINTED BY SAMUEL PLEASANTS, JUNIOR, PRINTER
TO THE COMMONWEALTH.

[51]

upon Cheat river, one mile above Daniel Kyger's stone quarry, on the west fork above Edward Jackson's mill, nor on the Tyger Valley river above John Neuson's mill.

Sec. 8. All acts and parts of acts, coming within the purview of this act, shall be and the same are hereby repealed.

Repealing clause

Sec. 9. This act shall commence and be in force from and after the passing thereof.

Commencement.

CHAPTER XCIII.

An ACT to amend an Act for more effectually preventing Obstructions to the Passage of Fish in James River and its Navigable Branches.

[Passed February 4th, 1806.]

Section 1. *BE it enacted by the General Assembly,* That whenever hereafter the tax upon seines imposed by an act, entitled, "An act for more effectually preventing obstructions to the passage of fish in James river and its navigable branches," shall be insufficient to pay to the surveyor of the Great Falls of James river, therein directed to be appointed, the sum stipulated to be paid him by the Executive, such deficiency shall not be paid by the public, but the said surveyor shall only be entitled to receive the amounts of the said tax; and it shall not be lawful for the auditor to draw upon the treasurer for a greater sum.

Fund for paying surveyor failing short not to be made good.

Sec. 2. This act shall commence and be in force from and after the passing thereof.

Commencement.

CHAPTER XCIV.

An ACT concerning Free Negroes and Mulattoes.

[Passed February 4th, 1806.]

Section 1. *BE it enacted by the General Assembly,* That no free negro or mulatto shall be suffered to keep or carry any fire-lock of any kind, any military weapon, or any powder or lead, without first obtaining a license from the court of the county or corporation in which he resides, which license may at any time be withdrawn by an order of such court. Any free negro or mulatto who shall so offend, shall, on conviction before a justice of the peace, forfeit all such arms and ammunition to the use of the inferior.

Free negro or mulatto prohibited use of arms, &c. without license from court.

Sec. 2. It shall be the duty of every constable to give information against, and prosecute every free negro or mulatto who shall keep or carry any arms or ammunition contrary to this act.

Duty of constables.

Sec. 3. If any free negro or mulatto who shall have been convicted of keeping or carrying arms or ammunition shall a second time offend in like manner, he shall, in addition to the forfeiture aforesaid, be punished with stripes, at the discretion of the justice, not exceeding thirty-nine.

Punish for breach.

Sec. 4. This act shall commence and be in force from and after the first day of June next.

Commencement.

CHAPTER XCV.

An ACT suspending an Execution against Benjamin Branch and Edward Branch, administrators of Benjamin Branch, deceased.

[Passed February 4th, 1806.]

Section 1. *BE it enacted by the General Assembly,* That the execution on a judgment amounting to two thousand five hundred and eighty-eight pounds six shillings and ten pence, and costs, obtained in the general court, at the November term, one thousand eight hundred, against Benjamin Branch and Edward Branch, administrators of Benjamin Branch, deceased, who was collector of the taxes for the county of Chesterfield for the years seventeen hundred and eighty-four, and seventeen hundred and eighty-five, shall be, and the same is hereby suspended; and the said Benjamin and Edward Branch, shall be allowed and permitted to pay and discharge the amount of the said judgment by four equal annual instalments, the first of which shall commence and be made on or before the first day of January next; and so soon as the said Benjamin and Edward Branch, shall have discharged the amount of the judgment and cost into the treasury, on the days aforesaid, the damages accruing thereon, shall be, and they are hereby fully remitted.

Execution vs B and E. Branch, executors of B. Branch, suspended.

Judgment to be paid by instalments.

Sec. 2. This act shall commence and be in force from and after the passing thereof.

Commencement.

CHAPTER XCVI.

An ACT authorising Andrew McIntire to Erect a Mill-dam across the mouth of Simson's Creek.

[Passed February 4th, 1806.]

Section 1. *BE it enacted by the General Assembly,* That for the purpose of working a grist mill or other machine useful to the public, it shall be lawful for Andrew McIntire to erect a dam across the mouth of Simson's creek, in the county of Harrison: *Provided nevertheless,* That a slope at least thirty feet wide shall be carried

Terms on which dam may be erected.

At a SESSION of the GENERAL ASSEMBLY of
MARYLAND, begun and held at the CITY of
ANNAPOLIS, on Monday, the 3d of November,
in the year of our Lord 1806, and ended the 5th
day of January, 1807, the following Laws were
enacted.

ROBERT WRIGHT, ESQUIRE, GOVERNOR.

C H A P. I.

An ACT to settle and ascertain the salary of the members of the
council for the ensuing year.

Passed 31st of
Dec. 1806.

BE IT ENACTED, by the General Assembly of Maryland, That each member of the council shall be
entitled to receive the sum of two hundred pounds current money for his salary. Salary ascer-
tained.

G H A P. II.

An ACT authorising a lottery for raising a sum of money for the
use and benefit of the Charitable Marine Society of the city of
Baltimore.

Passed 31st of
Dec. 1806.

WHEREAS application hath been made to this general assembly, by the president and mana- Preamble.
ger of the Charitable Marine Society of Baltimore, to raise a sum of money by lottery, the
better to enable them to carry into effect the benevolent purpose of their institution, and their
prayer appearing reasonable, together with a manifest disposition prevalent in this house to aid, by
legislative acts, institutions so well calculated as theirs to mitigate the distresses of the widows and
fatherless; therefore,

II. BE IT ENACTED, by the General Assembly of Maryland, That William Matthews, Thorndick Chase, Tobias E. Stansbury, John Snyder, Timothy Gardner, Thomas Rogers, Daniel Howland, John Ogsden, Thomas Tennent, Thomas Sprigg and Peter Gold, or a majority of them, be and they are hereby authorised to propose a scheme of a lottery, and to sell and dispose of the tickets, as well in the city of Baltimore as in any other part of the state, clear of the city taxes, any law to the contrary notwithstanding, for raising a sum of money, not exceeding fifteen thousand dollars, for the use and benefit of the Charitable Marine Society of Baltimore. Scheme may be proposed, &c.

III. AND BE IT ENACTED, That before the said William Matthews, Thorndick Chase, Tobias E. Stansbury, John Snyder, Timothy Gardner, Thomas Rogers, Daniel Howland, John Ogsden, Thomas Tennent, Thomas Sprigg and Peter Gold, proceed to make sale of any ticket or tickets in the said lottery, they shall give bond to the state of Maryland, in the penalty of thirty thousand dollars, conditioned that they will well and truly conduct the drawing of said lottery, and apply the money arising therefrom, within six months after the drawing thereof, to the payment of the prizes drawn therein to the adventurers to whom they shall be due, and the necessary expences incurred in the management thereof, and the residue thereof to the only and proper use of the Charitable Marine Society of Baltimore. Bond to be given, &c.

IV. AND BE IT ENACTED, That the said bond shall be lodged in the office of the clerk of Baltimore county, to be there recorded, and upon such bond, or any office copy thereof, suit or suits may be instituted for any breach or non-compliance with the conditions thereof. To be lodged in the office, &c.

1806. NOVEMBER. LAWS OF MARYLAND.

C H A P. LXXIX. shall be the duty of said justice to issue his warrant, directed to the constable, to apprehend said slave or slaves, and bring him or them before him, or some other justice of the peace for said county, and said offender or offenders shall be whipped, at the discretion of said justice, not exceeding thirty-nine lashes.

On persons preventing dams being destroyed, &c. IV. AND BE IT ENACTED, That if any person or persons shall obstruct or hinder any other person or persons in or from pulling down, prostrating or abating, any such nuisances as aforesaid, or shall assault or wound any person for pulling down, prostrating or abating, any such nuisance as aforesaid, after attempting so to do, every such person, for every such offence, besides being subject to the action of the injured for damages, shall forfeit the sum of thirty pounds current money, to be recovered, with costs, and applied as aforesaid.

Defendants, in certain cases, to give bail, &c. V. AND BE IT ENACTED, That in any action or suit for recovery of any of the said penalties, and also in any action for an assault, beating or wounding, for pulling down, prostrating or abating, such nuisance as aforesaid, or for attempting so to do, on affidavit, or other proof satisfactory to Frederick county court, where such suit or action is depending, or their being cause for bringing the same, the defendant shall and may be compelled to give good and sufficient special bail.

Act deemed public, &c. VI. AND BE IT ENACTED, That this act shall be deemed a public act, and the same shall and may be given in evidence in justification of or for any matter or thing done by virtue thereof, on the general issue, without specially pleading the same.

Not to prevent the erecting bridges, &c. VII. AND BE IT ENACTED, That this act, or any thing herein contained, shall not hinder, or be construed to hinder or prevent, the erecting, or causing to be erected, any bridge or bridges over said river Monocacy, with convenient arches for admitting of boats, and other vessels of burthen, passing through the same, with the least obstruction that may be.

Act to be given in charge, &c. VIII. AND BE IT ENACTED, That it shall be the duty of Frederick county court, at every term, to give this act in charge to the grand jury.

C H A P. LXXX.

Passed 4th of Jan. 1807.

An ACT annulling the marriage of Sally Lutig, of the city of Baltimore.

Marriage declared void, &c. BE IT ENACTED, by the General Assembly of Maryland, That the marriage of the said Sally Lutig, and John C. Lutig her husband, heretofore solemnized, be and the same is hereby declared to be absolutely, and to all purposes, null and void; and the said Sally Lutig and John C. Lutig her husband, are hereby declared to be divorced, *a vinculo matrimonii*; provided always, that nothing in this act contained be construed to illegitimate the children of the said Sally Lutig and John C. Lutig, any law to the contrary notwithstanding.

C H A P. LXXXI.

Passed 4th of Jan. 1807.

An ACT to restrain the evil practices arising from negroes keeping dogs, and to prohibit them from carrying guns or offensive weapons.

Negroes not to keep dogs, &c. BE IT ENACTED, by the General Assembly of Maryland, That after the first day of May next, it shall not be lawful for any negro or mulatto within this state to keep any dog, bitch or gun, except he be a free negro or mulatto, and in that case he may be permitted to keep one dog, provided such free negro or mulatto shall obtain a licence from a justice of the peace for that purpose, and that the said licence shall be in force for one year, and no longer, and if any dog or bitch owned by any negro, not possessed of such licence, shall be seen going at large, it shall and may be lawful for any person to kill the same, and in case of any suit instituted therefor, the person or persons killing the said dog or bitch may plead the general issue, and give this act in evidence.

Nor to carry guns, &c.

II. AND BE IT ENACTED, That after the said first day of May next, it shall not be lawful for any free negro or mulatto to go at large with any gun, or other offensive weapon; and in case any free negro or mulatto shall be seen going at large carrying a gun, or other offensive weapon, he shall be liable to be carried before any magistrate, in virtue of a warrant to be issued by any justice of the peace, directed to a constable of the county, and on conviction of having violated the provisions of this section of the act, such offender shall thereupon forfeit, to the use of the informant, such gun, or other offensive weapon, which shall thus have been found in his or her possession, and be subject

ROBERT WRIGHT, ESQUIRE, GOVERNOR. NOVEMBER. 1806.

to the payment of the costs which shall have accrued in such prosecution ; provided, that nothing in this act shall extend to prevent any free negro or mulatto from carrying a gun, or other offensive weapon, who shall, at the time of his carrying the same, have a certificate from a justice of the peace, that he is an orderly and peaceable person, which certificate shall be in force for one year from the date thereof, and no longer.

C H A P.
LXXXI.

III. AND BE IT ENACTED, That it shall be the duty of the constable of every hundred to repair once a month, and oftener if information be given him of tumultuous meetings of mulattoes, negroes or slaves, to all suspected places within his hundred, and if he shall find any mulatto or negro, not a slave, at any such meeting, it shall be the duty of the constable forthwith to carry such mulatto or negro, so offending, before some magistrate of the county, who shall thereupon commit such person to the common gaol, unless he or she shall enter into a recognizance, with such security as said justice shall require, for his or her good behaviour, and also to appear before the next county court, to answer for such offence in such manner as is prescribed by law for the trial of crimes and misdemeanors within this state, and if such person shall be found guilty of violating any of the provisions of this act, he shall be fined, or imprisoned, for such offence, at the discretion of the court ; and if such constable shall find at any such meeting as aforesaid, any slave besides those belonging to the owner of such place, not having permission in writing from his owner or overseer, it shall be lawful for the constable, and he is hereby authorised and required, to whip every such slave, at his discretion, not exceeding thirty-nine lashes.

Constable to
visit suspected
places, &c.

IV. AND BE IT ENACTED, That before any constable shall be entitled to receive the allowance granted by the fourth section of the act, entitled, An act to prevent the tumultuous meetings and other irregularities of negroes and other slaves, he shall produce a certificate from at least two respectable citizens of his hundred, of his industry and fidelity in the discharge of his duty under this act and the act above recited.

He must pro-
duce a certifi-
cate, &c.

V. AND, for a further encouragement to take up runaways, BE IT ENACTED, That in lieu of two hundred pounds of tobacco, allowed by the act, entitled, An act relating to servants and slaves, any person seizing and taking up such runaways, shall have and receive six dollars.

Allowance for
taking up run-
aways, &c.

C H A P. LXXXII.

An ACT authorising a lottery in the city of Baltimore to raise a sum of money for the purposes therein mentioned.

Passed 4th of
Jan. 1807.

WHEREAS a petition has been presented to this general assembly from sundry inhabitants of the city of Baltimore, praying that a law may pass to enable them to raise, by way of lottery, the sum of fifteen thousand dollars, for the use of the Trinity church, of the episcopal order and denomination, now building in said city, and to enable them to purchase a burying-ground, and to defray other incidental expences, which they apprehend their funds may be insufficient to discharge ; and the prayer of the said petition appearing reasonable ; therefore,

Preamble.

II. BE IT ENACTED, by the General Assembly of Maryland, That William Slater, Edward Ireland, Stephen Calder, William Price, Joseph Allender, William M'Mechen and Alexander M'Kim, be and they are hereby appointed commissioners for the purpose of framing a scheme, to raise, by lottery, the sum of fifteen thousand dollars, to be applied by the said commissioners in the completion of the Trinity church, of the episcopal order and denomination, now building in that city by voluntary contributions, and for the purchase of a burial-ground, and such other general purposes as may appear to the said commissioners necessary and useful in the fulfilment of the trust hereby reposed in them.

Commissioners
appointed, &c.

III. AND BE IT ENACTED, That the said commissioners are hereby authorised to appoint managers for conducting and drawing the said lottery, and that previous to their acting as such, they shall give bond to the mayor and city council of the city of Baltimore, with good and sufficient security, for the faithful performance of their trust, which bond shall be lodged in the mayor's office, in such sum as to the mayor and city council may be adequate for that purpose.

Who may ap-
point mana-
gers, &c.

IV. AND BE IT ENACTED, That the aforesaid commissioners, or any of them, or any person authorised by them, shall have full power and authority to sell and dispose of tickets in the said lottery, either in the city of Baltimore or any other part of this state, without paying any tax to the corporation of the city of Baltimore therefor, any law to the contrary notwithstanding.

And dispose of
tickets, &c.

The Revised Code
OF THE
LAWS OF VIRGINIA :
BEING
A COLLECTION OF ALL SUCH ACTS
OF THE
GENERAL ASSEMBLY,
OF A PUBLIC AND PERMANENT NATURE, AS ARE NOW IN FORCE ;
WITH A GENERAL INDEX.

TO WHICH ARE PREFIXED,
THE CONSTITUTION OF THE UNITED STATES ;
THE DECLARATION OF RIGHTS ;
AND
THE CONSTITUTION OF VIRGINIA.

*Published pursuant to an act of the General Assembly, entitled: "An act
providing for the re-publication of the Laws of this Commonwealth,"
passed March 12, 1819.*

VOLUME I.

RICHMOND :
PRINTED BY THOMAS RITCHIE,
PRINTER TO THE COMMONWEALTH.

.....
1819.

Servants.—Slaves, Free Negroes and Mulattoes.

421

certificate, or, after delivery of a true certificate to the person hiring him or her, shall steal the same; and thereby procure other entertainment, the person entertaining or hiring shall not be liable to the said penalty, but such runaway, besides making reparation for loss of time, and charges of recovery, shall stand two hours in the pillory, on a court day, for making use of such forged or stolen certificate; and the person forging the same shall forfeit and pay thirty dollars; one moiety to the Commonwealth, and the other moiety to the owner of such runaway, or the informer, recoverable with costs, in any county or corporation court of this Commonwealth; and, on failure of present payment, or security for the same within six months, such offender shall receive thirty-nine lashes on his or her bare back, well laid on, at the common whipping-post. And where a runaway shall happen to be hired upon a forged certificate, and afterwards denies the delivery thereof, the *onus probandi* shall lie upon the party hiring such runaway.^(m)

A. D. 1792.
A. R. C. 17.

And of the persons forging.

13. ALL acts and parts of acts, coming within the purview of this act, shall be, and are hereby repealed: *Provided, always,* That nothing in this act shall be construed to affect any rights, remedies, fines, forfeitures, penalties, or amercements, which have accrued, been vested, or incurred, prior to the commencement of this act.

Repealing clause.
Proviso.

14. THIS act shall commence in force, from and after the passing thereof.

Commencement.

C. 111.

*An act reducing into one, the several acts concerning Slaves, Free Negroes and Mulattoes.**

A. D. 1819.
A. R. C. 43.

[Passed March 2, 1819.]

1. *BE it enacted by the General Assembly,* That no persons shall henceforth be slaves within this Commonwealth, except such as were so on the seventeenth day of October, in the year one thousand seven hundred and eighty-five, and the descendants, of the females of them,^(a) and such persons and their descendants, being slaves, as since have been, or hereafter may be brought into this State, or held therein pursuant to law.

Who may be
except slaves.

2. *HEREAFTER* it shall be lawful to bring into this State, and to hold therein, any slave or slaves, born within the United States, or any territory thereof, or within the District of Co-

Importation of
what slaves per-
mitted.

^(m) 1748, edi. 1752, c. 14, § 12; 1753, edi. 1769, c. 2, § 12; 1792, edi. 1794, 1803, and 1814, c. 132, § 12, 16.

^(a) 1785, c. 77, § 1; from act of Oct. 1778, c. 1, for preventing the farther importation of slaves; 1792, edi. 1794, 1803, and 1814, c. 103, § 1.

The amendments made at the late revision, are distinguished, as far as practicable, by being printed within single inverted commas. Slaves (negroes) were first brought into Virginia, by a Dutch ship about the year 1619—20; *Ber. Hist. Virg.* p. 51; *Burk's Hist. Virg.* vol. 1, p. 211; *Smith's Hist. Virg.* p. 128. The free importation of slaves was thenceforth permitted till the revolution: the Colonial Assembly passed several laws to prohibit the importation, but the crown constantly withheld its assent. See *preamble to Const. Virg. ante.* c. 4. As to the persons who might be imported into the colony as slaves, see note on the title, *ante.* c. 25.

A. D. 1819. A. R. C. 43.	lumbia; except such slaves as, at the time of their removal, were resident out of the limits aforesaid, and such as shall have been convicted of any offence, and transported therefor, under the laws of this State, or of any other state, territory or district.
Exceptions.	3. It shall not be lawful for any person whatsoever, to bring into this State, or to hold therein, any slave or slaves born or resident out of the limits aforesaid, or any slave or slaves that shall have been convicted of any offence, and therefor transported by the laws of this State, or of any state, territory, or district aforesaid; and, if any person shall bring into this State, contrary to the provisions of this act, any such slave or slaves, or shall sell, purchase, or hold, in this State, any such slave or slaves, knowing such slave or slaves to have been brought into this State contrary to the provisions of this act, every such offender shall forfeit and pay to the Commonwealth, for the use of the literary fund, for each slave so brought in, sold, purchased, or held, a fine of one thousand dollars: <i>Provided, however</i>, That the penalty aforesaid shall not be incurred by any person bringing into this State any slave or slaves, for the purpose only of passing through, or for a short time abiding therein, if such slave or slaves be not kept within this State for one whole year, or sold or offered for sale therein.†
What slaves may not be imported. Penalty for unlawful importation.	4. If any person shall heretofore have brought into this State, or held therein, any slave or slaves, such as, under the provisions of this act, he might lawfully bring or hold therein, and shall thereby have incurred any penalty or forfeiture not yet recovered or enforced, such penalty or forfeiture shall be, and the same is hereby remitted.
Proviso in favour of travellers, or temporary residents.	5. Any negro or mulatto, bond or free, shall be a good witness in pleas of the Commonwealth for or against negroes or mulattoes, bond or free, or in civil pleas where free negroes or mulattoes shall alone be parties, and in no other cases whatever.(b)
Penalties, &c., for such importations as this act authorises, remitted.	6. No slave shall go from the tenements of his master or other person with whom he lives, without a pass or some letter or token, whereby it may appear that he is proceeding by authority from his master, employer or overseer: if he does, it shall be lawful for any person, to apprehend and carry him before a justice of the peace, to be by his order punished with stripes, or not, in his discretion. And, if any slave shall presume to come and be upon the plantation of any person whatsoever, without leave in writing from his or her owner, employer or overseer, not being sent upon lawful business, it shall be lawful for the owner or overseer of such plantation, to give
Where negroes or mulattoes may be witnesses; and where not.	Power of owner &c. of plantation, to punish slave coming without pass, and not on lawful business.
Slaves not to go from home without pass. Punishment for doing so.	

(b) 1785, c. 77, § 2; 1792, ed. 1794, 1803 and '14, c. 103, § 5, amended by act of 1800, c. 70, § 4; ed. 1803 and '14, c. 283, § 4.

† The act of Oct. 1778, c. 1, 1785, c. 77, ed. '93, 1803 and '14, c. 103, prohibited the further importation of slaves; with provisos, however, in favor of persons removing into the Commonwealth, with intention to reside, and persons claiming slaves by descent, marriage or devise. By act of 1805, c. 63, § 1, it was enacted, that slaves brought into this State should be forfeited, and the provisos of the former laws were repealed. This policy was relaxed by act of 1810, c. 14, amended and perpetuated by act of 1812, c. 18, and by act of 1816, c. 21. The amendments touching this subject, made at the late revision (§ 2, 3, 4, of this act) leave fewer restrictions on the importation of slaves, than any pre-existing laws since the revolution.

Slaves, Free Negroes and Mulattoes.

423

or order such slave, ten lashes on his or her bare back for every such offence: (c) 'and, if any negro or mulatto bond or free, shall furnish a pass or permit to any slave, without the consent of the master, employer or overseer of such slave, he or she so offending shall, on conviction thereof before any magistrate of this Commonwealth, receive on his or her bare back, well laid on, any number of lashes not exceeding thirty nine, at the discretion of such magistrate.'

A. D. 1819.
A. R. C. 43.

Punishment of negro, &c., bond or free, giving slave a pass, without master's or overseer's consent.

7. No negro or mulatto slave whatsoever shall keep or carry any gun, powder, shot, club or other weapon whatsoever, offensive or defensive; but all and every gun, weapon and ammunition found in the possession or custody of any negro or mulatto, may be seized by any person, and, upon due proof thereof, made before any justice of the peace of the county or corporation where such seizure shall be, shall by his order be forfeited to the seizer for his own use; and, moreover, every such offender shall have and receive, by order of such justice, any number of lashes not exceeding thirty-nine, on his or her bare back, well laid on, for every such offence: *Provided*, That slaves living at any frontier plantation, may be permitted to keep and use guns, powder, shot, and weapons, offensive or defensive, by license from a justice of the peace of the county wherein such plantation lies; to be obtained upon application of the owners of such slaves. (d)

Slaves not to keep weapons or ammunition. Such weapons and ammunition may be seized, and forfeited.

Punishment for such offence.

Exception to this rule.

8. No free negro or mulatto, shall be suffered to keep or carry any fire-lock of any kind, any military weapon, or any powder or lead, without first obtaining a license from the court of the county or corporation in which he resides, which license may, at any time, be withdrawn by an order of such court. Any free negro or mulatto who shall so offend, shall, on conviction before a justice of the peace, forfeit all such arms and ammunition to the use of the informer. (e)

Free negroes, &c. not to keep weapons or ammunition without license from court, which may be withdrawn at any time. Penalty for breach of this regulation.

9. It shall be the duty of every constable, to give information against, and prosecute, every free negro or mulatto, who shall keep or carry any arms or ammunition, contrary to this act. (f)

Constable's duty in relation thereto.

10. If any free negro or mulatto, who shall have been convicted of keeping or carrying arms or ammunition, shall a second time offend in like manner, he shall, in addition to the forfeiture aforesaid, be punished with stripes, at the discretion of a justice, not exceeding thirty-nine. (g)

Punishment for second offence.

11. EVERY person other than a negro, of whose grandfathers or grand mothers any one is, or shall have been a negro, although all his other progenitors, except that descending from the negro, shall have been white persons, shall be deemed a mulatto; and so, every such person, who shall have one fourth part or more of negro blood, shall in like manner be deemed a mulatto. (h)

Who shall be deemed mulattoes.

12. Riots, routs, unlawful assemblies, trespasses and seditious speeches, by a slave or slaves, shall be punished with stripes,

Riots, routs, unlawful assemblies, trespasses and seditious speeches, by slaves, how punishable.

(c) 1748, edi. 1769, c. 31, § 17, 18; 1785, c. 77, § 3; 1792, edi. 1794, 1803 and '14, c. 103, § 6, 7.

(d) 1748, edi. 1769, c. 31, § 19; 1792, edi. 1794, 1803, and 1814, c. 103, § 8.

(e) 1805, c. 91, § 1; edi. 1808, c. 83, § 1.

(f) *Ibid*, § 2.

(g) 1805, c. 94, § 3; edi. 1808, c. 83, § 3.

(h) 1785, c. 78; 1792, edi. 1794, 1803, and '14, c. 103, § 10.

Slaves, Free Negroes and Mulattoes.

A. D. 1819.
A. R. C. 43.

at the discretion of a justice of the peace,⁽ⁱ⁾ 'and should any
' quarrel or fight take place with any free negro or mulatto and
' any slave or slaves, such free negro or mulatto, being proved be-
' fore a justice of the peace to be the aggressor in such quarrel or
' fight, shall be punished with stripes, at the discretion of said
' justice, not exceeding thirty lashes, and he who will may ap-
' prehend and carry him, her, or them, before such justice.'

Unlawful meetings of slaves, what and how punishable? 13. AND to prevent the inconveniences arising from the meet-
ings of slaves; *Be it further enacted*, That if any master, mis-
tress, or overseer of a family, merchant, tavern-keeper, or any
other person, shall knowingly permit or suffer any slave, not be-
longing to him or her, to be and remain upon his or her planta-
tion, 'lot or tenement,' above four hours at any one time, without
leave of the owner or overseer of such slave, he or she, so permit-
ting, shall forfeit and pay three dollars for every such offence;
and every owner or overseer of a plantation, merchant, tavern-
keeper, or other person, who shall so permit or suffer more than
five negroes or slaves, other than his or her own, to be and re-
main upon his or her plantation or quarter, lot or tenement, at
any one time, shall forfeit and pay one dollar for each negro or
slave above that number; which said several forfeitures shall be
to the informer, and recoverable with costs, before any justice of
the peace of the county or corporation where such offence shall
be committed.^(k)

Penalties how ap-
propriated, and
recoverable.

Proviso.

14. *PROVIDED, always*, That nothing herein contained shall
be construed to prohibit the negroes or slaves of one and the
same owner, though seated at different quarters, from meeting
with their owner's or overseer's leave, upon any plantation to
such owner belonging; nor to restrain the meeting of slaves on
their owner's or overseer's business, at any public mill, so as such
meeting be not in the night time, nor on a Sunday; nor to prohi-
bit their meeting on any other lawful occasion, by license in writ-
ing from their owner or overseer; nor their going to church and
attending divine service on the Lord's day, or any other day of
public worship.^(l)

Exceptions, in
cases of meetings,
at public mills, or
on other lawful oc-
casions, with li-
cense from owner
or overseer, or for
religious worship.

15. AND, whereas it is represented to the General Assembly,
that it is a common practice, in many places within this Common-
wealth, for slaves to assemble in considerable numbers, at meet-
ing-houses, and places of religious worship, in the night, 'or at
' schools for teaching them reading or writing,' which, if not res-
trained, may be productive of considerable evil to the community;

All meetings of
slaves, or free ne-
groes, &c. with
slaves, in the night,
or at schools by
day or night, pro-
hibited, and to be
suppressed.

Be it therefore enacted, That all meetings or assemblages of
slaves, 'or free negroes or mulattoes mixing and associating
' with such slaves,' at any meeting-house or houses, or any
other place or places, in the night, 'or at any school or schools
' for teaching them reading or writing, either in the day or
' night,' under whatsoever pretext, shall be deemed and con-
sidered as an unlawful assembly; and any justice of the county
or corporation wherein such assemblage shall be, either from
his own knowledge, or the information of others, of such un-

(i) 1785, c. 77, § 4; 1792, ed. 1794,
1803, and '14, c. 103, § 11.
(k) 1748, ed. 1769, c. 31, § 13;
1792, ed. 1794, 1803, and '14, c. 103,
§ 12.

(l) 1748, ed. 1769, c. 31, § 15;
1792, ed. 1794, 1803, and '14, c. 103,
§ 13.

Slaves, Free Negroes and Mulattoes.

lawful assemblage or meeting, may issue his warrant directed to any sworn officer or officers, authorising him or them to enter the house or houses, where such unlawful assemblages or meetings may be, for the purpose of apprehending or dispersing such slaves, and to inflict corporal punishment on the offender or offenders, at the discretion of any justice of the peace, not exceeding twenty lashes.^(m)

A. D. 1819.
A. R. C. 49.

Punishment of offenders.

16. And the said officer or officers shall have power to summon any person, to aid and assist in the execution of any warrant or warrants directed to him or them, for the purpose aforesaid, who, on refusal, shall be subject to a fine at the discretion of the justice, not exceeding ten dollars: *Provided*, That nothing herein contained shall be so construed as to prevent the masters or owners of slaves from carrying or permitting his, her or their slave or slaves to go with him, her or them, or with any part of his, her or their white family, to any places whatever, for the purpose of religious worship; *provided*, that such worship be conducted by a regularly ordained or licensed white minister; nor shall any thing herein contained be considered as in any manner affecting white persons, who may happen to be present at any meeting or assemblage, for the purpose of religious worship, so conducted by a white minister as aforesaid, at which there shall be such a number of slaves, as would, as the law has been heretofore construed, constitute an unlawful assembly of slaves.⁽ⁿ⁾

Officers' power to summon persons to assist.

Penalty for refusal. Proviso, in favor of masters permitting slaves to go with them to meetings for religious worship;

And white persons present with slaves, at such meetings.

17. If any white person, free negro, mulatto, or Indian, shall, at any time be found in company with slaves at any unlawful meeting, such person, being thereof convicted before any justice of the peace, shall forfeit and pay three dollars for every such offence, to the informer, recoverable with costs, before such justice; or, on failure of present payment, shall receive on his or her bare back, twenty lashes, well laid on, by order of the justice, before whom such conviction shall be.^(o)

Penalty on white persons, free negroes, &c. present at unlawful meetings of slaves.

18. And every justice of the peace, upon his own knowledge of such unlawful meeting, or information thereof to him made within ten days after, shall issue his warrant to apprehend the persons so met or assembled, and cause them to be brought before himself, or any other justice of his county or corporation, to be dealt with as this act directs; and every justice failing herein, shall forfeit and pay eight dollars for every such failure; and every sheriff, or other officer, who shall fail, upon knowledge or information of such meeting, to endeavor to suppress the same, and bring the offenders before some justice of the peace, to receive due punishment, shall be liable to the like penalty of eight dollars; both which penalties shall be to the informer, and recoverable with costs, before any justice of the county or corporation, wherein such failure shall be; and every under-sheriff, serjeant or constable, who, upon knowledge or information of such meeting, shall fail to perform his duty in suppressing the same, and apprehending the persons so assembled,

Duty of justices of peace to suppress such meetings.

Penalty for neglect.

Also, on sheriff or other officer failing to endeavor to suppress, &c.

How appropriated and recoverable.

Penalty on under-sheriff, serjeant or constable, for similar neglect.

^(m) 1803, c. 119, § 1; edition 1808 c. 35, § 1.
⁽ⁿ⁾ *Ibid*, § 2; and 1804, c. 12, § 1, 2; edi. 1808, c. 47, § 1, 2.
^(o) 1748, edi. 1769, c. 31, § 15, 16; 1792, edi. 1794, 1803, and 1814, c. 103, § 14, 15.

49

Slaves, Free Negroes and Mulattoes.

A. D. 1819.
A. R. C. 43.
How appropriated
and recoverable.
Trading with slave
without leave of
master or over-
seer, forbidden.
Forfeiture to mas-
ter or overseer.
How recoverable.
Farther penalty.

How appropriated
and recoverable.
Punishment on
failing to pay pe-
nalty.
Costs.

Additional penalty
for trading on the
sabbath-day with a
slave, without
leave, &c., or
with any free ne-
gro or mulatto.

Court or justice
may bind to good
behaviour, per-
sons guilty of such
unlawful trading.

How long.
Imprisonment, on
failing to give
surety for good
behaviour.

Punishment of ne-
gro or mulatto,
bond or free, for
abusive language
to, or assaulting, a
white person.

Exception.

bled, shall forfeit and pay four dollars for every such failure, to the informer, recoverable with costs, before any justice of the county or corporation wherein such failure shall be.(o)

19. No person whatsoever shall buy, sell, or receive of, to, or from a slave, any commodity whatsoever, without the leave or consent of the master, owner or overseer of such slave: and if any person shall presume to deal with any slave without such leave or consent, he or she so offending, shall forfeit and pay, to the master or owner of such slave, four times the value of the thing so bought, sold or received, to be recovered with costs, by action upon the case in any court of record within this Commonwealth; and shall also forfeit and pay the further sum of twenty dollars to any person who will sue for the same; to be recovered, with costs, by warrant before a justice of the peace in the same manner as other debts not exceeding twenty dollars, or receive on his or her bare back, thirty-nine lashes, well laid on, at the public whipping-post; but shall, nevertheless, be liable to pay the costs of such warrant.(p)

20. ANY person who shall, on the sabbath-day, buy, sell, or receive of, to, or from a slave, any commodity whatsoever, without the leave or consent of the master or overseer of such slave, given in writing, or shall buy, sell, or receive of, to, or from any free negro or mulatto, any commodity whatsoever, on the day aforesaid, shall, in addition to the penalties aforesaid, forfeit and pay the sum of ten dollars, to be recovered by warrant from any magistrate, of the county or corporation, by any person who will prosecute for the same.(q)

21. If it shall be proved to the satisfaction of any court of law, or justice of the peace, that any person hath been guilty of any of the offences of buying, selling or receiving, to or from any slave without the consent of his or her owner or overseer, or of buying, selling or receiving, to, or from any free negro or mulatto, contrary to the true intent and meaning of this act, it shall be lawful for such court or justice to rule such person to give security for his good behaviour, for one year or longer, at the discretion of such court or justice; and on failure of such person to give the security required, he or she shall be committed to jail, there to remain 'till the security be given, or 'till he or she be otherwise discharged by due course of law.

22. If any negro or mulatto, bond or free, shall at any time use abusive and provoking language to, or lift his or her hand in opposition to any person not being a negro or mulatto, he or she so offending shall, for every such offence, proved by the oath of the party before a justice of the peace of the county or corporation where such offence shall be committed, receive such punishment as the justice shall think proper, not exceeding thirty lashes, on his or her bare back, well laid on; except in those cases, where it shall appear to such justice, that such

(o) 1748, edi. 1769, c. 31, § 15, 16; 1792, edi. 1794, 1803, and 1814, c. 103, § 14, 15.

(p) From 1785, c. 77, § 6; 1792, edi. 1794, 1803, and 1814, c. 103, § 16, am. at the late revision, by making the

penalty of § 20, recoverable by warrant, instead of summons and petition, which last remedy had been abolished.

(q) 1801, c. 21, § 3; edi. 1803, and 1814, c. 305, § 3.

Slaves, Free Negroes and Mulattoes.

427

negro or mulatto was wantonly assaulted, and lifted his or her hand in his or her defence.(r)

A. D. 1819.
A. R. C. 43.

23. If any negro or other slave shall, at any time, consult, advise or conspire to rebel, or make insurrection, or shall plot or conspire the murder of any 'free white' person or persons whatsoever, every such consulting, plotting or conspiring, shall be adjudged and deemed felony, and the slave or slaves, convicted thereof in manner herein-after directed, shall suffer death, and be utterly excluded all benefit of clergy.(s)

Punishment of slaves conspiring to rebel, or to murder any free white person.

24. If any free person shall advise or conspire with a slave, to rebel or make insurrection, or shall in any wise aid, assist or abet any slave or slaves making rebellion or insurrection, or shall advise or assist such slave in the murder of any person whatsoever, or shall consult, advise or conspire with any other free person, or with any negro or other slave, to induce, entice or excite any slave or slaves to rebel or make insurrection, every such free person so counselling, advising, plotting or conspiring, or so aiding, assisting or abetting, on conviction of any of the said offences, shall be held and deemed a felon, and shall suffer death without benefit of clergy, by hanging by the neck.(t)

Of free person advising or conspiring with a slave in rebellion or murder.

25. If any slave, 'free negro or mulatto' shall prepare, exhibit or administer any medicine whatsoever, he or she offending shall be judged guilty of felony, and suffer death without benefit of clergy.(v)

Of slave, free negro, &c. administering medicine.

26. *PROVIDED, always,* That, if it shall appear to the court, before whom such slave, 'free negro, or mulatto' shall be tried, that the medicine was not prepared, exhibited or administered with an ill intent, nor attended with any bad consequences, such slave, 'free negro, or mulatto' shall be acquitted.(v)

Provido.

27. *AND provided also,* That nothing herein contained shall be construed to extend to any slave or slaves, administering medicines by his or her master's or mistress's order, in his or her family, or the family of another, with the mutual consent of the owner of such slave, and the master or mistress of such family, (v) 'nor to any free negro or mulatto, administering 'medicines in any family, by the consent of the master or mistress thereof.'

Exceptions.

28. If any person shall hereafter be guilty of stealing or selling any free person for a slave, knowing the said person so sold to be free, and thereof shall be lawfully convicted, the persons so convicted shall undergo a confinement in the public jail and penitentiary house for a term not less than one, nor more than ten years.(w)

Punishment for stealing or selling a free person for a slave.

29. If any person or persons shall hereafter be guilty of stealing any negro or mulatto slave whatsoever, and be thereof lawfully convicted, whether the said slave or slaves so stolen shall have been taken out of or from the actual or immediate

For stealing a slave.

(r) From 1748, edi. 1769, c. 31, § 20; am. at rev. of 1792, edi. 1794, 1803, and 1814, c. 103, § 17, and further amended at the late revision.

(s) 1748, edi. 1769, c. 31, § 2; 1792, edi. 1794, 1803, and 1814, c. 103, § 21.

(t) 1797, c. 4, § 1; edi. 1803, and 1814, c. 222, § 1; 1816, c. 15, § 4.

(v) 1748, edi. 1769, c. 31, § 3, 4, 5; 1792, edi. 1794, 1803, and 1814, c. 103, § 22, 23, 24.

(w) From 1787, c. 37, § 2; 1792, edi. 1794, 1803 and 1814, c. 103, § 28.

Slaves, Free Negroes and Mulattoes.

A. D. 1819. A. R. C. 48.	possession of the owner or overseer of such slave or slaves, or shall have been elsewhere found, he or they shall be adjudged guilty of felony, and shall undergo a confinement in the penitentiary for a period not less than three nor more than eight years.(x)
For carrying a slave out of the state, county or corporation, without owner's consent, with fraudulent intent.	30. WHosoever shall hereafter carry, or cause to be carried, any slave or slaves out of this Commonwealth, or who shall carry, or cause to be carried, any slave or slaves out of any county or corporation within this Commonwealth, into any other county or corporation within the same, without the consent of the owner or owners of such slave or slaves, or of the guardian of such owner or owners, if he, she, or they be a minor or minors, and with intention to defraud or deprive such owner or owners of such slave or slaves, shall be adjudged guilty of felony, and subject to prosecution as in other cases of felony, and upon conviction thereof shall be punished by a fine not less than one hundred, nor more than five hundred dollars, and shall also be imprisoned in the jail or penitentiary house, for a period not less than two, nor more than four years; which fine and imprisonment shall be fixed and ascertained by a jury.
Fine and imprisonment.	And the person offending herein shall moreover be subjected to pay to the owner or owners of the slave or slaves, carried away as aforesaid, double the value of such slave or slaves, together with double the amount of all costs and expenses, by him, her or them incurred, in regaining or attempting to regain such slave or slaves: to be recovered by an action on the case, in any court of record in this Commonwealth, having original jurisdiction over such actions. In all actions instituted for the recovery of the penalty imposed by this section, bail may be required of the defendant or defendants, as of right.(y)
Forfeiture, of double value, costs & expenses, to owner.	31. AND, as doubts may arise, as to what shall be considered such a carrying away or removal, within the meaning of the last section; <i>Be it further enacted</i>, That not only all those who shall willingly and designedly carry away slaves as aforesaid, but all masters of vessels, who, having a slave or slaves on board their said vessels, shall sail beyond the limits of any county, with such slave or slaves on board, shall be considered as carrying off or removing such slave or slaves, within the true intent and meaning thereof. And, any person travelling by land, who shall give countenance, protection or assistance to such slave or slaves, for the purpose of preventing him, her or them, from being stopped or apprehended, shall also be considered as carrying off or removing such slave or slaves, within the true intent and meaning thereof.(y)
Recoverable by action on the case.	32. THE justices of every county or corporation shall be justices of <i>oyer and terminer</i>, for trying slaves charged with felony; which trials shall be by five at least, without juries, upon legal evidence, at such times as the sheriffs or other officers shall appoint, not being less than five, nor more than ten days after the offenders shall have been committed to jail.
Bail required.	(x) 1753, edi. 1769, c. 2, § 28; 1792, edi. 1794, 1803, and 1814, c. 103, § 29; am. by act of 1798, c. 6, § 1; editions 1803, and 1814, c. 244, § 1. (y) From 1748, edi. 1769, c. 17, § 1, 2; 1792, edi. 1794, 1803, and 1814, c. 103, c. 50; am. by 1804, c. 11, § 1, 2; edi. 1808, c. 60, § 1, 2; further amended, and the offence declared felony, by 1812, c. 27.
What shall be considered such a carrying away by masters of vessels and others.	Provision against travellers protecting such slaves from being stopped or apprehended.
Provision against travellers protecting such slaves from being stopped or apprehended.	Mode of trial of slaves for felony.
Mode of trial of slaves for felony.	Time of trial.
Time of trial.	

Slaves, Free Negroes and Mulattoes

429

No slave shall be condemned in any such case, unless all of the justices, sitting upon his or her trial, shall agree in opinion, that the prisoner is guilty, after assigning him or her counsel, in his or her defence, whose fee, amounting to not less than five, nor more than twenty-five dollars, at the discretion of the justices sitting upon said trial, shall be paid by the owner of the slave; *Provided always*, That, when judgment of death shall be passed upon any such offender, there shall be thirty days at least between the time of passing judgment and the day of execution, except in cases of conspiracy, insurrection or rebellion.^(z)*

A. D. 1819.
A. R. C. 43.
Court, to condemn, must be unanimous.
Counsel to be assigned.
His fee;
And how payable.
Time allowed, between sentence of death and execution.
Provision, in case of court's failing to meet.

33. AND, if the said court shall fail to meet at the day to which it was called for the trial of such slave or slaves, all recognizances entered into by any person or persons, to appear at such called court, shall stand obligatory to the next court of such county or corporation, when such trial shall be had before the same number of magistrates, and in the same manner as is before directed.^(a)

34. ANY court, summoned for the trial of a slave charged with any criminal offence, shall have power, for good cause shewn, to adjourn to any subsequent time: *Provided*, That such adjournment be either to the next court of the county or corporation, as the case may be, whether a quarterly or monthly term, or to some earlier day.^(b)

Court adjournable.
To what time.

35. UPON such adjournment to the next court of the county or corporation, the trial shall be had before the same number of magistrates, and in the same manner as if the called court had altogether failed to meet. The county or corporation court shall have power, for good cause shewn, to continue such trial from term to term: *Provided*, That such continuance, unless on the application of the prisoner, shall not be beyond the third term after he or she shall have been committed for trial.^(b)

Effect of adjournment to next county or corporation court.
Trial may be continued from term to term.
But not beyond the third term, unless for the prisoner.

36. AND whereas doubts have arisen, whether the power of the magistrates of county and corporation courts summoned as courts of *oyer and terminer*, to decide upon the cases of slaves charged with the commission of felony, can extend to the identifying of such slaves, who shall escape after condemnation, and before the day of execution, and are re-taken; *Be it further enacted*, That, in all such cases, it shall and may be lawful for the sheriff to summon the magistrates of the county or corporation, for the purpose of identifying such criminal, in like manner as the court was summoned for his or her trial, and upon such identity being proven, to carry into effect the sentence of the former court, by ordering such farther day for the execution of the said slave, as to them shall seem proper.^(c)

Courts may be called to identify slaves condemned, re-taken after escape.
Power of such courts.

^(z) 1786, c. 58; 1790, c. 64, § 1.
^(a) 1799, c. 58, § 2; edi. 1803 and '14, c. 264, § 2.
^(b) 1811, c. 30, § 3; edi. 1812, c. 110, § 3.
^(c) 1797, c. 4, § 4; edi. 1803 and '14, c. 222, § 4.

* Altered from 1748, edi. 1769, c. 31, § 6; by which, commission of *oyer and terminer* was issued by the governor. Amended at revival of 1792, edi. 1794, 1803 and '14, c. 103, § 20, by allowing counsel to the prisoner, and fixing fee at \$ 5; and further amended at the late revival, by increasing fee to sum not less than \$ 5, nor more than \$ 25.

430

Slaves, Free Negroes and Mulattoes.

A. D. 1819.
A. R. C. 43.

Value of slave
condemned to die,
to be paid to own-
er.

Exceptions, in cas-
es of slaves import-
ed contrary to law,
or passing through
State ;

Or where owner is
convicted as prin-
cipal or accessory.

Executive may
sell slaves under
sentence of death.

Purchaser to give
bond and security
for transportation.

Sale to operate as
reprieve.
Sentence to be ex-
ecuted on return
into State,

And owner not to
be paid value.

Where slave is
convicted of capi-
tal crime, evidence
to be recorded,
and copy sent ex-
ecutive.

Owners of slaves
so sold, to be paid
as for slaves exe-
cuted.

Person suing for
freedom, how pro-
secuted and tried.

37. THE value of a slave condemned to die, who shall suf-
fer accordingly, or, before execution of the sentence, perish,
'escape,' or be sold for transportation by the Executive, to be
estimated by the justices triers, shall be paid by the public to
the owner.(d)

38. But any slave who hath been, or hereafter shall be,
brought into this State, contrary to law, or who shall be passing
through the State, by land or water, and shall commit a capital
crime, and be tried and executed therefor within this Common-
wealth, shall not be valued by the court condemning him or her,
nor paid for out of the public treasury. Nor shall any slave be
paid for, who shall be convicted and executed for the commis-
sion of a crime, in the perpetration of which the owner shall be
either a principal or accessory, and be thereof convicted.(e)

39. THE Governor, with the advice of Council, shall be and
is hereby authorised, when it shall be deemed expedient, to
contract and agree with any person or persons, for the sale and
purchase of all those slaves who may be under sentence of
death, for conspiracy, insurrection or other crimes. The per-
son or persons, at the time of making such purchase, shall enter
into bond, with sufficient security, in the penalty of one thou-
sand dollars for each slave, payable to the Governor and his suc-
cessors, for the use of the literary fund, with condition that he
or they will carry out of the United States, all the slaves by
him or them purchased, who may be under sentence of death ;
and the sale and disposal of every such slave shall amount to
a reprieve of him or them from such sentence of death ; *Pro-
vided always*, That if any slave, sold pursuant to this act,
shall return into this State, he shall be apprehended and exe-
cuted under the condemnation of the court, as if no reprieve
had taken place.(f) ' And the owner or owners of any slave
'so executed, shall not be entitled to receive compensation
'from the public for his or her value.'

40. AND in all cases where any slave or slaves shall be tried
and convicted for any crime, which may affect life, the court
before whom such trials shall be had, shall cause the testimony
for and against every such slave to be entered of record, and
a copy of the whole proceedings to be transmitted forthwith to
the Executive.(f)

41. THE owners of slaves so sold or transported, shall be
paid in the same manner as for slaves executed ; which pay-
ment shall be immediately made, in the same manner as for
slaves executed, so soon as the Executive shall determine on
the sale or transportation of them.(g)

42. ONE being detained in slavery, and having commenced
an action to assert his freedom, shall be prosecuted and tried
for any such crime, in the same manner as a free man ought to
be prosecuted and tried.(h)

(d) Compiled of 1748, edi. 1769,
a. 31, § 10 ; 1786, c. 58 ; 1792, edi.
1794, 1803 and '14, c. 103, § 31 ; 1800,
c. 43, § 1, 2 ; edi. 1803 and '14, c. 274,
§ 1, 2 ; 1801, c. 4 ; edi. 1803 and '14,
c. 288.
(e) 1805, c. 63, § 9 ; edition 1808,
a. 69, § 9.

(f) 1800, c. 43, § 1 ; edi. 1803 and
'14, c. 274, § 1.
(g) *Ibid*, § 2 ; and 1801 c. '4 ; edi.
1803 and '14, c. 288.
(h) 1786, c. 58 ; 1792, edition 1794,
1803 and '14, c. 103, § 31, 32.

Slaves, Free Negroes and Mulattoes.

431

43. No person having interest in a slave, shall sit upon the trial of such slave.^(h) A. D. 1819.
A. R. C. 43.

44. AND for a declaration of what shall be deemed to be legal evidence in such cases, *It is further enacted*, That the court may take for evidence the confession of the offender, the oath of one or more credible witnesses, or such testimony of negroes or mulattoes, bond or free, with pregnant circumstances, as to them shall seem convincing.⁽ⁱ⁾ Person interested,
not to sit on trial of
slave.
What evidence ad-
missible.

45. WHEN any negro or mulatto whatsoever shall be convicted of any offence within the benefit of clergy, judgment of death shall not be given against him or her, upon such conviction, but he or she shall be burnt in the hand by the jailor, in open court, and suffer such other corporal punishment as the court shall think fit to inflict; except where he or she once had the benefit of this act, and, in those cases, such negro or mulatto shall suffer death, without benefit of clergy.^(j) Negroes or mulat-
toes, convicted of
clergyable offence,
how punisha-
ble.
Exception.

46. WHERE any negro or mulatto shall be found, upon due proof made to any county or corporation court of this Commonwealth, to have given false testimony, every such offender shall, without farther trial, be ordered by the said court to have one ear nailed to the pillory, and there to stand for the space of one hour, and then the said ear to be cut off, and thereafter the other ear nailed in like manner, and cut off at the expiration of one other hour, and moreover to receive thirty-nine lashes on his or her bare back, well laid on, at the public whipping post, or such other punishment as the court shall think proper, not extending to life or limb. And whenever it shall be necessary to examine any slave, free negro or mulatto, as a witness on any trial, it shall be the duty of the court or justice sitting on such trial, before such witness shall be examined, to charge him to declare the truth, in the manner following, to wit: *You are brought hither as a witness, and, by the direction of the law, I am to tell you, before you give your evidence, that you must tell the truth, the whole truth and nothing but the truth; and that, if it be found hereafter that you tell a lie, and give false testimony in this matter, you must for so doing, have both your ears nailed to the pillory and cut off, and receive thirty-nine lashes on your bare back, well laid on, at the common whipping-post.*^(k) Punishment of
Com-
monwealth, to have given false testimony, every such offender shall, without farther trial, be ordered by the said court to have one ear nailed to the pillory, and there to stand for the space of one hour, and then the said ear to be cut off, and thereafter the other ear nailed in like manner, and cut off at the expiration of one other hour, and moreover to receive thirty-nine lashes on his or her bare back, well laid on, at the public whipping post, or such other punishment as the court shall think proper, not extending to life or limb. And whenever it shall be necessary to examine any slave, free negro or mulatto, as a witness on any trial, it shall be the duty of the court or justice sitting on such trial, before such witness shall be examined, to charge him to declare the truth, in the manner following, to wit: You are brought hither as a witness, and, by the direction of the law, I am to tell you, before you give your evidence, that you must tell the truth, the whole truth and nothing but the truth; and that, if it be found hereafter that you tell a lie, and give false testimony in this matter, you must for so doing, have both your ears nailed to the pillory and cut off, and receive thirty-nine lashes on your bare back, well laid on, at the common whipping-post.
Charge to slave,
free negro or mulatto, before sworn as witness.
Form of charge.

47. ALL negro and mulatto slaves, in all courts of judicature within this Commonwealth, shall be held, taken and adjudged to be personal estate.^(l) Slaves declared
personal estate.

48. If any person or persons possessed of a life estate in any slave or slaves, shall remove, or voluntarily permit to be removed, out of this Commonwealth, such slave or slaves, or any of their increase, without the consent of him or her in reversion 'or remainder,' such person or persons shall forfeit every such slave or slaves so removed, and the full value thereof, unto the person or persons that shall have the reversion 'or

(h) 1786, c. 58; 1792, ed. 1794, 1803 and '14, c. 103, § 31, 32.

(i) 1748, ed. 1769, c. 31, § 6, 8; 1782, ed. 1794, 1803 and '14, c. 103, § 33, 34.

(k) Altered from 1748, ed. 1769, c. 31, § 9; 1792, ed. 1794, 1803 and '14, c. 103, § 35.

(l) 1792, ed. 1794, 1803 and '14, c. 103, § 43.

432.

Slaves, Free Negroes and Mulattoes.

A. D. 1819.
A. R. C. 43.
Such forfeiture,
where tenant is
feme covert, to be
for life of husband.

Further remedy,
by action against
husband.

Slaves descending
from intestate,
may be sold, &c.
by decree in chan-
cery, where equal
division cannot be
made.

Proviso.

Gifts of slaves, not
good, unless by
will, or deed pro-
ved, &c. and re-
corded.

Exception, if pos-
session be deliver-
ed to donee.

Regulations, con-
cerning exporta-
tion of negroes or
mulattoes, by
masters of vessels.

'remainder' thereof; any law, custom or usage to the contrary notwithstanding.(m)*

49. If any 'female,' possessed as aforesaid, shall be married to a husband, who shall remove, or voluntarily permit to be removed, out of this Commonwealth, any such slave or slaves, or any of their increase, without the consent of him or her in reversion 'or remainder,' in such case it shall be lawful for him or her, in reversion 'or remainder,' to sue for, recover and possess such slave or slaves so removed, for and during the life of the said husband(m); 'who shall moreover be liable to the 'action of the person or persons entitled to the reversion or 'remainder thereof, for the full value of the slave or slaves so 'removed.'*

50. WHERE one or more slaves shall descend from a person dying intestate, and an equal division thereof cannot be made in kind, on account of the nature of the property, it shall be lawful for the *high* court of chancery, or the court of the county or corporation, by which the administration to the estate of the intestate was granted, to direct the sale of such slave or slaves, and the distribution of the money arising therefrom, according to the rights of each claimant: *Provided, always,* That each claimant shall be first duly summoned to shew cause, if any he can, against such sale.(n)

51. No gift or gifts of any slave or slaves, shall be good or sufficient to pass any estate in such slave or slaves, to any person or persons whatsoever, unless the same be made by will, duly proved and recorded, or by deed, in writing, to be proved by two witnesses at the least, or acknowledged by the donor, and recorded according to law. This section shall be construed to extend only to gifts of slaves, whereof the donors have, notwithstanding such gifts, remained in the possession, and not to gifts of such slaves as have at any time come into the actual possession of, and have remained with the donee or some person claiming under such donee.(o)

52. No master or skipper of a vessel shall hereafter transport, or attempt to transport, any negro or mulatto out of this

(m) Altered from 1705, edi. 1769, c. 3, § 11; 1785, c. 61, § 22, 23; 1792, edi. 1794, 1803 and 1814, c. 103, § 44, 45.

(n) 1790, c. 13, § 2; 1792, edition 1794, 1803 and '14, c. 103, § 46.

(o) 1758, edi. 1769, c. 1, § 1, explained and amended by act of 1787, c. 22; 1792, edition 1794, 1803, and 1814, c. 103, § 47, 48: the *proviso* which constituted § 3, of the act of 1787, and § 49, of the revival of 1792, was struck out at the late revival.

* By act of 1705, edi. 1769, c. 3, slaves were declared *real estate*; but the act of 1727, edi. 1769, c. 4, made important changes in the nature of this kind of property, and made it in most respects *personal*. An act passed in 1748, declared it *personal*; *vid.* edi. 1752, c. 2, 5 *Hen. st. at lar.* p. 432. But this act, with several others, was repealed, by royal proclamation; *vid.* edi. 1752, list of acts at the end, and 6 *Hen. st. at lar.* p. 215. The revisors of 1792 reported the acts of 1705 and 1727; *vid. report, part I. p. 177*; but the legislature substituted this section for the provisions of those acts. The former laws provided for the cases of *reversioners* against *widows* holding *dower* slaves: these sections, as amended at the late revival, apply to *all persons* holding a life estate in slaves, and secure the rights of *remaindermen* as well as *reversioners*: the former laws declared a forfeiture of the *whole* dower interest; these, of the *slaves only*, and *their value*; and, in section 49, *female* is substituted for *widow*; and the *right to recover the slaves removed*, is given instead of the *right of entry*, as in the former laws.

† So in the roll for *superior court of chancery*.

Slaves, Free Negroes and Mulattoes.

433

Commonwealth, on any pretext whatsoever, until he shall have produced the said negro or mulatto before some magistrate of a county adjoining to the river, in which his vessel shall lie, and shall have made out, and lodged with the said magistrate, a description of the said negro or mulatto, his or her name, probable age, and alledged place of birth, and a declaration of the place or port to which the said master or skipper may be bound; and until he shall also have produced to the said magistrate the certificate of freedom granted to the said negro or mulatto, by the clerk of the court in which he or she was registered, or the written direction of the owner of such negro or mulatto, commanding; or permitting such master or skipper to carry him or her out of this Commonwealth. And when the said master or skipper shall so have done, it shall be the duty of the magistrate to grant him a written certificate thereof. And every master or skipper of a vessel, neglecting or refusing to perform the requisites hereby imposed, shall forfeit and pay the sum of five hundred dollars, for every negro or mulatto, by him so carried or attempted to be carried out of this Commonwealth, to be recovered by action of debt by any person who will sue for the same; and shall be, moreover, liable to the action of the owner of such negro or mulatto, for the value of the negro or mulatto thus carried or attempted to be carried out of the Commonwealth.^(p) And no master of any ship or other vessel shall transport or carry any servant whatsoever, out of this Commonwealth, without the consent or permission of the person or persons to whom such servant doth of right belong, upon penalty of forfeiting and paying one hundred and fifty dollars, for every such servant transported or carried hence, contrary to this act, one moiety to the Commonwealth for the use of the literary fund, and the other moiety to the owner of such servant, to be recovered with costs, by action of debt or information, in any court of record in this Commonwealth; and, moreover, such master shall be liable to the suit of the party grieved for his or her damages. And, in any suit or action, brought against any master or skipper of a vessel under this section, the defendant shall not be allowed to plead in bar, or give in evidence, any act or statute of limitations, any former or other law to the contrary notwithstanding.^(q)

A. D. 1819.
A. R. C. 46.

Description to be lodged with magistrate.

Certificate of freedom produced.

Or written permission of owner of slave.

Certificate from magistrate.

Penalty for breach of these regulations.

Action by owner of slave.

Masters of vessels not to carry servants out of state, without masters' consent.

Penalty.

How appropriated and recoverable.

Action by party injured.

Act of limitation not pleadable to any action under this section.

How owners may emancipate slaves.

Effect of emancipation.

^(p) 1797, c. 4, § 6; editions 1803, and 1814, c. 222, § 6.

^(q) 1746, edi. 1769, c. 17, § 1, 2; '92, edi. 1794, 1803, and 1814, c. 103, § 56, 51; 1797, c. 4, § 7; edi. 1803, and 1814, c. 222, § 7.

Slaves, Free Negroes and Mulattoes.

A. D. 1819. A. R. C. 43.	enjoy as full freedom as if they had been particularly named and freed by this act.(r)*
Slaves emancipated, liable to execution for previous debts of owner.	54. <i>PROVIDED, nevertheless</i> , That all slaves so emancipated shall be liable to be taken by execution, to satisfy any debt contracted by the person emancipating them, before such emancipation is made.(s)
Person emancipating to maintain them, if not of sound mind or body, &c.	55. <i>PROVIDED, also</i> , That all slaves so emancipated, not being, in the judgment of the court, of sound mind and body, or being above the age of forty-five years, or being males under the age of twenty-one, or females under the age of eighteen years, shall respectively be supported and maintained by the person so liberating them, or by his or her estate; and upon neglect or refusal so to do, the court of the county or corporation, where such neglect or refusal may be, is hereby empowered and required, upon application to them made, to order the sheriff or other officer, to destrain and sell so much of the person's estate, as shall be sufficient for that purpose.(t)
Courts' power to compel.	
Copy deed of emancipation to each slave liberated.	56. <i>PROVIDED, also</i> , That every person, by written instrument in his lifetime, or, if by last will and testament, the executors of any person, freeing any slave, shall cause to be delivered to him or her, a copy of the instrument of emancipation, attested by the clerk of the court of the county or corporation, who shall be paid therefor, by the person emancipating, eighty-three cents, to be collected in the manner of other clerks' fees.
Clerk's fee.	
Penalty for neglecting, or refusing such copy.	Every person neglecting or refusing to deliver to any slave, by him or her set free, such copy, shall forfeit and pay thirty dollars, to be recovered with costs, in any court of record, one half thereof to the person suing for the same, and the other to the person to whom such copy ought to have been delivered.(t)
Emancipated slave travelling out of county without it, may be committed to jail.	
How long to be confined.	57. It shall be lawful for any justice of the peace, to commit to the jail of his county or corporation, any emancipated slave travelling out of the county of his or her residence, without a copy of the instrument of his or her emancipation; there to remain, till such copy is produced, and the jailor's fees paid.(t)
Free negro or mulatto failing to pay taxes and levies, may be hired out by order of court. <i>Provido.</i>	58. In case any free negro or mulatto shall neglect, in any year, to pay all taxes and levies imposed, or to be imposed by law, the court of the county or corporation shall order the sheriff or serjeant, to hire out him or her, for so long a time as will raise the said taxes and levies; <i>provided</i> , sufficient dis-

(r) May 1782, c. 21, § 1; 1792, edi. 1794, 1803, and 1814, c. 103, § 36.
(s) 1792, edi. 1794, 1803, and 1814, c. 103, § 37.

(t) May 1782, c. 21, § 2; 1792, edi. 1794, 1803, and 1814, c. 103, § 38, 39, 40.

* The practice of emancipating slaves, seems to have been exercised prior to the year 1691; for, by an act of that year, it was provided, that no negro or mulatto should thereafter be set free, unless the person emancipating, should provide for sending his freedman out of the country within six months, in default of which, the freedman might be apprehended and sold by the church wardens: but the method of emancipation does not appear; *Vid. 3 Hen. st. at lar.* p. 37. It was enacted by the act of 1723, that no slave should be emancipated, but for meritorious services, to be judged of by the Governor and Council, 4 *Id.* p. 132, and so the law continued till the revolution; 1748, edi. 1769, c. 31, § 26. The general right of emancipation was given by act of 1782, c. 21, edi. 1785, p. 159; and modified by act of 1805, c. 10, and by subsequent laws referred to in the sequel.

Slaves, Free Negroes and Mulattoes.

435

ness cannot be made upon his or her estate: (v) ' *And provided* A. D. 1819.
' also, That the person hiring such free negro or mulatto, shall A. R. C. 43.
' not be authorised to carry him or her out of the county or cor- Person hiring not
' poration, in which he or she may be so hired out, but in such a to carry out of
' case, besides forfeiting all title to the services of such free county or corpora-
' negro or mulatto, shall incur all the penalties to which they tion.
' are subject, by the *twenty-eighth** section of this act, who Forfeitures and
' carry any slave or slaves out of any county or corporation, so. penalties for doing
' with the intent to deprive the owner or owners, of such slave
' or slaves: *And provided also*, That no free negro or mulatto How long such
' shall be hired out for a longer period than will be sufficient to free negro, &c.
' discharge his taxes or levies, at the rate of sixteen cents wages may be hired.
' by the day. And where any free negro or mulatto shall have How relievable, if
' been hired out for a longer period, such free negro or mulatto, hired for longer
' upon application to the court of the county or corporation in time.
' which he may reside, shall be discharged by such court from
' farther service; but the hirer or possessor of such free negro
' or mulatto shall have ten days previous notice of such appli-
' cation.'

59. *SAVING*, nevertheless, to all and every person and per- Saving rights of o-
sons, bodies politic or corporate, and their heirs and successors, thers, not claiming
other than the person or persons claiming under those so eman- under persons e-
cipating their slaves, all such right and title, as they or any of mancipating.

60. *AND*, whereas it is doubted, whether a widow who shall, Emancipation of
within one year from the death of her husband, declare, in the slaves by will, not
manner prescribed by law, that she will not take or accept the to deprive widow
provision made for her by her husband's will, or any part of third part, if
thereof, and renounce all benefit which she might claim by the she renounce the
same will, be entitled to one-third part of the slaves, whereof will.
her husband died possessed, and which by his will are directed
to be emancipated and set free; for removing such doubts in
future, and for a plain declaration of the law herein; *Be it*
enacted, That, in all such cases, the widow shall be entitled to
one-third part of the slaves whereof her husband died posses-
sed, notwithstanding they may be emancipated by his will:
Provided, nevertheless, That, where part of the slaves only Proviso, where
shall be emancipated, the widow's part shall be taken out of part only emanci-
those which are not set free, if there be enough to make one- pated, widow's
third part of the whole number whereof the husband died pos- part to be taken
sessed: and the widow, in all such cases, shall recover, by out of others.
preferring her bill in chancery against the executor or adminis- Widow's remedy,
trator with the will annexed, one-third part of such slaves; by bill in chance-
ry.
which one-third, so to be allotted to her, shall be ascertained by Lots to be cast.
casting lots: *Provided*, also, That, in all such cases, where the Widow where
personal estate of the husband, after payment of debts and compensated in
just expenses, shall be sufficient to compensate the widow for money, for her
the value of her third part of the slaves, whereof her husband third of such
slaves.

(v) From May 1782, c. 21, § 3; 1792, edi. 1794, 1803, and '14, c. 103, § 41, amended at the late revision, by substituting the words, "free negro or mulatto," in the first line, for "slave so liberated," in the former acts.
(w) May 1782, c. 21, § 3; 1792, edi. 1794, 1803, and '14, c. 103, § 42.

* So in the roll: but the section referred to is the 30th section of this act, the difference in the enumeration of the sections having been produced by the insertion of the amendments of the Senate.

Slaves, Free Negroes and Mulattoes.

A. D. 1819.
A. R. C. 43.

Slave emancipated to forfeit freedom, by staying more than 12 months, and may be sold by overseers of poor.
Exception, in favor of infants.

Slave emancipated since May 1, 1806, for act of extraordinary merit, may apply to court of county or corporation for permission to reside therein.
Court to consist of majority of acting magistrates.
Proof to be exhibited.
Court's power.

Good general character and conduct not sufficient.
Notice of application.

Commonwealth's attorney to appear &c.

Magistrates to be unanimous.

Record of extraordinary good character, and act or acts of extraordinary merit.

Effect of court's permission of residence.

died possessed, the executor, or administrator with the will annexed, shall pay to her such sum as shall be equivalent to her life-estate in one-third part of such slaves; which sum shall be ascertained by persons to be appointed for that purpose, by the court, upon the application of the parties.(x)

61. If any slave hereafter emancipated, shall remain within this Commonwealth, more than twelve months after his or her right to freedom shall have accrued, he or she shall forfeit all such right, and may be apprehended and sold by the overseers of the poor of any county or corporation, in which he or she shall be found, for the benefit of the literary fund:(y) 'But this provision shall not extend to any infant slave or slaves, who shall be emancipated, until such slave or slaves shall have remained within this Commonwealth twelve months after he, she or they shall have attained the age of twenty-one years.'

62. ANY slave who, since the first day of May eighteen hundred and six, hath been emancipated for 'an act, or acts of' extraordinary merit, and any slave who may be hereafter emancipated for 'an act, or acts of' extraordinary merit, shall be at liberty to apply to the court of any county or corporation within this Commonwealth, for permission to reside within such county or corporation; and the court to which such application shall be made, a majority of the acting magistrates being present, shall have power, upon satisfactory proof made to them of such 'act or acts of' extraordinary merit of the applicant, and of his or her general good character and conduct, to grant to him or her permission to remain within this Commonwealth, and to reside within such county or corporation: *Provided, however,* That no such permission shall be granted 'upon proof of good general character and conduct alone, however excellent such general character and conduct may be; nor' unless notice of the application shall have been posted at the front door of the court-house of the county or corporation, for at least five weeks, immediately preceding such application; 'nor unless the Commonwealth's attorney for such county or corporation, or, in his absence, some other attorney to be appointed by the court for that purpose, shall appear on behalf of the Commonwealth, and defend such application; nor unless the magistrates present shall be unanimous; nor shall any order made as aforesaid, have any validity or effect, unless it appear, on the face thereof, that such attorney did appear on behalf of the Commonwealth.' Every application, made as aforesaid, shall be duly entered of record: and, if the permission be granted, there shall at the same time be entered of record, as the authority therefor, the extraordinary good character of the applicant, and the 'act or acts of' extraordinary merit for which he or she may have been emancipated; otherwise, any permission granted by the said court shall be null and void. A permission so granted and recorded shall authorise the person, in whose favour it is, to reside, as a free person, within the limits of the county or

(x) 1795, c. 11, § 4; ed. 1803, and 1814, c. 189, § 4.

(y) 1805, c. 63, § 10; ed. 1806, c. 69, § 10.

Slaves, Free Negroes and Mulattoes.

437

corporation, the court of which shall have granted it, and shall be a full protection to such person travelling in any part of the Commonwealth; but it shall not authorise him or her to reside within any other county or corporation. When permission shall have been so granted to any emancipated slave, to reside as a free person within any county or corporation of this Commonwealth, on account of 'any act or acts of' extraordinary merit as aforesaid, it shall be lawful for the same court to extend the like permission to his or her emancipated wife or husband, or to his or her emancipated children: *Provided*, That a like notice of the application be posted at the door of the court-house; and that satisfactory evidence be adduced to the court, of the general good character and conduct of such wife or husband and of such children. When any application for leave of residence within this Commonwealth, made by any emancipated slave, shall be rejected, the rejection thereof shall be recorded, and shall be final, insomuch that no appeal shall be taken therefrom, and that any such permission granted by any court thereafter shall be null and void.(x)

63. If any emancipated slave, having obtained leave of residence as aforesaid, shall afterwards be convicted, by the verdict of a jury and the judgment of a court, of any offence against the laws of this Commonwealth, it shall be lawful for any county or corporation court, having granted such leave, a majority of the acting magistrates being present, or having been summoned therefor, and such emancipated slave having been duly summoned to shew cause against it, to revoke the leave of residence granted as aforesaid, if to them it shall seem expedient. If, after such revocation, such emancipated slave shall remain within this Commonwealth more than twelve months, he or she shall forfeit his or her right to freedom, and may be apprehended and sold in the manner herein provided. If any descendant, however remote, of any such female slave as may have obtained leave of residence as aforesaid, shall, at any time, be convicted in manner aforesaid, of any offence against the laws of this Commonwealth, it shall be lawful for the court of that county or corporation, within which the conviction may be had, or for the court of the county or corporation, in which such descendant may reside, in like manner, to revoke the leave of residence of such descendant, and to order him or her to depart this Commonwealth: and, if he or she shall remain within this Commonwealth more than twelve months after such order made, he or she shall forfeit his or her right to freedom, and may be, in like manner, apprehended and sold.(a)

A. D. 1819.

A. R. C. 43.

Like permission extendible to emancipated wife, husband or children.

Notice of application.

Evidence of good character.

Effect of rejection of any such application.

No appeal.

No permission grantable thereafter.

Emancipated slave having such permission may forfeit right of residence, by conviction of any offence. Proceeding to revoke.

Effect of revocation.

Any descendant of a female slave who obtains such permission, may forfeit in like manner.

What court may revoke in such case.

Effect of revocation.

No free negro or mulatto to migrate into this State.

Such person may be apprehended and carried before a justice of peace. His power to send out of State.

(x) 1815, c. 24, § 1; amended at the late revision.

(a) 1815, c. 24, § 2, 3.

A. D. 1819. A. R. C. 43.	this Commonwealth, into that state or island, from whence it shall appear he or she last came; and for this purpose, the sheriff or other officer, and other persons, may, by such justice, be employed within the Commonwealth, upon the same terms as are by law directed in the removal of criminals from one county to another; and the expenses and charges of such removal, to be audited and paid out of the treasury as other public charges. And every free negro or mulatto, who shall come, or be brought into this Commonwealth by water, from any country, state or island, may and shall be exported to the place, from whence he or she came, or was brought; and the charges attending the same shall be paid by the importer; to be recovered by motion in the name of the Commonwealth, upon ten days previous notice thereof, in any court of record; (b) and every free negro or mulatto so removed or exported, and thereafter returning to this Commonwealth, (unless it be in consequence of shipwreck or some other unavoidable necessity,) upon proof thereof made before any magistrate of this Commonwealth, shall receive, by order of such magistrate, thirty-nine lashes on his or her bare back well laid on; which punishment may, at the discretion of any magistrate, be repeated once in every week, so long as such free negro or mulatto shall remain within the Commonwealth.
Sheriff, &c. to be employed.	
Expenses how payable.	
Provision in case of free negro, &c. brought in by water.	
Charge of exportation to be paid by importer.	
How recoverable.	
Punishment of free negro exported, for returning.	
Such punishment may be repeated; how often, & how long.	
Penalty on master of vessel, or other person, importing any free negro, or mulatto.	65. EVERY master of a vessel, or other person, who shall bring into this Commonwealth, by water or by land, in any vessel, boat, land carriage, or otherwise, any free negro or mulatto, shall forfeit and pay for every such person so brought, the penalty of three hundred and thirty-three dollars, thirty-three cents, lawful money; one half to the Commonwealth, for the use of the literary fund, and the other half to the person who shall inform thereof; to be recovered, by action of debt or information, in any court of record; and the defendant in every such case shall be ruled to give special bail. (c)
How appropriated and recoverable.	
Defendant to give special bail.	
Exceptions, in case of free negroes &c. employed on board vessels, and servants to travellers.	66. THIS act shall not extend to masters of vessels, bringing into this State, any free negro or mulatto employed on board and belonging to such vessel, and who shall therewith depart; nor to any person travelling into this State, having any free negro or mulatto as a servant. (d)
Free negroes and mulattoes to be registered.	67. EVERY free negro or mulatto, who resides in any county in this Commonwealth, shall be registered and numbered in a book, to be kept for that purpose, by the clerk of the court of the said county, which register shall specify the age, name, colour and stature of such free negro or mulatto, together with any apparent mark or scar, on his or her face, head or hands, and in what court he or she was emancipated; or that such free negro or mulatto was born free. A copy of the said register signed by the clerk, with the county seal annexed, and attested by one justice of the peace of the county, wherein such register shall be made, shall be delivered to the said negro or mulatto, on application, for which copy the clerk may demand and receive twenty-five cents, to be paid by the person receiving
What such register shall specify.	
Clerk to furnish copy to person registered.	
County seal annexed.	
Clerk's fee.	
No tax for annexing county seal.	

(b) 1793, c. 23, § 1; ed. 1794, 1803, and 1814, c. 164, § 1.

(c) 1793, c. 23, § 2; ed. 1794, 1803, and 1814, c. 164, § 2.

(d) *Ibid.* § 3.

Slaves, Free Negroes and Mulattoes.

439

ing the same; 'but no tax for annexing the county seal shall be demanded,' *Provided, always,* That the clerk shall, in no case, grant a copy of such register, until the court of the county, in which such free negro or mulatto resides, shall have certified that such register has been truly made.^(e)

A. D. 1819.
A. R. C. 43.

Proviso: before copy granted, court to certify register truly made.

68. AND whereas divers free negroes and mulattoes, who have been registered and numbered agreeably to the act of Assembly in that case made and provided, and who have obtained copies of the said registers as by the said act is required, have granted their said copies to runaway slaves, who by virtue thereof have passed for free men, and have, under sanction thereof, prevailed on masters of vessels to transport them out of this Commonwealth; for remedy whereof, *Be it enacted,* That any free negro or mulatto, who shall deliver to any slave the copy of the register of his or her freedom, signed by the clerk of the court with whom the said register was made, on any pretext whatsoever, shall, on conviction thereof, be adjudged a felon, 'and be punished by confinement in the public jail and penitentiary house, for not less than one, nor more than ten years.'

Felony for free negro &c. to deliver such copy of register to a slave. How punishable.

69. ANY free person, who shall be convicted of secretly harbouring or entertaining a slave or slaves, without the consent of his or her master, mistress or overseer, shall be guilty of a misdemeanor, and be punished as in other cases of misdemeanor, and moreover be liable to the party injured for damages. And any slave, who shall, before a justice of the peace, be convicted of the like offence, shall receive such corporal chastisement, not exceeding thirty-nine lashes, as the said justice, in his discretion, may direct.*

Punishment of free person harbouring slave, &c.

Action by party injured. Punishment of slave for like offence.

70. IN all cases, where any slave or slaves hath been or shall be allotted to any widow for her dower, or hath been or shall be devised to her for life in lieu thereof, or hath been or shall be held by any person for his or her life only, or the life of any other person or persons, every such person entitled to such life estate, or his or her guardian, if he or she be an infant, shall, within sixty days after coming to the possession of such slave or slaves, cause to be lodged with the clerk of the court of that county or corporation, wherein he or she resides, a list containing the names of all such slaves, describing their ages and sexes, under the penalty of fifty dollars for each slave. Such clerk shall record the said list, in a well bound-book to be kept for that purpose; for which he shall receive from the person furnishing any such list, a fee of one dollar. The increase of all such slaves shall, within the like time from their births, in like manner, be registered with the said clerk, under the like penalty, and for a further fee in each case of twenty-five cents. In case of the intermarriage of any such widow, her husband shall from that time perform all the duties required by this section, under the like penalties. And all the penalties hereby incurred, shall go and accrue to any party aggrieved.

Tenants in dower, or for any other life estate, or guardians of infants, to deliver lists of slaves to clerk; and when.

What to be expressed therein. Penalty for neglect. Clerk to record such lists. His fee.

Increase of slaves to be registered in like manner.

Duty of husband marrying tenant in dower. Penalties how appropriated and recoverable.

^(e) 1802, c. 21, § 1, 2; ed. 1808, c. 14, § 1, 2. ^(f) 1797, c. 4, § 5; ed. 1803, and 14, c. 222, § 5.

* Substituted at the late Revision for § 2, of the act of 1797, c. 4, which imposed a pecuniary penalty, and, in case of free negroes and mulattoes, corporal punishment if the penalty was not paid.

Slaves, Free Negroes and Mulattoes.

A. D. 1819.
A. R. C. 43.

Free negroes &c. residing in corporate towns how to be registered.

What to be specified in such register.

Clerk of corporation court to furnish copy with county seal annexed.

His fee.

No tax for annexing seal.

Copy when renewable.

Penalty for harboring or employing any negro, &c. not having such copy.

How appropriated and recoverable.

Action by party injured.

Negro, &c. in a town, neglecting to procure such certificate, may be committed to jail by any alderman, &c.

How long to be confined.

Court may order him to be hired to pay jailor's fees.

Free negroes, &c. to have certificates registered in counties to which they remove, and obtain certified copy.

ed, to be recovered with costs by action of debt, bill, plaint, or otherwise, in any court of record.^(h)

71. EVERY free negro or mulatto, who resides in, or is employed to labor within the limits of any city, borough, or 'corporate,' town, shall be registered and numbered in a book to be kept for that purpose, by the clerk of the said city, borough or town, which register shall specify his or her age, name, colour and stature; by whom, and in what court, the said negro or mulatto was emancipated; or that such negro or mulatto was born free. A copy of the said register, signed by the clerk 'with the county* seal annexed,' and attested by one alderman or town magistrate, shall be annually delivered to the said negro or mulatto, for which copy the clerk shall receive twenty-five cents, to be paid by the person receiving the same, ⁽ⁱ⁾ 'but no fee for annexing the seal shall be demanded. No clerk shall renew a copy of the said register, until the former 'one shall have been delivered up and destroyed, or until he 'shall be directed to do so, by the court of such city, borough, 'or corporate town, the said court having been satisfied that 'such former copy has been accidentally lost or destroyed, or 'that such free negro or mulatto is otherwise entitled to have 'it renewed.'

72. ANY person harboring or employing any negro or mulatto, who has not a certified copy of the said register, shall forfeit and pay, for each offence, five dollars to the owner of such negro or mulatto, and, if there be no owner, to the informer, to be recovered by warrant before any alderman or magistrate, and shall be moreover liable to an action for damages, at the suit of the party aggrieved.^(k)

73. In case any negro or mulatto, who resides in, or is employed to labor, in any city, borough or town, shall neglect to procure such certificate, it shall be lawful for any alderman or magistrate to commit to jail such negro or mulatto, there to remain till such copy is produced, and the jailor's fees paid, ^(l) 'or until the court of such city, borough or corporate town 'shall be satisfied, that such certificate has been accidentally 'lost or destroyed, or that such free negro or mulatto is otherwise entitled to be discharged; and, in case of inability or 'failure to do so, the said court may order such free negro or 'mulatto to be hired out, for so long a time as shall be necessary to pay the jailor's fees.'

74. AND, for the prevention of free negroes and mulattoes going at large in the several counties of this Commonwealth; *Be it further enacted,* That no free negro or mulatto shall be allowed to go at large or hire himself or herself to labor in any county, without having his or her certificate registered in the clerk's office of the county wherein he or she resides, and having a certified copy of the said certificate: For registering

^(h) Compiled of 1803, c. 89; and 1804, c. 16; ed. 1808, c. 33, and 51.

⁽ⁱ⁾ 1793, c. 22, § 2; ed. 1794, 1803, and '14, c. 163, § 2

^(k) *Ibid*, § 3.

^(l) *Ibid*, § 4.

* So in the roll; instead of *seal of the corporation*.

Slaves, Free Negroes and Mulattoes.

441

and granting such certificate, the clerk shall be allowed twenty-five cents.(m)

A. D. 1819.
A. R. C. 43.

75. ANY person employing or harboring any such negro or mulatto, coming within the purview hereof, shall forfeit and pay, for each offence, five dollars, to the use of the informer, to be recovered by a warrant before a justice of the peace, and shall be moreover liable to an action for damages, at the suit of the party aggrieved.(n)

Clerk's fee.
Penalty for employing or harboring free negro, &c. coming within this regulation.

76. EVERY such free negro or mulatto shall, once in every three years, obtain a new certificate, under the same rules and regulations, as are prescribed for obtaining the first (o); 'but 'no clerk shall renew such certificate, until the former one 'shall have been delivered up and destroyed, or until he shall 'be directed to do so by the court of the county within which 'such free negro or mulatto is registered, the said court having 'been satisfied that such former certificate has been accidentally lost or destroyed, or that such free negro or mulatto is 'otherwise entitled to have it renewed.'

Certificate to be renewed once in every three years. Proviso.

77. AND, in case any negro or mulatto, who resides in, or is employed to labor, in any county, shall neglect to procure such certificate, it shall be lawful for any magistrate in the said county, to commit to jail such negro or mulatto, there to remain till such certificate is produced and the jailor's fees paid (p); 'or until the court of such county shall be satisfied that such 'certificate has been accidentally lost or destroyed, or that 'such free negro or mulatto is otherwise entitled to be discharged; and, in case of inability or failure to do so, the said 'court may order such free negro or mulatto to be hired out, 'for so long a time as shall be necessary to pay the jailor's fees.'

Negro, &c. residing in any county, neglecting to procure such certificate, may be committed to jail. How long to be confined.

78. IT shall be the duty of every commissioner of the revenue, annually, to return to the court of his county or corporation, at the time he returns a list of taxable property, a complete list of all free negroes or mulattoes within his district, together with their names, sexes, places of abode, and particular trades, occupations or callings; a copy of which list shall be fixed by the clerk of the said county or corporation at the court-house door, and the original be deposited, for safe-keeping, in his office: every commissioner of the revenue, or clerk of a court failing in said duty, shall forfeit and pay the sum of twenty dollars, to be recovered by motion or information, one-half to the use of the county or corporation, and the residue to any person who shall sue for the same.(q)

Court may order him to be hired out to pay jailor's fees.

Commissioners of revenue to return lists of free negroes and mulattoes.

What to be specified therein.

Copy to be set up by clerk at court-house door.

Penalty on commissioner or clerk for neglect.

How recoverable and appropriated.

79. IF any negro or mulatto, so registered, shall remove into another county, it shall and may be lawful for any magistrate of the county or corporation, in which he or she may intrude, to issue a warrant to apprehend said free negro or mulatto; and if, upon examination, it be found, that he or she has no honest employment by which to maintain him or herself, such free negro or mulatto shall be deemed and treated as a vagrant.(r)

Negro, &c. registered, removing into another county, may be apprehended and treated as a vagrant.

(m) 1793, c. 22, § 2; edi. 1794, 1803 and '14, c. 163, § 5.

(n) *Ibid.*, § 6.

(o) *Ibid.*, § 7.

(p) *Ibid.*, § 8.

VOL. I.

(q) 1800, c. 70, § 5; edi. 1803 and '14, c. 283, § 5.

(r) *Ibid.*, § 6.

Slaves, Free Negroes and Mulattoes.

A. D. 1819.
A. R. C. 43.

Penalty on owner
licensing slave to
go at large, and
trade as a free-
man.

Slave going at
large, or hiring
self out, may be
apprehended and
carried before a
magistrate,

Who may fine the
owner, &c.,
(Amount of fine.)

Or commit the
slave to jail.
Court may impose
a fine ;

to what amount ;
or order slave to
be sold ; when and
how.

Proceeds of sale,
how applicable.

Where fine impos-
ed, slave to be held
in custody, and lia-
ble therefor.

When to be sold,
unless fine be paid.
Such fines, how
appropriated.
Proviso : what in-
terest in slave to
pass by sale.

80. If any master or owner of a slave shall license such slave to go at large, and trade as a freeman, the master or owner shall forfeit and pay the sum of thirty dollars to the Commonwealth, for the use of the literary fund ; and if, after conviction, such slave shall be found so going at large and trading, the master or owner shall again be liable to the like penalty ; and so, as often after conviction, as such slave shall be found so going at large and trading.(s)

81. If any person shall permit his or her slave, or any slave hired by him or her, to go at large, or hire himself or herself out, it shall be lawful for any person, and it shall moreover be the duty of every sheriff, deputy sheriff, coroner and constable of a county, and serjeant, coroner and constable of a corporation, to apprehend and carry such slave before a magistrate of the county or corporation where apprehended ; and, if it shall appear to the magistrate, that such slave hath been permitted to go at large, or hire himself or herself out, he shall forthwith impose on the owner of such slave, or the person permitting him or her to go at large, or hire himself or herself out, a fine not less than ten dollars, nor more than twenty dollars ; or may, in his discretion, order the slave to the jail of the county or corporation, there to be safely kept until the next court ; when, if it shall appear to the court, that such slave hath been permitted to go at large, or hire himself or herself out, contrary to law, it shall be lawful for the said court, in their discretion, and they are hereby required, either to impose on the owner of such slave, or the person permitting him or her to go at large, or hire himself or herself out, as aforesaid, a fine not less than twenty dollars, nor more than fifty dollars, or order the sheriff or other officer of their county or corporation, to sell every such slave for ready money, at the next court held for the said county or corporation, notice being given at the court-house door, at least twenty days before such sale : one-third of the amount of such sale shall go to the Commonwealth for the use of the literary fund, and the residue shall be paid by the sheriff or other officer, after deducting six *per centum* on the whole amount for his trouble, and the jailor's fees, to the person who shall inform thereof, and cause the fact to be established ; and when there shall be no informer, the same shall go to the Commonwealth for the use of the literary fund.

And, in every case of a fine, imposed under this section, the slave shall be held in custody, and liable therefor, and may be sold by order of the magistrate or court imposing the same, and in satisfaction thereof, and all incidental charges, unless the same be paid within ten days after such fine is imposed ; upon payment whereof, the said slave shall be discharged. All such fines shall go to the Commonwealth for the use of the literary fund : *Provided*, That no sale of a slave under this section, shall convey a greater interest in such slave, than is held by the person committing a breach hereof, unless it shall

(s) From 1769, c. 19, § 8 ; Chan. Rev. p. 9 ; 1792, edi. 1794, 1803 and 74, c. 103, § 25 ; altered, at the late revisal, by striking out so much of the former laws as related to the mode of recovery.

Slaves, Free Negroes and Mulattoes.

443

appear, that the owner of such slave was privy to, or connived at such breach.(t)

A. D. 1819.
A. E. C. 43.

82. ANY person who shall suffer a slave, held by him or her, as trustee, guardian, executor or executrix, administrator or administratrix, to hire himself or herself out, contrary to the meaning of this act, shall forfeit and pay forty dollars, for each and every such offence, to be recovered by any person who will sue for the same, by action of debt or information in any court of record within this Commonwealth.(v)

Penalty on trustee, guardian, executor, &c., suffering slave to hire self out.
How recoverable and appropriated.

83. ANY master or skipper of a vessel, who shall permit any slave to come on board any vessel, without the leave or consent of the master or overseer, given in writing, or shall buy, sell, or receive of, to, or from a slave, any commodity whatsoever, without the leave or consent of the master or overseer, given in writing as aforesaid, shall forfeit and pay for every such offence, in addition to the penalties imposed by this act, the sum of twenty dollars, to be recovered by warrant from any magistrate of the county or corporation, by any person who will prosecute for the same; upon service of which warrant, the offender shall be taken and remain in custody until judgment; and, in case of conviction, shall be by such magistrate committed to the jail of his county or corporation, there to remain until payment of the penalty aforesaid: *Provided, always*, That, in case the skipper of any vessel be a slave, he shall receive for every such offence, thirty-nine lashes on his bare back, to be inflicted by order of any magistrate of a county or corporation.(w)

Penalty on master or skipper of vessel permitting slave to come on board, or trading with slave, without written consent of owner or overseer.

How recoverable and appropriated.

Punishment of skipper of vessel, being a slave.

84. AND moreover, any master or skipper of a vessel who shall permit any slave to come on board his vessel, without leave or consent of his master, overseer, or owner, or shall buy, receive of, or from a slave, any commodity whatsoever, without the leave or consent of the master, owner, or overseer, as aforesaid, shall forfeit and pay for every such offence, in addition to the other penalties hereby imposed, the sum of two hundred dollars; one-third thereof, shall go to the master or owner of such slave; one-third to the informer; and one-third to the Commonwealth, to the use of the literary fund.(x)

Farther penalty for same offence.

How appropriated.

85. IN all actions, which shall be brought against any master or skipper of any ship or vessel, in pursuance of this act, such master or skipper shall be required to give appearance bail: *Provided*, the plaintiff shall make *affidavit* before a magistrate, of the cause of such action, to be transmitted to the clerk of the court, wherein the suit shall be prosecuted.(y)

Bail required in actions against masters or skippers of vessels, under this act.

86. *Be it enacted*, That, if any master or skipper of any vessel, shall hereafter incur any of the fines, penalties and forfeitures imposed by the *twenty-eighth*,* *twenty-ninth*,*

Remedy by attachment against the vessel, &c.

(t) Compiled, and altered from 1800, c. 70, § 1, 3; editions 1803, and 1814, c. 283, § 1, 3; and 1807, c. 13; edi. 1808, c. 119.

(v) 1800, c. 70, § 2; edi. 1803, and 1814, c. 283, § 2.

(w) 1801, c. 21, § 1; edi. 1803, and 1814, c. 305, § 1.

(x) 1804, c. 11, § 3; edition 1808, c. 60, § 3.

(y) Compiled of 1801, c. 21, § 2; edi. 1803, and 1814, c. 305, § 2; and 1804, c. 11, § 4; edi. 1808, c. 60, § 4.

* So in the roll. The sections here referred to, are § 30, 31, 52, and 84 of this act. The sections were numbered as here referred to, in the engrossed bill, as it passed the House of Delegates; but the amendments introduced in the Senate rendered a new arrangement of the sections necessary; which was not adverted to.

Slaves, Free Negroes and Mulattoes.

A. D. 1819. 'fiftieth,* and one hundred and second* sections of this act, the
A. R. C. 43. 'said fines, penalties and forfeitures may be recovered either
'in the modes herein-before pointed out, or by attachment
'against the vessel, or other property in which such master or
'skipper may have an interest; and it shall be the duty of any
'justice of the peace, to whom application is made for such
Bond with security 'attachment, to grant the same upon the plaintiff's entering
required of plain- 'into bond with security in double the amount to be attached
tiff. 'for, payable to the defendant, conditioned for satisfying and
'paying all costs which shall be awarded to such defendant in
'case the plaintiff be cast in his suit, and also all damages
'which shall be recovered against the said plaintiff for issuing
'and suing out such attachment; which bond shall be by the
'same justice returned to the court to which the attachment
'is returnable; and the party entitled to such costs or dama-
'ges, may thereupon bring suit and recover: and every attach-
Proceedings on 'ment issued without such bond taken, or where no bond shall
such attachments. 'dismissed. All attachments which may issue by virtue of
'this section, shall be served, returned and prosecuted, as at-
'tachments issued against the estate of absconding debtors are
'served returned and prosecuted.'

Courts to give this '87. ALL the courts of law within this Commonwealth shall
act in charge to 'constantly give this act in charge to their grand juries, at the
grand juries. 'times when such grand juries shall be sworn; and the said
All courts of law 'courts are hereby declared to have cognizance of all offences
to have cognizance 'against the provisions of this act, whether the same be triable
of offences against 'before a single magistrate, or otherwise; and, on all convic-
it. 'tions in pursuance of any presentment by a grand jury, the
Fines, &c. assess- 'fines, forfeitures and penalties, which otherwise would have
ed on present- 'gone to an informer, shall accrue to the Commonwealth, for
ments by grand ju- 'the use of the literary fund.'(z)
ries, how appro-
priated.

Repealing clause. '88. ALL and every act and acts, clauses and parts of acts,
within the purview of this act, shall be, and are hereby repeal-
ed: *Provided, nevertheless,* That all rights, remedies, fines,
Proviso. 'penalties and forfeitures, incurred or accrued under any for-
mer act, shall remain in the same condition, as if this act had
not been made; except such penalties and forfeitures as are
Exception. 'herein expressly remitted.

Commencement. '89. THIS act shall commence and be in force from and after
the first day of January eighteen hundred and twenty; except
so much thereof as relates to the bringing into this Common-
wealth and holding therein any slave or slaves, and to the re-
mission of penalties and forfeitures incurred thereby; and so
much of this act as relates to the matters aforesaid, shall com-
mence and be in force from and after the passing thereof.

(z) Altered from 1800, c. 70, § 7; edi. 1803, and '14, c. 283, § 7; 1805, c. 63, § 15; edi. 1808, c. 69, § 15.

* See note (*) on the preceding page.

THE
STATUTES AT LARGE
OF
SOUTH CAROLINA;
EDITED, UNDER AUTHORITY OF THE LEGISLATURE,
BY
DAVID J. McCORD.

VOLUME SEVENTH,
CONTAINING THE ACTS RELATING TO CHARLESTON, COURTS, SLAVES, AND
RIVERS.

COLUMBIA, S. C.
PRINTED BY A. S. JOHNSTON.
1840.

NOTICE.

As it is an age when our institutions are likely to be misrepresented, the Editor thinks it proper to call the attention of the reader to the fact that all the laws on the subject of slaves, from the year 1690 to 1751, included between the pages 343 and 426, of this volume, expired before the revolution. If the false philanthropist of the day chooses to quarrel with any enactments during that period, let him recollect that they were British, not American Laws ; and that the free people of South Carolina have no cause to blush at any enactment of theirs.

OF SOUTH CAROLINA.

463

Acts relating to Slaves.

A. D. 1823.

No. 2319.

AN ACT THE MORE EFFECTUALLY TO PROHIBIT FREE NEGROES AND PERSONS OF COLOUR FROM ENTERING INTO THIS STATE; AND FOR OTHER PURPOSES.

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, That from and after the passing of this Act, it shall not be lawful for any free negro or person of colour to migrate into this State, or be brought or introduced into its limits, under any pretext whatever, by land or by water. And in case any such free negro or person of color, (not being a seaman on board of any vessel arriving within this State,) shall migrate into or be introduced into this State, contrary to this Act, he shall and may be carried by any white person before some justice of the peace of the district or parish where he or she shall be taken, which justice is hereby required to summon three freeholders and form a court to examine such free negro or person of color, and on conviction, to order him or her to leave the State; and every free negro or person of color, so ordered to leave the State, and thereafter remaining longer than fifteen days within the same, or having left the State and thereafter returning to the same, upon proof thereof made before any magistrate and three freeholders, and on conviction thereof, shall be subjected to be sentenced to such corporal punishment as the said magistrate and freeholders shall, in their discretion, think fit to order. And if, after the said sentence of punishment, such free negro or person of color shall again remain longer in this State than fifteen days, or having left the State shall thereafter return to the same, upon proof thereof before any magistrate and three freeholders, as aforesaid, and on conviction thereof, the said magistrate and freeholders shall adjudge the said free negro or person of color to suffer corporal punishment a second time; and for every repetition of the offence of remaining in this State contrary to this Act, or of coming into the same after departing therefrom, such free negro or person of color shall be liable to be proceeded against in like manner; and so on until such free negro or person of color shall cease to violate this Act.

II. *And be it further enacted* by the authority aforesaid, That it shall not be lawful for any free negro or person of color to come into this State, on board of any vessel, as a cook, steward, mariner, or in any other employment on board of such vessel. And in case any vessel shall arrive in any port or harbour of this State, from any other State or foreign port, having on board any free negro or person of color employed on board such vessel as a cook, steward, mariner, or in any other employment, it shall be the duty of the sheriff of the district in which such port or harbour is situated, immediately on the arrival of such vessel, to apprehend such free negro or person of color, so arriving contrary to this Act, and to confine him closely in jail until such vessel shall be hauled off from the wharf, and ready to proceed to sea; and that when said vessel is ready to sail, the captain of said vessel shall be bound to carry away the said free negro or person of color, and to pay the expences of his detention; and in case such captain shall refuse or neglect to pay the said expenses, and to carry away the said free negro or person of color, he shall forfeit and pay the sum of one thousand dollars, and be liable to be indicted therefor, and also to suffer imprisonment for any term or time not exceeding six months.

III. *And be it further enacted* by the authority aforesaid, That whenever any free negro or person of color shall be apprehended and committed to jail as having arrived in any vessel in the capacity of a cook, steward,

STATUTES AT LARGE

A. D. 1823.

Acts relating to Slaves.

Negroes imprisoned under this Act, how to be dealt with.

mariner, or otherwise, contrary to this Act, it shall be the duty of the sheriff, during the confinement in jail of such free negro or person of color, to call upon some justice of the peace to warn such free negro or person of color never to enter the said State after he or she shall depart therefrom; and such justice of the peace shall, at the time of warning said free negro or person of color, insert his or her name in a book to be provided by the sheriff for that purpose, and shall therein specify his or her age, occupation, height and distinguishing marks; which book shall be good and sufficient evidence of such warning; for which services, the said justice shall receive the sum of two dollars, payable by the captain of the vessel. And every free negro or person of color who shall not depart the State, in case of the captain's refusing or neglecting to carry him or her away, or having departed shall ever again enter into the limits of this State, by land or by water, after being warned, as aforesaid, shall be dealt with as the first section of this Act directs for persons of color who shall migrate or be brought into this State.

Penalty for bringing free negroes into State by sea.

IV. *And be it further enacted* by the authority aforesaid, That it shall not be lawful for any master or captain of any vessel, or for any other person, to introduce or bring into the limits of this State any free negro or person of color, as a passenger, or as cook, mariner, steward, or in any other capacity, on board of such vessel, whose entrance into this State is prohibited by this Act; and if any master or captain of any vessel, as aforesaid, shall bring in or introduce into this State any such free negro or person of color, whose entrance is prohibited, as aforesaid; or if any other person shall introduce by land, as a servant, any free negro or person of color, every such person shall, for the first offence, be fined in a sum not exceeding one hundred dollars; and for the second offence, be liable to forfeit and pay, for each free negro or person of color so brought into this State, the sum of one thousand dollars, and shall, moreover, be liable to be imprisoned for any term or time not exceeding six months.

Free persons of color leaving this State not to return.

V. *And be it further enacted* by the authority aforesaid, That it shall not be lawful for any free negro or person of color, who has left the State at any time previous to the passing of this Act, or for those who may hereafter leave the State, ever to return again into the same, without being subject to the penalties of the first section of this Act, as fully as if they had never resided therein.

Slaves from certain places not to be bro't into this State.

VI. *And be it further enacted* by the authority aforesaid, That it shall not be lawful for any citizen of this State or other person, to bring into this State, under any pretext whatever, any slave or slaves, from any port or place in the West Indies, or Mexico, or any part of South America, or from Europe, or from any sister State, which may be situated to the north of the river Potomac, or the city of Washington. Neither shall it be lawful for any person to bring into this State, as a servant, any slave who has been carried out of the same, if at any time during the absence of such slave from this State, he or she hath been in ports or places situated in Europe, in the West Indies, or Mexico, or any part of South America, or in the States north of the river Potomac, or city of Washington. And any person who shall bring into this State any slave, contrary to the meaning of this Act, shall forfeit and pay the sum of one thousand dollars, and the said slave shall be a forfeiture to the State.

VII. *And be it further enacted* by the authority aforesaid, That all free negroes and persons of color, and all other persons, shall be exempted from the operation of this Act, where such free negroes and persons of color

OF SOUTH CAROLINA.

465

Acts relating to Slaves.

A. D. 1823.

and slaves have arrived within the limits of this State by shipwreck or stress of weather, or other unavoidable accident. But such free negroes or persons of color and other persons shall, nevertheless, be subject to the penalties of this Act, if the requisites of the same be not complied with within one month after such shipwreck, stress or weather, or other unavoidable accident.

Free negroes shipwrecked, exempted from the operation of this Act.

VIII. *And be it further enacted* by the authority aforesaid, That this Act shall not extend to free negroes or persons of color who shall arrive in any port or harbor of this State, as cooks, stewards, mariners, or as otherwise employed in any vessels of war of the United States navy, or on board any national vessel of the navies of any of the European or other powers in amity with the United States, unless said free negroes and persons of color shall be found on shore after being warned by the sheriff, or his deputy, to keep on board of their vessels. Nor shall this Act extend to free American Indians, free Moors, or Lascars, or other colored subjects of countries beyond the cape of Good Hope, who may arrive in this State, in any merchant vessel; but such persons only shall be deemed and adjudged to be persons of color within the meaning of this Act, as shall be descended from negroes, mulattoes and mestizoes, either on the father's or mother's side.

This Act not to extend to free persons of color on board of vessels of war.

IX. *And be it further enacted* by the authority aforesaid, That in case any master or mate of any vessel, on his arrival, shall make any false return to the sheriff or his deputy, of the number of persons he may have on board, whose entrance shall be prohibited by this Act, he shall forfeit and pay the sum of one thousand dollars; and any master of a vessel, or other person, opposing the sheriff or his deputy in the execution of his duty, and all persons aiding and abetting him therein, shall be liable to be indicted and pay a fine of one thousand dollars, and be imprisoned for any term not exceeding six months.

Penalty on masters of vessels making a false return.

X. *And be it further enacted*, That any sheriff who shall wilfully neglect or refuse to perform the duties required by this Act, shall forfeit and pay five hundred dollars; one half to the informer, and the other for the use of the State, to be recovered by action of debt, in any court having jurisdiction.

Penalty on sheriffs for neglecting their duty.

XI. *And be it further enacted* by the authority aforesaid, That all prosecutions under this Act may be maintained without limitation of time; and all penalties or forfeitures imposed thereby, may be recovered in any court of record in this State, one half of which shall go into the public treasury, and the other half to the person informing: *Provided, however*, that no prosecution shall be permitted against the masters of vessels, or any other white persons, from any part of the United States, in less than three months, or against captains of vessels from foreign ports, in less than six months, after the passing of this Act.

Prosecutions under this Act, to be maintained without limitation of time.

XII. *And be it further enacted* by the authority aforesaid, That so much of an Act passed on the twentieth of December, one thousand eight hundred and twenty, entitled "An Act to restrain the emancipation of slaves, and to prevent free persons of color from entering into this State; and for other purposes;" and also, so much of another Act, passed on the twenty-first of December, one thousand eight hundred and twenty-two, entitled "An Act for the better regulation and government of free negroes and persons of color; and for other purposes," as are repugnant to this Act, and so much thereof as makes it the duty of the harbor-master to report to the sheriff the arrival of all free negroes in the harbor of Charleston, be, and the same are hereby, repealed.

Parts of former Acts repealed.

STATUTES AT LARGE

A. D. 1825.

Acts relating to Slaves.

Free negroes
not to carry
fire-arms.

XIII. *And be it further enacted* by the authority aforesaid, That no free negro or other free person of color, shall carry any fire-arms or other military weapons, abroad, except with a written ticket from his or their guardian, under pain of forfeiting the same, and being fined or whipped, at the discretion of any magistrate and three freeholders, before whom he or they may be convicted thereof. Nor shall any free person of color be hereafter employed as a pioneer, though he may be subjected to military fatigue duty, when called on.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and twenty-three, and in the forty-eighth year of the Independence of the United States of America.

JACOB BOND I'ON, *President of the Senate.*

PATRICK NOBLE, *Speaker of the House of Representatives.*

No. 2361. AN ACT TO AMEND "AN ACT THE MORE EFFECTUALLY TO PROHIBIT FREE NEGROES AND PERSONS OF COLOR FROM ENTERING INTO THIS STATE; AND FOR OTHER PURPOSES."

WHEREAS, many colored persons from the northern states and elsewhere, have arrived in the ports and harbours of this State, under pretence of their being descended from free Moors, Indians and Lascars on both father's and mother's side, bringing with them certificates and papers purporting that they are of such descent, when on inspection they appear to be mulattoes or mestizoes, by means of which false papers many persons of color are introduced into this State, contrary to the intention of the Act in such case made and provided.

I. *Be it therefore enacted* by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and after the passing of this Act, if any packet or merchant vessel shall arrive in any port or harbor of this State, from any other State or foreign port, having on board any colored persons as passengers, or employed as cooks, stewards or seamen, on board of such vessel, it shall be the duty of the sheriff of the district in which such port is situated, and he is hereby empowered and required, to repair on board of such vessel, and to order the captain of such vessel to move his vessel in the stream, at a distance not less than one hundred and fifty yards from the wharf, and to load and unload his vessel with lighters. And if any captain of a vessel arriving in this State with colored persons as aforesaid, shall, after being ordered to move his vessel in the stream, approach or lie at the wharves, piers or quays of any of the ports or harbors of this State, or to load or unload otherwise than as herein directed, he shall forfeit and pay the sum of one thousand dollars; to be recovered in any court of record in this State; one half of which penalty shall go to the sheriff or other person informing, and the other moiety to the use of the State. *Provided however*, that this Act shall not extend to the proper merchant vessels of countries in which free Moors, Indians, Lascars, or other colored subjects of countries beyond the Cape of Good Hope, (heretofore excepted,) are

THE
STATUTE LAWS
OF THE
STATE OF TENNESSEE,
OF A
PUBLIC AND GENERAL NATURE;
REVISED AND DIGESTED
BY
JOHN HAYWOOD AND ROBERT L. COBBS.
BY ORDER OF THE GENERAL ASSEMBLY.
VOL. I.

KNOXVILLE, T.
F. S. HEISKELL, PRINTER AND PUBLISHER.
.....
1831.

DISTRICT OF EAST TENNESSEE:



Be it remembered, That on the 6th day of April, Anno Domini, 1831, **FREDERIC S. HEISKELL** of said District, hath deposited in this office the title of a Book, the right whereof he claims as proprietor, in the words following, to wit:

“The Statute Laws of the State of Tennessee, of a public and general nature; revised and digested by John Haywood and Robert L. Cobbs, by order of the General Assembly;” in conformity with an Act of Congress, entitled “An Act to amend the several acts respecting copy rights.”

Entered according to the act of Congress, in the year 1831, by **Frederic S. Heiskell**, in the Clerk’s office of the District Court of the United States for East Tennessee.

WM. C. MYNATT, *Clerk of the District.*

314 SLAVES, FREE NEGROES AND MULATTOES.

to be recovered by action of debt, one half to the use of the person who will sue for the same, the other half to the use of the state; *provided*, that nothing in this act contained, nor shall any other act now in force and use in this state, be construed so as to tax or prohibit any concerts or any theatrical exhibition.

Except concerts and theatres.

SLAVES, FREE NEGROES AND MULATTOES.

OFFENCES BY SLAVES, &C.

§ 43. No slave shall go from off the plantation or seat of land where such slave shall be appointed to live, without a certificate of leave in writing, for so doing, from his or her master or overseer; (negroes wearing liveries always excepted.)

1741, c. 24.
Not to go off plantation without pass.

§ 6. All horses, cattle, hogs or sheep that one month after the passing of this act shall belong to any slave, or be of any slave's mark, in this state, shall be seized and sold by the county wardens, and by them applied, the one half to the support of the poor of the county, and the other half to the informer.

1779, c. 5.
Stock of slaves to be sold, half for county, half for informer.

§ 40. No slave shall go armed with gun, sword, club or other weapon, or shall keep any such weapon, or shall hunt or range with a gun in the woods, upon any pretence whatsoever, (except such slave or slaves who shall have a certificate as herein after provided;) and if any slave shall be found offending herein, it shall and may be lawful for any person or persons to seize and take to his own use, such gun, sword or other weapon, and to apprehend and deliver such slave to the next constable, who is enjoined and required, without further order or warrant, to give such slave twenty lashes on his or her bare back, and to send him or her home; and the master or owner of such slave shall pay to the taker up of such armed slave, the same reward as by this act is allowed for taking up of runaways.

1741, c. 24.
Slave not to go armed.

Keep arms or hunt with them whipt, and taker up paid by owner.

§ 41. Nothing in this act shall be construed or extended to prohibit or debar any master or owner of any slave or slaves within this state from employing any one slave in each and every distinct plantation, from hunting in the woods on their master's lands, with a gun, to preserve his or her stock, or to kill game for his or her family.

Except one on each plantation.

§ 42. Such master or owner shall first deliver into the county court, an account in writing of the name of any such slave to be employed as aforesaid; and the chairman of the court shall sign a certificate that such slave is allowed to carry a gun and hunt in the woods, on his master or mistress's land; and the master, mistress or overseer of such slave, shall give him the said certificate, which such slave shall always carry about him, on pain of being apprehended and punished as aforesaid.

His name &c. to be deliver'd to court by his owner, and the chairman give a certificate to such slave.

§ 2. No certificate shall be signed by any chairman of any county court in this state, allowing any slave to carry a gun and hunt in the woods, unless the master, mistress or manager of such slave, shall first enter into bond with sufficient security, to the county court, either before, or at the time such certificate shall be given, for the good and honest behavior of such slave; which bond may be assigned over to any person or persons who shall be injured by such slave; which assignee shall and may maintain an action thereon and recover such damages, as he or she shall or may sustain by such slave, in any court of record in this state, by action of debt, bill, plaint or information, wherein no essoin, injunction, protection or wager of law, shall be allowed or admitted of.

1753, c. 6.
Own'rs to give bond and security before certificate made.

Person injured, to sue on bond.

§ 3. No slave shall have or carry a gun in any plantation where a crop is not tended, nor more than one in any plantation where there is a crop tended, nor after the crop is housed; and the master, mistress or overseer of any slave with whom shall be found any gun, sword or other weapon contrary to the true intent and meaning of this and the act (of 1741, chapter 24,) shall forfeit and pay, to the person finding the

Not to carry a gun except on plantation, in crop time.

SLAVES, &C.

315

same, the sum of *two dollars and fifty cents*, to be recovered by a warrant, before any one justice of the peace for the county where the offence shall be committed, any punishment inflicted on the slave, forfeiture of the gun, sword or other weapon, notwithstanding; unless such master, mistress or owner shall, by their own oath or other proof, make appear that such slave carrying a gun, sword or other weapon, was without their consent or knowledge.

If with owner's knowledge, penalty \$2 50, besides forfeiture and punishment.

§ 8. No slave shall hunt or range in the woods with a dog or dogs except such as shall have a certificate for hunting, obtained as is in this act directed; and if any slave shall be found offending herein, it shall and may be lawful for any person or persons to kill and destroy the said dog or dogs, and to bring the said slave before the next magistrate, who shall, on due proof of his offence, order the said slave such correction as he shall judge reasonable, not exceeding thirty lashes.

Not to hunt in woods with dogs without such certificate

Dogs killed & slave whipt.

§ 3. Riots, routs, unlawful assemblies, trespasses and seditious speeches by a slave or slaves, or any insulting or provoking language used by such slave or slaves to any white person, shall be punished by stripes at the discretion of a justice of the peace, and he or they who will, may apprehend and carry him, her or them before such justice.

1806, c. 32. For provoking language and other offences whipt.

§ 6. If any slave shall offer to vend or sell *any article or articles*, (unless the same shall be of his or their own manufacture,) without a permit, in writing, from the master or controller of such slave, authorising such sale, it shall be the duty of the person or persons to whom such article is offered for sale, to apprehend and carry before any justice of the peace, such slave or slaves, and if such charge shall be proved to such justice, it shall be the duty of said justice, to cause said slave to receive for such offence, any number of lashes not less than five nor more than thirty.

1813, c. 135. *Sec. 2. †Sec. 3. Slave offering or selling any articles, except made by himself, on information of person to whom offered, whipt. 1829, c. 74.

§ 1. Any negro slave who shall be guilty of selling any spirituous liquors, without permission of his master or mistress, to any person, shall be liable to receive lashes not less than five nor more than ten, for every offence.

Negroes not to sell liquors without permission.

§ 2. Any slave or slaves who shall be found or detected with having and possessing any spirituous liquors in any bottle or other vessel, at any other place than their own house, which liquor is claimed and owned by such slave or some other slave, shall be liable to be punished by not less than three nor more than ten lashes.

Nor to keep any in possession away from home.

§ 3. Offences under the provisions of this act, shall be cognizable before any justice of the peace, who shall have power to enforce the same.

Offence's under this act where cognizable.

§ 47. If any number of negroes or other slaves, that is to say, three or more, shall, at any time hereafter, consult, advise or conspire to rebel or make insurrection, or shall plot or conspire the murder of any person or persons whatsoever, every such consulting, plotting or conspiring, shall be adjudged and deemed felony, and the slave or slaves convicted thereof, in manner hereinafter directed, *shall suffer death*.

1741, c. 24. Conspiracy of three or more to rebel or to murder, Felony. †1819 c 35 s 1; Felony only.

§ 50. Where any negro, mulatto or Indian, bond or free, shall, upon due proof made, or pregnant circumstances appearing before any county court within this state, be found to have given a false testimony, every such offender shall, without further trial, be ordered by the said court to have one ear nailed to the pillory, and there stand for the space of one hour, and the said ear to be cut off, and thereafter the other ear nailed in like manner and cut off at the expiration of one other hour; and moreover, to order every such offender, thirty-nine lashes well laid on, on his or her bare back, at the common whipping post.

Perjury by Indian, negro or mulattoe, penalty ear nailed to pillory and cut off; 39 lashes.

§ 57. At every trial of slaves committing capital or other offences, the first person in commission sitting on such trial, shall, before the examination of every negro, mulatto, or Indian, not being a christian, charge such to declare the truth.

Slaves giving evidence, to be charged.

SLAVES, AND FREE PERSONS OF COLOR.

391

in this act contained, shall be construed to extend to any keel-boat or barge engaged in the navigation of the Mobile, Alabama, or Tombeckbee rivers, or their tributaries.

This act not to include barges, on certain rivers.

SLAVES, AND FREE PERSONS OF COLOR.

§ 1. THE general assembly shall have no power to pass laws for the emancipation of slaves, without the consent of their owners, or without paying their owners, previous to such emancipation, a full equivalent in money for the slaves so emancipated. They shall have no power to prevent emigrants to this state from bringing with them such persons as are deemed slaves by the laws of any one of the United States, so long as any person of the same age or description shall be continued in slavery by the laws of this state: *Provided*, That such person or slave be the *bona fide* property of such emigrants: *And provided also*, That laws may be passed to prohibit the introduction into this state of slaves who have committed high crimes in other states or territories. They shall have power to pass laws to permit the owners of slaves to emancipate them, saving the rights of creditors, and preventing them from becoming a public charge. They shall have full power to prevent slaves from being brought into this state as merchandise, and also to oblige the owners of slaves to treat them with humanity, to provide for them necessary food and clothing, to abstain from all injuries to them extending to life or limb, and, in case of their neglect or refusal to comply with the directions of such laws, to have such slave or slaves sold for the benefit of the owner or owners.

Con. Ala. Art. 6. (Slaves.) Sec. 1. Powers of the general assembly in relation to slaves.

§ 2. In the prosecution of slaves for crimes of a higher grade than petit larceny, the general assembly shall have no power to deprive them of an impartial trial by a petit jury.

Sec. 2. Trial for slaves.

§ 3. Any person who shall maliciously dismember or deprive a slave of life, shall suffer such punishment as would be inflicted in case the like offence had been committed on a free white person, and on the like proof, except in case of insurrection of such slave.

Sec. 3. Dismembering or killing slave.

§ 4. 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.

1805—(4) Sec. 1. Slave not to be a witness except in trial of slave.

§ 5. No slave shall go from the tenement of his master or other person with whom he lives, without a pass, or some letter or token, whereby it may appear that he is proceeding by authority from his master, employer, or overseer; if he does, it shall be lawful for any person to apprehend and carry him before a justice of the peace, to be by his order punished with stripes, or not at his discretion, not exceeding twenty stripes.

1b. Sec. 2. Slaves not to go from house without a pass.

§ 6. If any slave shall presume to come and be upon the plantation of any person whatsoever, without leave in writing from his or her owner or overseer, not being sent upon lawful business, it shall be lawful for the owner or overseer of such plantation, to give or order such slave ten lashes on his or her bare back, for every such offence.

1b. Sec. 3. Not upon the plantation of any person without leave in writing.

§ 7. No slave shall keep or carry any gun, powder, shot, club, or other weapon whatsoever, offensive or defensive, except the tools given him to work with, unless he is ordered by his master, mistress, or overseer, to carry the said articles from one place to another; but all and every gun, weapon, or ammunition, found in the possession or custody of any slave, may be seized by any person, and upon due

1b. Sec. 4. Slaves not to carry weapons, offensive or defensive.

REVISED STATUTES

OF

THE STATE OF ARKANSAS.

REVISED STATUTES

OF

THE STATE OF ARKANSAS,

ADOPTED

AT THE OCTOBER SESSION

OF THE

GENERAL ASSEMBLY OF SAID STATE, A. D. 1837,

IN THE YEAR OF OUR INDEPENDENCE THE SIXTYSECOND, AND OF THE

STATE THE SECOND YEAR.

REVISED BY WILLIAM McK. BALL AND SAM. C. ROANE

NOTES AND INDEX BY ALBERT PIKE.

PUBLISHED BY AUTHORITY OF THE GENERAL ASSEMBLY.

BOSTON:

WEEKS, JORDAN AND COMPANY, PUBLISHERS.

1838.

ENTERED according to Act of Congress, on the 10th day of March, A. D. 1838, in the
Clerk's Office, for the State of Arkansas.

BOSTON:
TUTTLE, DENNETT AND CHISHOLM, PRINTERS,
No. 17 School Street.

730

SLAVES.

[CHAP. CXLII.

CHAPTER 142.

SLAVES.

SECTION

1. What slaves shall not be brought into, or held, purchased, hired, sold or disposed of, within this State.
2. Penalty for violation of provisions of first section.
3. To what cases such provisions not to apply.
4. Penalty for hiring or harboring such slaves.
5. For hiring one slave to another, or permitting him to hire his own time or act as a free person.
6. Duty of officers to arrest slaves in such case.
7. Justice to issue warrant for, upon information.
8. Such slave to be committed.
9. Owner not appearing, publication to be made.
10. When and on what terms such slaves to be delivered to owner.
11. Recognizance to be entered into by owner, and form and condition thereof.
12. Owner not appearing, slave to be sold.
13. Proceeds of such sale, how to be applied.
14. Owner of such slave not thereby exempted from fine.
15. Slave selling liquors to another slave, how to be punished.
16. How to be proceeded against therefor.
17. After conviction therefor, to be committed, unless master will pay costs and enter into recognizance, and form thereof.
18. When committed, how to be discharged.

SECTION

19. Master not appearing, &c. to be sold, and proceeds of sale; how applied.
20. Slave, punishment of, for harboring and concealing slave.
21. Slave abroad without pass, how punished.
22. Slave upon plantation without permission in writing.
23. Slave keeping weapons, the same to be forfeited, and punishment for.
24. Riots of, &c. and seditious speeches, how punished.
25. Penalty for permitting slaves to stay on premises.
26. For permitting more than five to be on premises.
27. For white person, free negro or mulatto, found in company with slaves, &c.
28. Justice to issue warrant for apprehension of persons holding unlawful assemblies.
29. Sheriffs, coroners, and constables, to suppress same, and apprehend offenders.
30. Penalty for neglect or refusal.
31. Punishment of slave disturbing religious congregation.
32. Penalty for masters, &c. of boats, &c. carrying slaves out of State, and how recovered.
33. Penalty for dealing with slaves.
34. Persons may be restrained by injunction from carrying out of State slaves not their own.
35. Meaning of word "Master," in this act.

SEC. 1. No person shall knowingly bring or cause to be brought into this State, or hold, purchase, hire, sell, or otherwise dispose of within the same ; first, any slave who may have committed in any other State, Territory or district within the United States, or in any foreign

country, any offence, which if committed within this State, would according to the laws thereof, be a felony or infamous crime ; or, second, any slave who shall have been convicted in this State, of any felony or infamous crime, and ordered to be taken or removed out of the State, according to the laws thereof ; or, third, any slave who shall have actually been removed out of this State after a conviction of felony or other infamous crime, although no order of removal shall have been made ; or, fourth, any person or the descendant of any person who shall have been imported into the United States, or any of the Territories thereof, in contravention of the laws of the United States, and held as a slave.

SEC. 2. Every person who shall violate any of the provisions of the preceding sections, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than five hundred, nor exceeding five thousand dollars.

SEC. 3. Nothing in the preceding sections shall be so construed as to prevent any person from bringing into this State any slave for the purpose only of passing through the same, or for abiding therein not exceeding six months ; and who, during the time he shall remain therein, shall be kept in the employment of the person by whom he was brought into the State, and not sold or hired to labor therein.

SEC. 4. Every person who shall knowingly hire, harbor or employ any slave brought into this State in violation of the provisions of this act, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined in any sum not less than five dollars for every day such person may be hired, employed or harbored by him.

SEC. 5. Every owner or master of a slave, who shall hire such slave to any other slave, or to any free negro or mulatto, or permit or suffer such slave to go at large, upon a hiring of his own time, or to act or deal as a free person, within this State, shall be fined not less than twenty, nor more than one hundred dollars.

SEC. 6. Whenever any sheriff, coroner or constable shall discover within his county any slave going at large, or hired contrary to the provisions of the preceding section, it shall be his duty, and it shall be lawful for any other person, to arrest any such slave and take him before any justice of the peace without warrant.

SEC. 7. When any justice of the peace shall receive satisfactory information that any such slave is going at large, or hired within his county, he shall immediately issue his warrant to apprehend and bring such slave before him.

SEC. 8. Whenever any slave shall be arrested and brought before any magistrate under the foregoing provisions, said magistrate shall inquire into the facts, and if it shall appear that such slave has been going at large, or hired contrary to any of the provisions of this act, he shall commit such slave to the county jail, there to remain until discharged by due course of law.

SEC. 9. If the owner of such slave shall not appear and comply with the terms of this act, within ten days after such commitment, the sheriff shall publish for three weeks successively in some newspaper printed in this State, an advertisement containing a description of such slave, the cause of commitment, and the name of the owner if known.

SEC. 10. Such slave may be delivered to the owner by order of the county court, or the presiding judge thereof in vacation, if application be made on or before the second day of the first term of said court, to be holden after the publication of the advertisement required to be published by the preceding section ; such applicant first paying the costs and expenses of the proceedings, and entering into recognizance as provided in the next section.

SEC. 11. Such recognizance shall be in the sum of five hundred dollars, with good and sufficient security to be approved by the court or judge, conditioned that such slave shall not again go at large, or be hired contrary to the provisions of this act ; and if the owner of the slave be not a resident of this State, the recognizance shall contain a further condition that such slave shall be removed out of the State without delay.

SEC. 12. If the owner of such slave do not appear within the time prescribed by this act, and comply with the terms of the preceding sections, the county court shall make an order for the sale of such slave, which shall be executed by the sheriff, who shall proceed therein as in the sale of slaves under execution.

SEC. 13. The proceeds of such sale shall be first applied, to the payment of all costs and expenses, including five per centum to the sheriff, for his commission ; one fourth of the residue shall be paid into the county treasury for the use of the county, and the other three fourths shall be paid to the owner of such slave on his application to the court therefor.

SEC. 14. Nothing in the preceding eight sections shall be construed so as to discharge or exempt the owner of any such slave from any fine herein before declared for a violation of the provisions of this act.

CHAP. CXLII.]

SLAVES.

733

SEC. 15. If any slave shall sell, barter or deliver, to any other slave any vinous or spirituous liquors, he shall be punished by stripes not exceeding twentyfive, and shall stand committed until he be discharged in the manner hereinafter directed.

SEC. 16. Every slave charged with the commission of the offence specified in the preceding section, shall be tried and proceeded against in the circuit court by indictment.

SEC. 17. Upon the conviction of any such slave, he shall after the execution of the sentence be committed to jail, unless his master will pay the costs and enter into a recognizance in any sum not less than one hundred dollars, conditioned for the good behavior of such slave for one year, and that during that time he will not violate the provisions of the fifteenth section of this act.

SEC. 18. When a slave shall be committed for the want of such recognizance, he may be discharged by the circuit court or the presiding judge of the county court, on the application of the master or owner, and his entering into recognizance as specified in the preceding section, and paying all the costs and expenses:

SEC. 19. If the master or owner of such slave do not appear and comply with the terms specified in the preceding section, on or before the second day of the circuit court next to be held after the commitment, such slave shall be sold, and the proceeds of such sale applied as specified in the thirteenth section of this act.

SEC. 20. Every slave who shall harbor or conceal any slave, who shall have absented or deserted the service of his master, overseer or employer, shall be punished by stripes not exceeding twentyfive, by the order of any justice of the peace.

SEC. 21. If any slave shall go from the premises or tenements of his master or other person with whom he resides, without a pass, or some letter or token, whereby it may appear that he is proceeding by the authority of his master, employer or overseer, he may be apprehended by any person, and being taken before a justice of the peace, shall by order of such justice, be punished with stripes not exceeding twenty-five.

SEC. 22. If any slave shall come and be upon the plantation of any person without permission in writing from his owner, employer or overseer, not being sent upon lawful business, the owner or occupier of such plantation may cause such slave to be punished with stripes not exceeding twentyfive for every such offence.

SEC. 23. Any gun or other offensive or defensive weapon found

in the possession of a slave, without having the written permission of his master to carry the same, may be seized by any person, and upon proof of such seizure before a justice of the peace of the county where the same shall have been made, such gun or weapon shall be by the order of such justice, adjudged and forfeited to the seizer for his own use, and such slave shall receive by the order of such justice, any number of stripes not exceeding thirty.

SEC. 24. All riots, routs, unlawful assemblies and seditious speeches of slaves shall be punished with stripes by the order of any justice of the peace, and it shall be lawful for any person without further warrant to apprehend slaves so offending, and take them before some justice of the peace.

SEC. 25. If any master or overseer of a family shall knowingly permit or suffer any slave not belonging to him or under his control, to be and remain on his premises more than four hours at any one time, without the consent or permission of the owner, employer, or overseer of such slave, such master or overseer so permitting, shall forfeit and pay to the owner, employer or overseer of such slave, five dollars for every such offence, to be recovered before a justice of the peace, by an action of debt on this statute.

SEC. 26. If any owner or overseer of a plantation shall permit or suffer more than five slaves other than his own to be and remain on his plantation, or in any house attached thereto, at any one time with or without the consent of the master or overseer of such slaves, he shall forfeit and pay to the informer one dollar for every slave above that number, to be recovered by an action of debt, unless such slaves may have met together on Sunday at public worship, or on any other day for the purpose of laboring or on some other lawful occasion.

SEC. 27. If any white person, or free negro or mulatto, shall be found in the company of slaves, at any unlawful meeting, or shall harbor or entertain any slave, or shall be found drinking or gaming with any slave, without the consent of the owner or overseer of such slaves, such white person, free negro, or mulatto shall forfeit and pay any sum not exceeding one hundred dollars, and shall receive any number of stripes not exceeding thirty.

SEC. 28. Every justice of the peace, upon his own knowledge of any unlawful meeting of slaves, white men, free negroes and mulattoes, or on information thereof, shall forthwith issue his warrant to apprehend such slaves, white men, free negroes or mulattoes, and cause them to be brought before himself or some other justice of the peace, to be dealt with according to law.

CHAP. CXLII.]

SLAVES.

735

SEC. 29. Sheriffs, coroners and constables, upon a knowledge or on information of any unlawful meeting of slaves, white men, free negroes or mulattoes, or of any riot, rout, or unlawful assembly of slaves, shall suppress the same, and without warrant take the offenders before some justice of the peace of the county, to be dealt with according to law.

SEC. 30. Any sheriff, coroner or constable, who upon knowledge or information, as prescribed in the preceding section, shall neglect or refuse to comply with the requisitions of the foregoing section, shall for every such offence forfeit to the informer ten dollars to be recovered by action of debt.

SEC. 31. Any slave who shall by noise, riotous or disorderly conduct, or otherwise, disturb any religious congregation assembled for the purpose of public worship, may be apprehended by any person, and forthwith taken before some justice of the peace of the county, who shall examine into the truth of the charges, and on being satisfied of the truth thereof, shall cause such slave to be punished with any number of stripes not exceeding thirty.

SEC. 32. Any master, commander or owner of any steamboat, or any other vessel, who shall transport or carry any servant or slave out of this State in such steamboat or vessel, without the consent of the person to whom such servant or slave doth of right belong, or who has authority to grant such permission, shall forfeit and pay to the owner of such slave the sum of five hundred dollars, to be recovered by action of debt on this statute, without prejudice to the right of such owner to recover the value of such slave in an action therefor.

SEC. 33. If any person shall buy, sell, or receive of, to, or from a slave any commodity whatever, without the consent of the master, owner or overseer of such slave, first had and obtained, or shall deal with any slave without such consent, such person shall forfeit to the master or overseer of such slave, any sum not less than ten dollars for every such offence, and also the sum of twenty dollars to the county.

SEC. 34. Any person migrating beyond the bounds of this State, who shall have in his possession any slave or other personal property, the absolute title of which is not in such person, may be restrained from removing such slave or other property out of the State, by a writ of injunction.

SEC. 35. The term "master," as used in this act shall be construed to include every person who at the time, shall have the possession and

736

STATE LIBRARY.

[CHAP. CXLIV.]

control of a slave, whether he be owner or bailee, or have the general or special property in his own right or in right of another.

[Approved : February 24, 1838.]

CHAPTER 143.

SPECIAL JUDGES.

SECTION

1. To be allowed one hundred dollars for each term held by them.

SECTION

2. How to be paid.

SEC. 1. Whenever the governor has appointed or may hereafter appoint any special judge, to hold a special term of the circuit court in any county in this State, such judge shall be allowed the sum of one hundred dollars for each term of the court held by him when so appointed.

SEC. 2. Such sum shall be paid by the treasurer on the auditor's warrant, out of any money in the treasury not otherwise appropriated.

[Approved and in force : December 15, 1837.]

CHAPTER 144.

STATE LIBRARY.

SECTION

1. Secretary of state to be librarian, and his duties.
2. What books to be bound.
3. Books to be kept in state house.
4. Librarian to procure missing copies.
5. To purchase books, maps and charts.
6. Expenses, how paid.

SECTION

7. Librarian's accounts, how adjusted, and warrants for.
8. Who may remove books from library.
9. Receipt to be given when books removed.
10. Penalty for injuring or retaining books.
11. Citizens or strangers, how introduced into library.

SEC. 1. The secretary of state shall be librarian for the State library, and shall have the custody and direction of all books, papers, maps, charts, and all other things belonging to the same, and he shall take special care that none of them be lost or injured.

A NEW DIGESTED MANUAL
OF THE
ACTS OF THE GENERAL ASSEMBLY
OF
NORTH CAROLINA.
FROM
THE YEAR 1838 TO THE YEAR 1850, INCLUSIVE.

*Omitting all the Acts of a private and local nature, and
such as were temporary and whose operation has expired.*

BY JAMES IREDELL.

RALEIGH:
SEATON GALES, PUBLISHER, REGISTER OFFICE.

1851.

SHERIFFS.

361

person who shall have been convicted of felony or the *crimen falsi*, shall be capable of voting for sheriff.

1848-9—Ch. 97.

It shall be the duty of the sheriffs of the several counties in this State to pass their receipts for all original and mesne process placed in their hands to the party or parties suing out the same, his, her or their agents or attorneys, when requested so to do by the same; and every such receipt, when duly proved, shall be evidence against the sheriff giving the same, and his sureties, in any suit between such party or parties and the sheriff and his sureties.

1850-1—Ch. 185.

Hereafter it shall be the duty of the sheriff of each county to lay before the Grand Jury of his county, at each court, as soon as the said Grand Jury shall be assembled, a list of all persons who may have obtained license to retail spirituous liquors by the small measure during the time he may have been sheriff, not exceeding two years previous to said court. And any sheriff, failing to perform the duty aforesaid, shall forfeit and pay to the State the sum of ten dollars, to be sued for and recovered for the State by the prosecuting officer of said court.

SEE COURTS OF EQUITY AND CRIMES.

References to adjudged cases—Harris v. Irwin, 7 Ire. 432; McIntosh v. Bruer, 9 Ire. 511.

SLAVES AND FREE NEGROES.

1840-1—Ch. 30.

If any free negro, mulatto, or free person of color shall wear, or carry about his or her person, or keep in his or her house, any shot gun, musket, rifle, pistol, sword, dagger

362

SLAVES AND FREE NEGROES.

Free negroes not to keep or carry arms. or bowie knife, unless he or she shall have obtained a license therefor from the Court of Pleas and Quarter Sessions of his or her county within one year preceding the wearing, keeping or carrying thereof, he or she shall be guilty of a misdemeanor and may be indicted therefor.

1844-5—Ch. 86.

No free negroes to sell spirits except what are made by himself. Sec. 1. Hereafter it shall not be lawful for any free negro or mulatto, in this State, to sell, either directly or indirectly, any ardent spirits to any person whatever: *Provided*, that any free negro or mulatto shall be permitted to sell any ardent spirits that may have been made by him or her.

Penalty. Sec. 2. For any violation of this act, the person so offending shall, for the first offence forfeit and pay the sum of ten dollars, to be recovered before any Justice of the Peace having jurisdiction of the same, to be paid to the wardens of the poor, for the maintenance of the poor in the county in which the offence is committed, and for the second offence, shall be subject to indictment in the Superior Court, and fined or imprisoned at the discretion of the Court.

1844-5—Ch. 87.

Trading with slaves. Hereafter it shall be lawful, in the same bill of indictment in different courts to charge any defendant with trading with slaves, receiving stolen goods knowing them to be stolen, and petit larceny.

1850-1—Ch. 186.

Hereafter it shall not be lawful for any white person to play with any slave or slaves at any game of cards or at any game of hazard or chance whatsoever, whether for money, liquor or property or not ; and any person so offending shall be subject to indictment, and on conviction, shall be

L A W S
OF THE
STATE OF DELAWARE,
PASSED AT
A SESSION OF THE GENERAL ASSEMBLY,
COMMENCED AND HELD AT DOVER,
ON TUESDAY THE FIFTH DAY OF JANUARY,
IN THE YEAR OF OUR LORD,
ONE THOUSAND EIGHT HUNDRED AND FORTY-ONE
AND OF THE
THE INDEPENDENCE OF THE UNITED STATES
THE SIXTY-FIFTH.

BY AUTHORITY.

DOVER, DELAWARE:
S. KIMMEY, PRINTER.

1841.

Trustees ap- pointed to take charge of the church	That John M. Clayton, William W. Morris and Elias Naudain be, and they are hereby appointed trustees to preserve, repair and keep up the said meeting-house and grave-yard in the town of Dover; and that the entire custody of said meeting-house and grave-yard, shall be for this purpose vested in them and their successors, to be appointed as hereinafter mentioned. The said trustees shall be a corporation, in-law and in fact, with full power to sue and be sued, plead and be impleaded in any court of law or equity, under the name of "The Trustees of the Presbyterian Meeting-house and Grave-yard in the town of Dover." It shall be the duty of the said trustees, to apply all such funds as shall come to their hands, for the use of the said house and grave-yard, towards the repairing of the said house and keeping up the fences and gates around said yard, and to the building of a sexton's house on the said property. They shall have power to make all contracts which to them shall seem proper, for the protection, preservation and repairing of the said house and yard with the appurtenances; to bring actions of trespass in the name of the said corporation, and all other actions or suits for injuries done to the said property or any part thereof: and in every case when any person shall wilfully trespass upon the said property, or the graves of the dead in said yard, they shall recover double damages for such trespass. The vote or act of a majority of the trustees shall govern: and in case of the death or resignation or refusal to serve of any of the said trustees, the remaining trustee or trustees may appoint successors to supply their places. The power to revoke or alter this act at pleasure, is hereby reserved to the Legislature.
Trustees in- corporated, &c.	
Name.	
Duties.	
Powers.	
Wilful tres- pass, penalty.	
Voting.	
Vacancies. Power of re- vocation re- served.	

Passed at Dover, February 22, 1841.



CHAPTER CCCLXVIII.

AN ACT concerning Fees.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That the following shall hereafter be the rate of fees, for the services hereinafter prescribed, that is to say:

Justices of the Peace shall receive

Fees to Jus- tices of the Peace.	For opening judgment for new trial, ten cénts: For issuing notice for new trial, thirteen cénts: For entry of stay on account of freehold, ten cénts: For postponement of a case, on the application of either party, to be paid by the party so applying, ten cénts: For transferring indentures, thirty cénts: For licenses to negroes to keep a gun, twenty-five cénts.
--	---

Constables shall receive

Fees to Con- stables.	For serving and making due return of a <i>capias</i> , fifty cénts:
--------------------------	---

OF DELAWARE.

431

For serving and making due return of a summons, or scire facias, thirty-three cents; and two cents a mile, where the defendant lives more than two miles from the place where said summons or scire facias is returnable:

For summoning referees, thirty cents:

For serving an attachment for bringing the body, one dollar:

For conveying a person to gaol under execution, or other commitment, one dollar:

For giving notice of new trial, twenty cents:

For posting up advertisements of attachment, twenty-five cents:

For serving warrant in a case of a criminal nature, sixty cents, and mileage at the rate of two cents a mile.

SECTION 2. *And be it further enacted*, That each constable attending the Superior Court, Court of Oyer and Terminer and General Gaol Delivery, and Court of General Sessions of the Peace and Gaol Delivery, shall be paid by the county, for one day's attendance on either of said courts, at the rate of one dollar, and six cents per mile: *Provided*, Such constables shall be in attendance on the said courts the first day of the session thereof.

Fees to Constables attending court.

Passed at Dover, February 22, 1841.

CHAPTER CCCLXIX.

AN ACT for the preservation of Oysters that may hereafter be planted in the waters of Indian River and Rehoboth Bay.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met*, That from and after the first day of May next, in the year of our Lord one thousand eight hundred and forty-one, it shall and may be lawful for any person or persons along the shores of Indian River and Rehoboth Bay to mark out, by placing stakes across or around the same, at the distance of two rods from each other, and of such length as to be at least two feet above the top of the tide at ordinary high-water, and plant oysters within the same: *Provided always*, That the said stakes shall not injure any navigation publicly used.

Persons authorized to plant oysters.

SECTION 2. *And be it further enacted*, That if any person or persons shall gather or take away any oysters within the line of stakes aforesaid, without permission first had and obtained from the owner or owners, occupant or occupants of the flats, coves, creeks, or ditches so staked in, he, she, or they so offending, shall forfeit and pay for each offence, the sum of twenty dollars; to be recovered by action of debt with cost, in any court having cognizance thereof, by any person who shall prosecute for the same; one-half to the

Taking oysters without permission.

Penalty.

THE
REVISED STATUTES

OF THE
STATE OF MISSOURI,

REVISED AND DIGESTED BY THE THIRTEENTH GENERAL ASSEMBLY, DURING THE
SESSION OF EIGHTEEN HUNDRED AND FORTY-FOUR AND EIGHTEEN
HUNDRED AND FORTY-FIVE;

TO WHICH ARE PREFIXED
THE CONSTITUTIONS

OF THE
UNITED STATES AND OF THE STATE OF MISSOURI,

AND

THE ACT OF CONGRESS

AUTHORIZING THE PEOPLE OF MISSOURI TERRITORY TO FORM
A STATE GOVERNMENT,

AND

THE ORDINANCE

OF THE CONVENTION OF THE PEOPLE OF MISSOURI, BY THEIR REPRESENTATIVES,
DECLARING THE ASSENT OF THE PEOPLE OF MISSOURI TO THE CONDITIONS
AND PROVISIONS OF THE SAID ACT OF CONGRESS;

WITH AN

APPENDIX.

PRINTED UNDER THE SUPERINTENDENCE OF
WILLIAM CLAUDE JONES, COMMISSIONER,
APPOINTED IN VIRTUE OF "AN ACT TO PROVIDE FOR THE ELECTION AND COMPENSATION OF
A COMMISSIONER TO SUPERINTEND THE PRINTING OF THE REVISED LAWS."

ST. LOUIS:
PRINTED FOR THE STATE, BY J. W. DOUGHERTY.
1845.

NEGROES AND MULATTOES.

753

CHAP. 123.

money absolutely, and any other damages he may be able to prove he has sustained, to be recovered in any court of competent jurisdiction.

SEC. 24. Any attorney in fact, to whom the money due on any mortgage is paid, shall have power to execute said release, as specified in section twenty-two of this act: such acknowledgment of satisfaction thus made, or such deed of release duly acknowledged and recorded, shall have the effect to release the mortgage, and bar all actions brought thereon, and re-vest in the mortgagor or his legal representatives, all title to the mortgaged property.

SEC. 25. If such mortgaged property be redeemed by payment to the officer before the sale, such officer shall make a certificate thereof, and acknowledge the same before some officer authorized to take acknowledgments of deeds for lands; and such certificate shall be recorded in the office in which the mortgage is recorded, and shall have the same effect as satisfaction entered on the margin of the record.

Approved March 20, 1845.

CHAPTER 123.

NEGROES AND MULATTOES.

AN ACT concerning free negroes and mulattoes.

- | | |
|--|--|
| <p>SEC. 1. Who deemed a mulatto.</p> <p>2. Negro or mulatto not to carry arms without a license.</p> <p>3. Weapons found in possession of negro or mulatto, shall be forfeited.</p> <p>4. County court to bind as apprentices, free negroes or mulattoes between the ages of 7 and 21.</p> <p>5. How the courts shall proceed in such cases.</p> <p>6. Clerk to keep a register; what he shall enter therein.</p> <p>7. Free negro or mulatto, not to reside in this state without a license.</p> <p>8. County courts authorized to grant licenses.</p> <p>9. To whom license shall be granted.</p> <p>10. Evidence to be produced to county court before license granted.</p> | <p>SEC. 11. License to be granted, when; what it shall contain.</p> <p>12. How authenticated.</p> <p>13. Authority of license.</p> <p>14. Copy of license shall not be granted, until, &c.</p> <p>15. Duty of officers to seize copies of licenses and free papers, when.</p> <p>16. Duty of clerks relative to copies of licenses and free papers.</p> <p>17. Violation of law deemed a violation of the conditions of the bond.</p> <p>18. County court may declare license revoked, when.</p> <p>19. Duty of free negro or mulatto moving from one county to another.</p> <p>20. Fees of clerks under this act.</p> <p>21. This act to extend to persons whose right of freedom was acquired out of this state.</p> |
|--|--|

NEGROES AND MULATTOES.

CHAP. 123.

SEC. 22. Persons bringing slaves into this state entitled to freedom, &c., deemed guilty of a misdemeanor.
23. Officers to apprehend negro or mulatto, and take him before some justice of the peace.
24. Duty of harbor master of the city of St. Louis.
25. Penalty for introducing free negroes into this state.
26. Justice may issue warrant to apprehend a free negro or mulatto, when.

SEC. 27. Shall commit him as a runaway slave, when.
28. May sentence him to pay a fine and leave the state, when.
29. To stand committed until fine and costs are paid. Proceedings if judgment of the justice is not complied with.
30. Duty of sheriff hiring such negro or mulatto.
31. Time allowed negro or mulatto to depart this state.
32. This act to extend to certain cases.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Who deemed a mulatto.
1835, p. 413.

SECTION 1. Every person, other than a negro, any one of whose grand fathers or grand mothers is, or shall have been a negro, although all his or her other progenitors, except those descending from the negro, may have been white persons, shall be deemed a mulatto; and every such person, who shall have one fourth or more negro blood, shall, in like manner, be deemed a mulatto.

Negro or mulatto not to carry arms without a license.

SEC. 2. No free negro or mulatto shall be suffered to keep or carry any firelock or weapon of any kind, or any ammunition, without a license first had and obtained for the purpose, from a justice of the peace of the county in which such free negro or mulatto resides, and such license may be revoked at any time by the justice granting the same, or by any justice of the county.

Weapons found in possession of negro or mulatto shall be forfeited.

SEC. 3. Any gun, firelock, or weapon of any kind, or any ammunition found in the possession of any free negro or mulatto, not having a license as required by the last preceding section, may be seized by any person, and upon due proof thereof, before any justice of the peace of the county in which such seizure shall have been made, shall be forfeited, by order of such justice, to the person making the seizure, for his own use.

County court to bind as apprentices free negroes or mulattoes between the ages of 7 and 21.

SEC. 4. The several county courts are authorized and required to cause to be brought before them all free negroes and mulattoes, between the ages of seven and twenty-one years, found within their county, and bind them out to be apprentices or servants until they arrive at the age of twenty-one years; but no colored apprentice shall be placed in company with a free white apprentice, to be taught any trade or occupation.

SEC. 5. The courts shall proceed in such cases in the same

NEGROES AND MULATTOES.

755

CHAP. 123.

manner as is directed by law, in binding out children chargeable to the county; and the apprentice or servant so bound, and his master or mistress, shall be subject to the same control, obligations and responsibilities, and shall have the same rights and remedies, in all respects, as are or shall be declared by law in case of bound apprentices.

How the courts shall proceed in such cases.

SEC. 6. The clerk of the county court shall keep a register of all such bound negro and mulatto apprentices and servants, and enter therein the name, age and personal appearance of servants and apprentices, the name, residence and occupation of the master or mistress, and the date of the binding; which register shall be kept open to the inspection of all persons, at reasonable hours.

Clerk to keep a register; what he shall enter therein.

SEC. 7. No free negro or mulatto shall be permitted to reside within this state unless he obtain a license, or otherwise acquire a right to reside within the state, according to the provisions of this act.

Free negro or mulatto, not to reside within this state without a license.

SEC. 8. The several county courts, in their respective counties, are authorized to grant a license to any free negro or mulatto, possessing the qualifications required by this act, to reside within the state.

County courts authorized to grant licenses.

SEC. 9. Such license shall not be granted to any free negro or mulatto, except: *First*, Such as were residents of this state on the second day of January, eighteen hundred and forty, and continue to be such residents at the time of the application; *Second*, such as have been emancipated or born free within this state; *Third*, Such as have been, or shall be, bound as apprentices or servants, according to the laws of this state, and shall have faithfully served out their terms of apprenticeship; *Fourth*, The husband or wife of a slave held and owned within this state, the parties having been married before the first day of December, one thousand eight hundred and thirty-five, with the consent of the master or mistress of the slave; *Fifth*, The husband or wife of a slave lawfully brought into this state by the owner, the parties having been married, by consent of the owner of the slave, before such slave was brought into this state; *Sixth*, Free negroes or mulattoes who produce a certificate of citizenship from some one of the United States.

To whom license shall be granted.

SEC. 10. When a free negro or mulatto shall make application to a county court for a license, such free negro or

Evidence to be produced to county

CHAP. 123.

court, before
license grant-
ed.
1842-3, p. 68,
sec. 12.

mulatto shall produce satisfactory evidence that he is of the class of persons who may obtain such license, as specified in the last preceding section, and that he is of good character and behavior, and shall, moreover, enter into a bond to the state, with one or more securities, the penalty of which bond shall not exceed one thousand dollars, conditioned that such free negro or mulatto shall be of good behavior.

License to be
granted,
when.

What it shall
contain.

SEC. 11. When the provisions of the preceding section are complied with, the county court may grant the applicant a license to reside within this state; and such license shall contain a description of the applicant, his name, age, size, personal appearance and occupation, and shall authorize him to reside within the state as long as he shall be of good behavior, and no longer.

How authenti-
cated.

SEC. 12. Such license shall be authenticated by the seal of the court, and the clerk, before delivering the same to the applicant, shall enter in a register, to be kept for that purpose, an abstract of all licenses so issued, and shall endorse on the license a certificate of such registry.

Authority of
license.

SEC. 13. Every license issued and registered according to the foregoing provisions, shall, until the same is revoked, authorize the person therein named and described, and his or her children, under the age of twenty-one years, to reside within this state.

Copy of li-
cense shall not
be granted un-
til, &c.

SEC. 14. But no copy of such license shall be issued, or made out and certified, and delivered to any free negro or mulatto within this state, until the clerk of the court, or the court in term, shall be satisfied that the applicant is upon the eve of leaving the county, in which the order was made granting the same, and if such applicant shall return to said county, after having had a copy of the same delivered to him, he shall, within five days after such return to said county, deposit the said copy of said license with the clerk issuing the same.

Duty of offi-
cers to seize
copies of li-
censes and free
papers, when.

SEC. 15. It shall be the duty of the sheriffs of the several counties in this state, and the constables of townships and cities, and the deputies of each, within their respective jurisdictions, to seize and take away from all free negroes and mulattoes, all copies of licenses granted by virtue of this act, and all other free papers found in the possession of any such free negro or mulatto, and deposit the same in the office of

NEGROES AND MULATTOES.

757

the clerk of the county court of the proper county, for safe keeping, unless such free negro or mulatto be traveling on a journey, or about to start upon a journey. CHAP. 123.

SEC. 16. It shall be the duty of each of the clerks of the several county courts in this state, to receive and safely keep the copies of licenses, and other free papers of any free negro or mulatto, in the county of which he is clerk; and any free negro or mulatto, who shall refuse to deliver to any sheriff or constable, as specified in the last preceding section, any copy of a license or his free papers, may be taken to the jail of the county, and committed till he deliver over the same; and any free negro or mulatto, who shall neglect, for more than five days, to return any copy of his license or any free paper, to the clerk of whom he may have received the same, after he shall have returned from any journey, may be taken before any justice of the peace of the county, and sentenced to receive not exceeding thirty lashes, in the discretion of the justice. Duty of clerks relative to copies of licenses and free papers.

SEC. 17. Any violation of law shall be deemed a violation of the condition of the bond required by the tenth section of this act. Violation of law deemed a violation of bond.

SEC. 18. The county court shall, upon the conviction of such licensed free negro or mulatto, for any crime or misdemeanor, not amounting to a felony, declare such license revoked and forfeited, and shall cause such free negro or mulatto to be sent out of the state, at the expense of such free negro or mulatto; and if such free negro or mulatto has not the means, then at the expense of the county. County court may declare license revoked, when.

SEC. 19. When any licensed free negro or mulatto shall remove from one county to another within this state, he shall produce his license to the clerk of the county court of the county into which he shall so remove, and such clerk shall register the same, and endorse thereon a certificate of such registry, and file the same in his office for safe-keeping. Duty of free negro or mulatto removing from one county to another.

SEC. 20. The several clerks shall be entitled to receive for each license issued under the provisions of this act, fifty cents; and for each registry of any such license, twelve and a half cents, to be paid by the applicant. Fees of clerks under this act.

SEC. 21. Every free negro or mulatto, whose right to freedom shall have accrued without this state, although such [right] may have been established by suit in this state, shall be treated as if he had been actually free at the time of his This act to extend to persons whose right of freedom was acquired

CHAP. 123.

out of this state.

Persons bringing slaves into this state entitled to freedom, &c., deemed guilty of a misdemeanor.

Officers to apprehend negro or mulatto, when.

Duty of harbor master of the city of St. Louis. 1842-3, p. 67.

Penalty for introducing free negroes into this state.

Justice may issue warrant to apprehend a free negro or mulatto, when.

Shall commit him as a runaway slave, when.

May sentence him to pay a fine and leave the state, when.

coming or being brought into this state, and, as such, shall be subject to the provisions of this act.

SEC. 22. Every person who shall bring, or cause to be brought into this state, any slave entitled to freedom at a future period, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine not exceeding five hundred dollars, or by imprisonment in a county jail not exceeding six months, and shall, moreover, give bond with security, for conveying, or causing to be conveyed, such slave to the state or county from which he was brought.

SEC. 23. It shall be the duty of every sheriff, constable, coroner and marshal, whenever he shall know, or have cause to believe, that there is in his county, a negro or mulatto, not authorized to reside within this state, to apprehend such negro or mulatto, and take him before some justice of the peace.

SEC. 24. The harbor master of the city of St. Louis, shall report to the recorder of said city, the arrival of any steamboat or other vessel, having on board any free negro or mulatto, not authorized to remain within this state, and such recorder shall possess all the powers, and perform the duties, intrusted by this act to justices of the peace.

SEC. 25. Any person who shall introduce into this state, any free person of color, contrary to the provisions of this act, or who shall employ, harbor, or entertain such person, after he is so introduced or brought within this state, shall be guilty of a misdemeanor, and upon conviction, shall be punished by a fine not less than fifty dollars, nor exceeding two hundred dollars.

SEC. 26. Whenever any justice of the peace shall receive satisfactory information that any negro or mulatto, not entitled to residence in this state, is within his county, he shall issue his warrant to apprehend and bring such negro or mulatto before him.

SEC. 27. Whenever any negro or mulatto shall be brought before any justice or other officer, such magistrate or court, unless satisfied that such negro or mulatto is a free person, shall commit him as a runaway slave.

SEC. 28. If such negro or mulatto appear to be a free person, but without a license to reside in this state, and without a certificate of his citizenship in some other state, attested by the seal of a court of record of the state of which he claims to be a citizen, the justice shall sentence him to pay a fine of ten dollars, and forthwith to leave the state.

NEGROES AND MULATTOES.

759

CHAP. 123.

SEC. 29. The person convicted under the preceding section, shall stand committed until the fine and costs are paid; and if the judgment of the justice is not complied with before the term of the county court next holden in the county, such court shall cause the prisoner to be brought before it, and if he does not then establish his right to residence within the state, the court may, in its discretion, order him to receive not less than ten, nor more than twenty lashes, and immediately depart the state, or order the sheriff to hire him out for such time as shall be sufficient to raise from the hire, the fine, costs and expenses of imprisonment.

To stand committed until fine and costs are paid. Proceedings if judgment of the justice is not complied with.

SEC. 30. The sheriff hiring out any such negro or mulatto, shall take, from the person hiring him, a bond to the county, in the sum of five hundred dollars, with such security as the sheriff shall approve, conditioned that the person hiring will pay the hire, and during the term (to be specified in the bond,) will keep the person hired employed in his own service, and provide him with sufficient food, clothing and lodging, and not permit him to go at large as a free person.

Duty of sheriff hiring out such negro or mulatto.

SEC. 31. Every free negro or mulatto, not entitled to reside within this state, shall be allowed three days, and one additional day for every twenty miles he must necessarily travel, to depart this state, after any order to depart, discharge from arrest, or service; and if he shall remain in the state longer, he shall be proceeded against as provided for in the first instance.

Time allowed negro or mulatto to depart this state.

SEC. 32. The provisions of this act shall not apply to any person traveling into or through this state, having any free negro or mulatto with him as a servant, and who shall, during the whole of his stay in this state, remain in his service, and depart the state with him; but no such free negro or mulatto shall be permitted to remain in this state for a longer period than six months at a time.

This act not to extend to certain cases.

Approved March 26, 1845.

ACTS
OF THE
GENERAL ASSEMBLY
OF THE
STATE OF GEORGIA,
PASSED IN
MILLEDGEVILLE,
AT AN
ANNUAL SESSION
NOVEMBER AND DECEMBER,
1860.

PUBLISHED BY AUTHORITY.

MILLEDGEVILLE:
BOUGHTON, NISBET & BARNES, STATE PRINTERS.
1861.

PRINTED AT THE
SOUTHERN FEDERAL UNION OFFICE,
MILLEDGEVILLE, GEORGIA.

EXECUTIVE DEPARTMENT, }
MILLEDGEVILLE, GEORGIA, Dec. 26th, 1860. }

TOMLINSON FORT, Esq , Compiler of Laws of 1860.

SIR : To avoid unnecessary expense in printing, in preparing the Laws passed by the General Assembly at its late Session, for publication, you will abbreviate the enacting and repealing clauses, whenever it can be done without violating the true meaning of the Acts, in conformity with the custom of late Compilers.

JOSEPH E. BROWN, Governor.

Twelfth Section Thirteenth Division—Additional Section to the Thirteenth Division.

Buying or receiving stolen goods of slaves or free negroes, Penitentiary offence from 1 to 4 years.

That from and after the passage of this act, if any free white person or persons, shall buy or receive any money, goods, chattels, or other effects, from any negro or free person of color, that has or have been stolen, or feloniously taken, knowing the same to have been so stolen or feloniously taken, such person or persons, so offending, shall be taken and deemed to be an accessory, or accessories, after the fact; and being convicted thereof, shall be punished by imprisonment and labor in the Penitentiary, for any time not less than one year, nor longer than four years.

SEC. II. Repeals conflicting laws.

Assented to 19th December, 1860.

(No. 63.)

An Act to amend the Twelfth Section of the Thirteenth Division of the Penal Code.

Twelfth Sec. of the Thirteenth Div. of Penal Code, amended.

SECTION I. *The General Assembly of the State of Georgia do enact,* That the Twelfth Section of the Thirteenth Division of the Penal Code, be, and the same is hereby amended, by striking out the following words, "whereby the health of such slave or slaves, may be injured or impaired." *

Assented to December 19th 1860.

* The 12th section of the 13th division of the Penal Code provides that "any owner or employer of a slave, who shall cruelly treat such slave or slaves, by unnecessary or excessive whipping; by withholding proper food or sustenance; by requiring greater labor from such slave or slaves than he, she or they, are able to perform; or by not affording proper clothing, whereby the health of such slaves may be injured and impaired, or cause or permit the same to be done: every such owner or employer, shall be guilty of a misdemeanor, &c."

In order to convict under the above section, as it heretofore stood, it was necessary to prove, in addition to the fact of cruel treatment, &c., also that *thereby the health of such slave or slaves was injured or impaired*; but hereafter, under the above amendment, in order to convict, it will be only necessary to prove the fact of cruel treatment, &c. See T. R. R. Cobb's New Digest, p. 827.

(No. 64.)

An Act to add an additional Section to the 13th Division of the Penal Code, making it penal to sell to or furnish slaves or free persons of color, with weapons of offence and defence; and for other purposes therein mentioned.

Selling or furnishing weapons to slaves or free negroes, prohibited. Penalty.

SECTION I. *The General Assembly of the State of Georgia do enact,* That from and after the passage of this Act, any person other than the owner, who shall sell or furnish to any slave or free person of color, any gun, pistol, bowie knife, slung shot, sword cane, or other weapon used for the purpose of offence or defence, shall, on indictment and conviction, be fined by the Court in a sum not exceeding five hundred dollars, and imprisoned in the common Jail of the county not exceeding six months, at the discretion of the Court; *Provided,* That this Act shall not be so construed as to prevent owners or overseers from furnishing a slave with a gun for the purpose of killing birds, &c., about the plantation of such owner or overseer.

Proviso as to owners and overseers, in certain cases.

PUBLIC LAWS—ROADS.—SLAVES AND FREE PERSONS OF COLOR. 57

Slaves employed on Rail Roads.—Bail for slaves in certain cases.

SEC. II. *And be it further enacted*, That it shall be the duty of the several Judges of the Superior Courts of this State, to give special-ly in charge to the Grand Juries of the several Courts, the provisions of this act. Judges to give this Act in charge.

SEC. 3. Repeals conflicting laws.
Assented to 19th December, 1860.

TITLE XX.

ROADS.

Moneys received in lieu of work on Roads by negroes employed by Rail Road Contractors, to be expended on such Roads.

(No. 65.)

*An Act to repeal, [amend?] "an Act to exempt negroes employed by Contractors in the construction of Rail Roads, from liability to work on Roads, on certain conditions."**

SECTION I. *Be it enacted, &c.*, That said recited Act, be so amended as to require the several Overseers of Roads, into whose hands any moneys may come by virtue of the provisions of said recited Act, to expend said moneys in hiring hands to work on the Roads, of which they are respectively overseers. Moneys received in lieu of work on Roads by negroes employed by R. R. contractors, to be expended on such Roads.

SEC. II. Repeals conflicting laws.
Assented to 19th December, 1860.

*See Acts of 1859, p. 65.

TITLE XXI.

SLAVES AND FREE PERSONS OF COLOR.

SECTION 1. Slaves committed to jail for crime may be admitted to bail—proviso. SECTION 2. Slaves or free persons of color may be admitted to bail, in certain cases.

(No. 66.)

An Act to authorize the owner, or owners, of Slaves charged with offences against the Laws, to give bail for such slave, or slaves.

1. SECTION. I. *The General Assembly of the State of Georgia do enact*, That when any slave, or slaves, charged with the commission of any offence against the laws of this State, may be committed to Jail, it shall and may be lawful for the owner, or owners, of said Slaves committed to jail for crime, in certain cases, may be admitted to bail.

ACTS

OF THE

GENERAL ASSEMBLY

OF THE

COMMONWEALTH OF KENTUCKY,

PASSED

AT THE SESSION WHICH WAS BEGUN AND HELD IN THE CITY OF FRANKFORT,
ON MONDAY, THE FIFTH DAY OF DECEMBER, 1859, AND ENDED ON
MONDAY, THE FIFTH DAY OF MARCH, 1860.

VOLUME ONE.

PUBLISHED BY AUTHORITY.

FRANKFORT, KY.:
PRINTED AT THE YEOMAN OFFICE.
J. B. MAJOR, STATE PRINTER.
1860.

LAWS OF KENTUCKY.

241

CHAPTER 33.

1860.

AN ACT to amend an act, entitled "An act to reduce into one the several acts in relation to the town of Harrodsburg.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the judicial power of said town shall be vested in and exercised by a court, to be styled the Police Court of Harrodsburg, which shall be held by a single judge, to be elected and qualified and hold office as prescribed in the constitution of this Commonwealth. The police court of Harrodsburg shall be a court of record, and shall have the power of a quarterly judge over slaves and free negroes, and to require security of all persons for good behavior and to keep the peace; and in all matters of penalties for a violation of the laws of this Commonwealth shall have concurrent jurisdiction, with the circuit courts and justices of the peace, of prosecutions for misdemeanors committed in the town where the punishment of a free person is a fine not exceeding one hundred dollars and imprisonment for fifty days, or of a slave in any number of stripes not exceeding thirty-nine, and exclusive jurisdiction of all prosecutions and actions for an infraction of the by-laws or ordinances of the town. Said court shall exercise the power and jurisdiction of an examining court, shall have concurrent jurisdiction with the circuit court to try vagrants; and shall have power to take recognizances and bail bonds from persons charged with offenses cognizable before said court to appear and answer, and a like power to enforce a compliance with the same that circuit courts have; and all recognizances and bail bonds entered into to appear before said court, where the amount of the penalty does not exceed one hundred dollars, may be forfeited, and other proceedings had thereon in said court to forfeit and collect the same, as are directed by-law in similar cases in the circuit court. The jurisdiction of said court, and the judge thereof, in civil cases, shall be the same as that of a quarterly court and the judge thereof.

Judicial powers vest'd in police court.

Judge to be elected.

Jurisdiction of police court.

§ 2. The police judge shall issue his process in criminal, penal, and civil cases in the name of the Commonwealth, and make the same returnable before him as police judge of Harrodsburg; and the same shall be directed to the sheriff, marshal, jailer, coroner, constable, or policeman of any town, city, or county of Kentucky, and shall be executed and returned by any of said officers, under the same penalties as other similar process from circuit and quarterly courts; and all proceedings in criminal, penal, and civil cases in said court shall be the same as directed by law in similar cases in the circuit and quarterly courts: *Provided, however,* That it shall not be necessary that an indictment be found by a grand jury for the trial of any

Police judge to issue process in the name of the Commonwealth, & to whom directed.

LAWS OF KENTUCKY.

1860.

offense of which said police court or judge shall have jurisdiction: *And provided further*, That all prosecutions for a violation of town ordinances shall be in the name of the board of trustees; and said town shall be entitled to all fines and forfeitures recovered in such cases.

Jury may be
summoned.

§ 3. The judge of said court may authorize any of the officers aforesaid to summon a jury in any case cognizable before him, where a jury would be required before the circuit court, quarterly court, or a justice of the peace.

Judge to be
cl'k of his court,
and his fees.

§ 4. The judge of said court shall be the clerk of his own court, and shall receive for services therein rendered the same fees as the clerks of circuit courts are by law entitled to, where the amount in controversy in a civil case before him is fifty dollars or more; in cases of less than fifty dollars, he shall receive the same fees as by law are allowed to justices of the peace. In penal and criminal cases, he shall be entitled to charge the following fees, to-wit: For a warrant for a violation of the penal and criminal laws, or the by-laws and ordinances of the town, one dollar; for swearing a jury and presiding over the trial in any such case, fifty cents; for a recognizance or other bond, forty cents; for a recognizance to keep the peace, to be paid for by the applicant therefor, fifty cents; for an order of commitment in any case, fifty cents; swearing witnesses, five cents each. All other fees of said judge shall be the same as are by law allowed to the quarterly judge.

Trustees to
elect attorney—
his duties and
fees.

§ 5. The board of trustees of said town shall elect an attorney for said board, whose duty it shall be to give legal advice to the board when called upon, to prosecute all persons in said court charged with a violation of the criminal and penal laws, and of the by-laws and ordinances of said town, and institute proceedings for the enforcement and forfeiture of recognizances and bail bonds, and the enforcement and collection of all judgments against offenders; and for his services in every case he shall be entitled to, as his fee, the same amount allowed by law to Commonwealth attorneys for similar services: *Provided, however*, That in all jury trials where the said attorney does not receive a part of the fine, there shall be taxed a fee of five dollars against the defendant, if convicted.

Proceedings in
cases of \$50 and
over.

§ 6. In all civil cases where the amount in controversy is fifty dollars or more, there shall be the same pleadings and proceedings by the parties, plaintiff and defendant, that are required by law in the circuit court; and upon the filing of every petition there shall be a tax of fifty cents paid, which the judge of said court shall pay over to the trustee of the jury fund, and it shall be the duty of said judge to report to the circuit court at each term the number of petitions filed before him since his last report.

LAWS OF KENTUCKY.

243

§ 7. The fees of the judge of said court in civil cases shall be collectable at the same time and in the same manner as fees of the clerk of the circuit court are collected. 1860.

How fees of judge collected.
Writs of *fi. fa.* & *capias prof.* may issue.

§ 8. On all judgments in criminal, penal, and civil cases, in said court, and for a breach of the by-laws and ordinances of said town, the same writs of *fi. fa.* and *capias profine* shall issue as are by law allowed for the collection and enforcement of similar judgments in circuit and quarterly courts.

§ 9. The fines and forfeitures recovered in the name of the Commonwealth in said court, except the part allowed to the town attorney, are hereby granted to the board of trustees of Harrodsburg, to be by them held and appropriated for the purpose of sustaining common schools in said town, and for no other purpose; and any fund arising therefrom, which may not be needed in sustaining said common schools, shall be, by said board, invested in some safe and sure manner for such uses.

Fines and forfeitures granted to trustees of Harrodsburg.

§ 10. Any officer who may execute process, writs of *fi. fa.*, or *capias profine*, issued by said court, shall be entitled to the same fees as are by law allowed to sheriffs for similar services.

Fees for issuing writs of *fi. fa.*, &c.

§ 11. The regular terms of said court shall be as follows: For the trial of civil cases, on the first Tuesday in February, May, August, and November, and continue five days, if the business of said court require it; and for the trial of criminal and penal cases, and for violations of the town ordinances, at any time three days after the service of the warrant, process, or summons, on the defendant: *Provided*, That in any such case the defendant may demand and have a speedy trial, the parties thereto having reasonable time allowed to procure the attendance of witnesses.

Regular terms of police court; when held.

§ 12. Any of the officers aforesaid who shall fail, neglect, or refuse, to execute any warrant, summons, or process, and make due return of the same, shall be fined not less than twenty dollars, upon the motion, in said court, of the town attorney, or of any party aggrieved—ten days' notice in writing having been given to the said officer.

Penalty if officers fail to perform duties.

§ 13. Any officer who shall fail to collect any writ of *fi. fa.*, or execute any *capias profine*, issued from said court, and make due return thereof according to law, shall, with his securities, be subject to all the damages and penalties now imposed by law upon sheriffs for failing to collect, return, and pay over money when collected on writs of *fi. fa.* and *capias profine*.

§ 14. A return of "not found" on a *capias profine*, or of "no property found" in whole or in part on a *fi. fa.*, issued on any judgment in said police court, shall authorize an attachment out of chancery in favor of the Commonwealth or the board of trustees of Harrodsburg, or other

When attachments may issue.

LAWS OF KENTUCKY:

1860.

plaintiff, against the choses in action and other effects of the defendant or defendants, in the same manner that the return of "no property" authorizes an attachment in chancery on judgments rendered in the circuit courts.

Penalty for drunkenness.

§ 15. If any person shall be drunk in the limits of said town, and disorderly on the streets or alleys thereof, he shall be fined five dollars.

Penalty for disturbing public assemblies, &c.

§ 16. If any person shall willfully interrupt or disturb a congregation assembled on or at any place of and for religious worship, or misuse or maltreat any person being there, or shall disturb or interrupt any lawful assembly or school or school exhibition, he shall be fined in a sum not less than ten nor more than fifty dollars, or imprisoned not less than five nor more than twenty days, or both so fined and imprisoned, at the discretion of the jury.

Penalty for permitting free negro or slave to remain upon premises.

§ 17. If any person shall knowingly permit any slave or free negro, of which he is not the owner or has not the control, to remain in or upon his premises, or premises over which he has control, for more than two hours, without the written consent of the owner or controller of said slave, he shall be fined five dollars: *Provided*, This section shall not be construed to prevent husbands and wives of said free negroes and slaves visiting or remaining with each other during the night or on holidays.

Penalty for selling or giving slave liquor.

§ 18. If any person, not the owner of the slave, shall sell, loan, or give ardent spirits to said slave, or shall suffer or permit the slave of another to have or drink ardent spirits upon his premises, or premises under his control, he shall be fined sixty dollars; and proof of any of the offenses enumerated in this section shall be a presumption of the guilt of the defendant, until the contrary is clearly proven.

Penalty for giving or sell'g playing cards to a slave or free negro.

§ 19. Any person who shall give, sell, or loan any deck, or part of a deck, of playing cards, or any arrangement or devise for gambling, to a slave or free negro, shall be fined twenty dollars.

Penalty for permitting slave to go at large or hire time.

§ 20. If the owner, hirer, or controller of any slave shall suffer or permit said slave to go at large, or to hire his or her own time, or to work for himself or herself, or any other, without the consent of said owner, hirer, or controller to do the specific act or work for which said slave is engaged, the said owner, hirer, or controller shall be fined five dollars; and any person who shall hire or employ any such slave shall be fined five dollars.

No place for the assemblage of colored persons to be erected without consent of trustees, &c.

§ 21. No place or house for the assembly of colored persons shall hereafter be located or erected within the limits of said town, for any use or purpose whatever, without the license and consent of the board of trustees of said town; and all such houses or places now existing in said town, and the assemblies of colored persons attending the same, and all such houses or places hereafter established and the

LAWS OF KENTUCKY.

245

persons attending the same, shall be regulated by ordinance, and also the conduct of persons going to and returning from such places, both free colored persons and slaves; and for any violation of any such ordinance, a free colored person shall be fined not less than ten dollars nor more than fifty dollars, and a slave shall receive not less than ten, nor more than thirty lashes, to be enforced before the police court of said town. And for good cause, the board of trustees may provide for the closing up any house or place of assembling of colored persons within said town, and may provide for silencing any preacher or teacher of colored persons for misconduct. And all assemblies of colored persons within said town shall be under the visitation of the police, and especially under that of the night police and watchmen.

1860.

§ 22. If any person shall sell, loan, or give, any spirituous liquors, or mixture of the same, to any minors, without the previous written consent of the father, mother, or guardian, attested by two witnesses, or shall suffer or permit any minor to have or drink any spirituous liquors, or mixture of the same, on his premises, or premises under his control, he shall be fined the sum of thirty dollars; and if he be a vender of ardent spirits by license, he shall be fined sixty dollars.

Penalty for giving or selling liquor to minors.

§ 23. If any person, other than the parent or guardian, shall sell, give, or loan, any pistol, dirk, bowie-knife, brass-knucks, slung-shot, colt, cane-gun, or other deadly weapon, which is carried concealed, to any minor, or slave, or free negro, he shall be fined fifty dollars.

Penalty for giving weapons to minors and slaves.

§ 24. If any person, other than the parent or guardian, shall sell, give, or loan, to any minor a deck, or part of a deck, of playing cards, or shall knowingly permit any minor to play cards on his premises, or premises under his control, he shall be fined ten dollars; and any minor having in his possession a deck, or part of a deck, of cards, shall be fined five dollars.

Penalty for giving or selling minor cards.

§ 25. The board of trustees shall have power to appoint not more than three policemen, who shall have the same power to execute process, arrest and apprehend violators of the penal and criminal law, and laws relating to the town of Harrodsburg, and town ordinances, that marshals have.

Trustees may appoint police.

§ 26. Upon the trial and conviction of any person in the police court of any crime or offense, he shall be committed to jail until the fine and costs are paid or replevied: *Provided*, That the imprisonment shall not be longer than at the rate of twenty-four hours for each two dollars of said fine and costs: *And provided further*, That a writ of *fieri facias* may be issued, at any time thereafter, against the estate of the defendant or defendants, for the amount of the fine and costs until the same are satisfied.

Persons convicted in police court may be committed to jail until fine is paid.

1860.

Officers to arrest disorderly persons.

§ 27. It shall be the duty of all peace officers and policemen to arrest all disorderly or drunken persons and take them before the police court, to be dealt with according to law: *Provided*, That when any drunken or disorderly person is arrested in the night time, the officer making the arrest may commit him to the county jail, or work-house, or watch-house, until the next morning, when he shall be carried before the police judge or court, to be dealt with according to law; and the jailer of Mercer county is hereby directed to receive such persons, when arrested and in custody of such officer, in the night time, without an order of commitment.

Officers may take bail.

§ 28. The officer executing any process requiring bail, shall have authority to take the bail.

Chairman of trustees to act in absence of police judge.

§ 29. In the absence of the police judge from town, the chairman of the board of trustees of said town shall have the same authority and power that said judge has.

Appeals.

§ 30. In all cases, civil and penal, where the judgment, exclusive of costs, is twenty dollars or more, either party may appeal to the circuit court: *Provided*, Said appeal is taken and a copy of the record filed in said court within sixty days from the rendition of the judgment: *And provided further*, That the party, except where the Commonwealth is appellant, files a bond, as now required by law.

Sec. 8 of act to which this is an amendment amended.

§ 31. Section 8 of the act to which this is an amendment, is hereby so amended as to insert after the words, "some newspaper of the town for two months, by successive weekly publications," the words, "or by the service of a written copy of the order, signed by the chairman of the board of trustees and attested by the clerk, upon the parties to be affected thereby."

Trustees may assess tax to pay debts of town.

§ 32. The board of trustees shall have power to assess a tax, not exceeding twenty cents, on every one hundred dollars of the taxable property of said town. They shall have power to allow the marshal, in addition to his regular fees, such compensation as to them may be proper.

Trustees may sell, convey, & close up streets in said town.

§ 33. Said board shall have power to sell and convey, or lease or close up, any of the alleys or parts of alleys in said town, with the consent of a majority of the qualified voters thereof.

§ 34. The present officers of said town shall continue in office and perform all the duties required under this act until their successors are elected and qualified, as provided by law.

§ 35. This act shall not be construed to repeal any portion of the act to which this is an amendment, except those portions which conflict with this amendment.

§ 36. This act shall be in force from its passage.

Approved January 12, 1860.

CHARTER AND ORDINANCES

OF THE

CITY OF SACRAMENTO *(Charter)*

TOGETHER WITH SUCH

STATUTES AS ARE ESPECIALLY IMPORTANT

AND AN

APPENDIX OF CITY OFFICERS FROM 1849 TO 1897, INCLUSIVE.

COMPILED BY

R. M. CLARKEN,
Attorney at Law.

SACRAMENTO:

D. JOHNSTON & CO., PRINTERS AND PUBLISHERS.
1896.

**REFORM CLUB,
Committee on
MUNICIPAL ADMINISTRATION.**

CITY OF SACRAMENTO.

173

ment is played, to stand or be at or in the vicinity of any door or window of any such saloon, or on the sidewalk in front thereof, and by position, looks, motions, gestures, or words entice, or endeavor to entice, any person to enter such saloon.

SEC. 2. Any person violating the provisions of this ordinance shall be punished by fine not exceeding five hundred dollars, or by imprisonment in the city prison not exceeding ten days, or by both such fine and imprisonment. *Amendment, by Ordinance 95, passed July 17, 1876.*

ORDINANCE NO. 83.

Establishing the grade of certain streets, passed April 24, 1876.

The Board of Trustees of the City of Sacramento ordain as follows:

SECTION 1. The grades of Second, Third, Fourth, Sixth, and Eighth streets, between I and J streets, shall be as determined by right lines drawn from the established grade of J street to points to the several adjacent alleys, six inches below the grade of J street, thence to the established grade of I street.

SEC. 2. The grades of Second, Third, Sixth, and Eighth streets, between J and K streets, shall be as determined by right lines drawn from the present established grade of K street to points at the several adjacent alleys, six inches below K street, thence to the established grade of J street.

SEC. 3. So much of section four, chapter five, of the City Ordinance as conflict with this ordinance is hereby repealed.

ORDINANCE NO. 84.

Prohibiting the carrying of concealed deadly weapons, passed April 24, 1876.

The Board of Trustees of the City of Sacramento ordain as follows:

SECTION 1. It shall be unlawful for any person, not being a public officer or traveler, or not having a permit from the Police Commissioners of the City of Sacramento, to wear or carry, concealed, any pistol, dirk, or other dangerous or deadly weapon.

SEC. 2. Any person violating the provisions of this ordinance shall be punished by a fine not exceeding five hundred dollars, or by imprisonment in the city prison not exceeding ten days, or by both such fine and imprisonment. *Amendment, by Ordinance 95, passed July 17, 1876.*

SEC. 3. The Police Commissioners of the City of Sacramento may grant written permission to any peaceable person, whose profession or occupation may require him to be out at late hours of the night, to carry concealed deadly weapons for his protection.

SEC. 4. This ordinance shall be in force from and after its passage.

174

ORDINANCES OF THE

ORDINANCE NO. 85.

Amending section eight, of chapter fifteen, of Ordinance Number Seventeen, passed May 1, 1876.

Incorporated in Ordinance 17.

ORDINANCE NO. 86.

An ordinance to regulate and license wash-houses and laundries within the city limits, passed May 8, 1876.

Amended by Ordinance 96, July 24, 1876.

ORDINANCE NO. 87.

Amending section one, of chapter sixteen, of Ordinance Number Seventeen, passed May 8, 1876,

Incorporated in Ordinance No. 17.

ORDINANCE NO. 88.

Amending section twelve, of chapter two, of Ordinance Number Seventeen, passed May 29, 1876.

Incorporated in Ordinance No. 17.

ORDINANCE NO. 89.

An ordinance amendatory of certain chapters of Ordinance Number Seventeen, passed June twenty-seventh, eighteen hundred and seventy-two, passed May 29, 1876.

Incorporated in Ordinance 17.

ORDINANCE NO. 90.

Granting to the Board of Education of the City of Sacramento certain property, passed May 29, 1876.

Repealed by Ordinance 91.

ORDINANCE NO. 91.

Regulating Ordinance Number Ninety, passed June 1, 1876.

The Board of Trustees of the City of Sacramento ordain as follows:

SECTION 1. Ordinance Number Ninety, granting to the Board of Education of the City of Sacramento the use of certain property for school purposes, is hereby repealed.

SEC. 2. This ordinance shall take effect immediately.

Santa Barbara Daily Press.
VOL. IV. SANTA BARBARA, CAL., FRIDAY EVENING, JUNE 2, 1876.

By Telegraph
NOON DISPATCHES
The Western Union Co.

STATE CONVENTION.
The National Convention of the Democratic Party at St. Louis, Mo., opened today at 10 o'clock. The delegates from California were present. The convention was held in the large hall of the Exposition. The delegates from California were present. The convention was held in the large hall of the Exposition. The delegates from California were present.

RE-OPENING
PARK HOTEL
The Park Hotel has been re-opened. It is now in the hands of Mrs. F. F. Stearns. The hotel is now in the hands of Mrs. F. F. Stearns. The hotel is now in the hands of Mrs. F. F. Stearns.

REMOVAL.
LENNER
The removal of the Lenners has been completed. The removal of the Lenners has been completed. The removal of the Lenners has been completed.

THE 27 ROOMS
The 27 rooms of the hotel have been completed. The 27 rooms of the hotel have been completed. The 27 rooms of the hotel have been completed.

4th DAY OF JULY
The 4th day of July is celebrated. The 4th day of July is celebrated. The 4th day of July is celebrated.

Grand Ball and Reception
A grand ball and reception will be held. A grand ball and reception will be held. A grand ball and reception will be held.

55 Rustic Cottages
55 rustic cottages are being built. 55 rustic cottages are being built. 55 rustic cottages are being built.

Grand Centennial Ball
A grand centennial ball will be held. A grand centennial ball will be held. A grand centennial ball will be held.

CRANES' HALL
Cranes' hall is now open. Cranes' hall is now open. Cranes' hall is now open.

Grand 4 Minute Race
A grand 4 minute race will be held. A grand 4 minute race will be held. A grand 4 minute race will be held.

DEAN BEND PAIR CORNER
Dean Bend pair corner is now open. Dean Bend pair corner is now open. Dean Bend pair corner is now open.

FRIDAY, JUNE 2, 1876
Friday, June 2, 1876. Friday, June 2, 1876. Friday, June 2, 1876.

Notice to Creditors
Notice to creditors is hereby given. Notice to creditors is hereby given. Notice to creditors is hereby given.

C. T. TIFFANY.
C. T. Tiffany. C. T. Tiffany. C. T. Tiffany.

BUSINESS CARDS.
P. J. Shaw, Architect. P. J. Shaw, Architect. P. J. Shaw, Architect.
C. N. Johnson, Candy Manufacturer. C. N. Johnson, Candy Manufacturer. C. N. Johnson, Candy Manufacturer.
H. M. Basford, Hair Cutter. H. M. Basford, Hair Cutter. H. M. Basford, Hair Cutter.
T. B. Currey, Real Estate. T. B. Currey, Real Estate. T. B. Currey, Real Estate.
A. J. Hancock, Dentist. A. J. Hancock, Dentist. A. J. Hancock, Dentist.
F. A. Brewer, D.D.S. F. A. Brewer, D.D.S. F. A. Brewer, D.D.S.
J. M. Winkler, Dentist. J. M. Winkler, Dentist. J. M. Winkler, Dentist.
J. M. Winkler, Dentist. J. M. Winkler, Dentist. J. M. Winkler, Dentist.

UC-NRLF



B 4 499 087

H. Carey Jones

.. CHARTER ..

... AND ...

REVISED ORDINANCES

... OF THE ...

CITY OF EUREKA.



PUBLISHED BY ORDER OF

THE MAYOR AND COUNCIL

1905

Charter
and
Revised Ordinances
of the
City of Eureka

Published by order of
The Mayor and Council
1905

STANDARD UNION LABEL PRINT

Penal Ordinances.

ORDINANCE NO. 28

FOR THE SUPPRESSION OF VICE AND IMMORALITY IN THE CITY OF EUREKA.

(Approved February 5th, 1877.)

The Mayor and Common Council of the City of Eureka do ordain as follows:

SECTION 1. Every female person who shall, within the corporate limits of the City of Eureka, solicit, entice, or attempt to persuade any male person to enter her house, or any house in which she may be, or shall beckon or make any signal to such person to induce him to enter such house, whether in the day or night time for any lewd or immoral purpose, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than twenty nor more than one hundred dollars, and the costs of the prosecution, or by imprisonment in the city prison not exceeding ten days, or by both such fine and imprisonment.

SEC. 2. Every person who, being the occupant of any house within said city, shall suffer or permit any female person to violate Section 1 of this Ordinance shall be deemed guilty of the offense described in Section 1 and shall upon conviction thereof be subject to a like penalty.

SEC. 3. This ordinance shall take effect from and after the time of its first publication.

ORDINANCE NO. 55.

PROHIBITING THE CARRYING OF CONCEALED WEAPONS

(Approved Nov. 6th, 1878.)

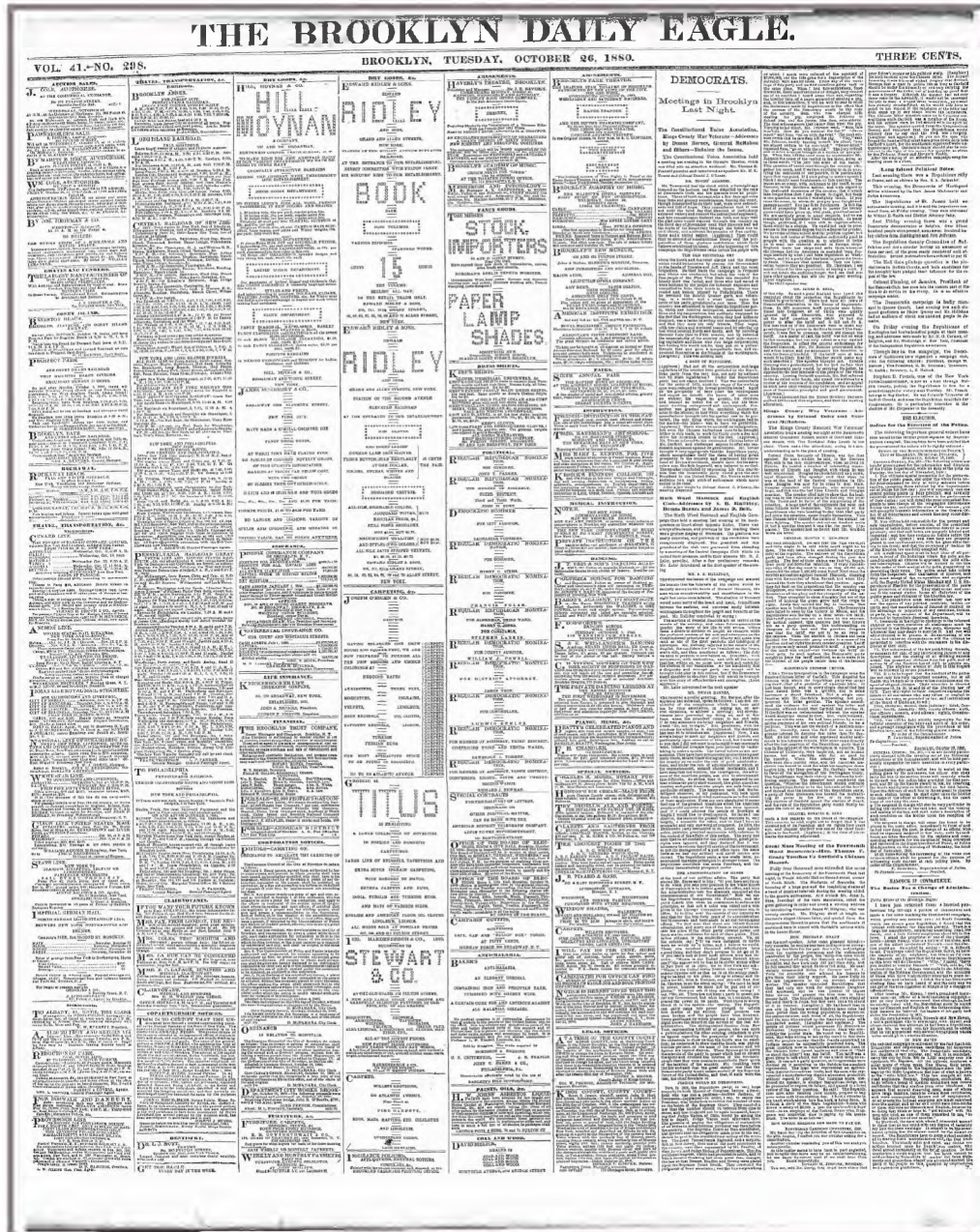
The Mayor and Common Council of the City of Eureka do ordain as follows:

SECTION 1. It shall be unlawful for any person not being a public officer, or traveler, or not having a permit from the Mayor of this city, to wear or carry concealed, within the corporate limits of this city, any pistol, dirk, or any other dangerous or deadly weapon.

SEC. 2. Every person violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor, and upon due proof thereof, shall be fined in a sum not to exceed one hundred dollars, or imprisonment in the city prison not exceeding ten (10) days, or by both such fine and imprisonment. Such persons, and no others, shall be termed travelers within the meaning of this Ordinance as may be actually engaged in making a journey at the time.

SEC. 3. The Mayor of the city may grant written permission to any peaceable person, whose profession or occupation may require him to be out at late hours of the night, to carry concealed weapons for his own protection.

SEC. 4. This Ordinance shall take effect from and after its first publication.



San Francisco. Ordinances

GENERAL ORDERS

OF THE

BOARD OF SUPERVISORS

PROVIDING

REGULATIONS FOR THE GOVERNMENT

OF THE

CITY AND COUNTY OF SAN FRANCISCO.

ALSO,

Ordinances of Park Commissioners.



SAN FRANCISCO :

P. J. THOMAS, PRINTER, 505 CLAY STREET,

1884.

GENERAL ORDERS.

ORDER No. 1,603.

RELATING TO THE POLICE DEPARTMENT.

The People of the City and County of San Francisco do ordain as follows:

[Permanent Police Force.]

SECTION 1. The Permanent Police Force shall consist of five Captains of Police, and four hundred Police Officers.

[Police Office and Police Stations.]

SECTION 2. The Chief of Police shall keep his office in the Old City Hall. There shall be one Police Station at the Old City Hall, provided with cells for the detention and safe-keeping of prisoners. There shall be a Police Station at—

The New City Hall; also, at or near
Davis and Pacific streets;
Steuart and Folsom streets;
Fourth and Folsom streets;
Seventeenth and Howard streets;
Polk and Jackson streets;

[Register of Arrests and Entries, how made.]

SECTION 3. The Chief of Police shall provide and cause to be kept at the Police Station in the City Hall, by the officer in charge, a Register of Arrests. Upon such register there shall be entered a statement, showing, in a clear and distinct manner, the date and hour of such arrest, the name of the person arrested, the name of the officer making the arrest, the name of the complaining witness and his place of residence, the offense charged, and a description of any property found upon or in possession of the person arrested.

county, to obey the order of any such designated Police Officer, in regard to moving or stopping any such vehicle or animal on such thoroughfare; and any person driving, using or having the control of any vehicle or animal on the public thoroughfares of said city and county, who shall refuse or neglect to obey any order given by such designated officer in regard to moving or stopping any vehicle or animal under his control, shall be deemed guilty of a misdemeanor, and be punished accordingly.

[Prohibiting the Carrying of Concealed Deadly Weapons.]

SECTION 22. It shall be unlawful for any person, not being a public officer or traveller, or not having a permit from the Police Commissioners of this city and county, to wear or carry concealed, in this city and county, any pistol, dirk or other dangerous or deadly weapon.

Every person violating any of the provisions of this Order shall be deemed guilty of a misdemeanor, and punished accordingly. Such persons and no others shall be termed "travelers," within the meaning of this Order, as may be actually engaged in making a journey at the time.

The Police Commissioners may grant written permission to any peaceable person, whose profession or occupation may require him to be out at late hours of the night, to carry concealed deadly weapons for his own protection.

In Board of Supervisors, San Francisco, September 13, 1880.

After having been published five successive days, according to law, taken up and passed by the following vote:

Ayes—Supervisors Schottler, Mason, Litchfield, Whitney, Eastman, Fraser, Taylor, Doane, Bayly, Torrey.

Absent—Supervisors Drake, Stetson.

JNO. A. RUSSELL, Clerk.

Approved, San Francisco, September 17, 1880.

I. S. KALLOCH,

Mayor and ex-officio President of the Board of Supervisors.

ORDER No. 1,599.

RELATING TO THE CARE OF PUBLIC PROPERTY.

The People of the City and County of San Francisco do ordain as follows:

[Charge of Public Property—Duty of Superintendent of Streets.]

SECTION 1. The Superintendent of Public Streets, Highways and Squares shall have the charge and supervision, under the direction of the Mayor and

ORDINANCES

OF THE

Mayor, Aldermen and Commonalty

OF THE

CITY OF NEW YORK,

IN FORCE JANUARY 1, 1881;

REVISED BY

ELLIOTT F. SHEPARD AND EBENEZER B. SHAFER,

COMMISSIONERS APPOINTED FOR THAT PURPOSE.

ADOPTED BY THE COMMON COUNCIL AND PUBLISHED BY THEIR AUTHORITY.

NEW YORK:
MARTIN B. BROWN, PRINTER AND STATIONER,
Nos. 49 AND 51 PARK PLACE.

1881.

ENTERED ACCORDING TO ACT OF CONGRESS, IN THE YEAR 1881, IN BEHALF OF
THE CORPORATION OF THE CITY OF NEW YORK,

By FRANCIS J. TWOMEY,

IN THE OFFICE OF THE LIBRARIAN OF CONGRESS AT WASHINGTON, D. C.

UNIVERSITY
LIBRARY
PRINCETON, N.J.

DOCUMENT No. 2.

IN COMMON COUNCIL

OF THE CITY OF NEW YORK,

JUNE 28, 1881.

Resolved, That two thousand copies of the ordinances of the Mayor, Aldermen, and Commonalty of the City of New York, revised in 1880, be printed and bound in a manner uniform with the proceedings of the Common Council, with side notes, table of contents and index, and an appendix, containing the amendments passed during the present year to July 1, with marginal references, or foot notes to the page of the book containing the original ordinance so amended ; the work to be done under the direction and supervision of the Clerk of the Common Council, as one of the documents of this Board.

Adopted by the Board of Aldermen, June 28, 1881.

Approved by the Mayor, July 2, 1881.

FRANCIS J. TWOMEY,
Clerk.

7743
1881
(RECAP)

1548

REVISED ORDINANCES.

The Mayor, Aldermen, and Commonalty of the City of New York, do ordain as follows :

CHAPTER 1.

The Mayor and the Officers Appertaining to the Mayor's Office.

ARTICLE I. The Mayor.

II. The Chief Clerk in the Mayor's Office.

III. The Marshals in the Mayor's Office.

ARTICLE I.

The Mayor.

SECTION 1. The Mayor may, whenever he shall deem it necessary, issue his proclamation for the apprehension of any person who may have committed a crime within the city of New York, and may, in such proclamation, offer a reward not exceeding five hundred dollars, to be paid out of the city treasury upon the certificate of the mayor that the service required has been performed. Mayor may offer rewards.

ARTICLE II.

The Chief Clerk in the Mayor's Office.

SEC. 2. Before entering upon the duties of his office the chief clerk of the mayor shall execute a bond to the corporation, with one or more sufficient sureties to Chief Clerk in Mayor's office.

CHAPTER 8.

Miscellaneous Ordinances.

ARTICLE I. Ambulances.

II. Bread, Sale and Manufacture of.

III. Burial of Strangers or Unknown Persons
who may die in any of the Public
Institutions of the City of New York.

IV. Carts, Cartmen, Dirt Carts, and Garbage
Carts.

V. Charcoal, Fish, Vegetable and Fruit
Wagons, and Venders of Brooms,
Wooden Ware, and Kindling Wood.

VI. Chimney Sweepers.

VII. Coal.

VIII. Coaches, Hackney and Cabs.

IX. Dealers in Second-hand Articles, and
Keepers of Junk Shops.

X. Dogs.

XI. Fences, Partitions and Walls.

XII. Fires, to prevent injury to hose.

XIII. Firearms, and Cannons, Fireworks,
Firing of.

XIV. Firewood, Hay, Straw, Sale, etc., of.

XV. Flags and Decorations at the City Hall.

XVI. Flower Pots, Falling of.

XVII. Hay, Weighing of.

XVIII. Horses, Driving of, in the City.

XIX. Ice, Scales for weighing of.

MISCELLANEOUS ORDINANCES.

129

ARTICLE XX. Licenses of City Railroad Passenger Cars.

XXI. Lights, Calcium or Drummond.

XXII. Lime.

XXIII. Lamp-posts, Placards on, etc.

XXIV. Nuisances.

XXV. Offices, Intelligence.

XXVI. Pawnbrokers and Loanbrokers, or
Keepers of Loan Offices.

XXVII. Pistols, Carrying of.

XXVIII. Ploughs, Snow and Sweeping-machines
by Railroad Companies and others.

XXIX. Railroads, City.

XXX. Registrar of Permits.

XXXI. Rocks, Blasting of.

XXXII. Runners, Steamboat, Railroad, and
Hotel.

XXXIII. Sales and Auctions in the Public Streets.

XXXIV. Salt or other substance in the Streets
for the purpose of Melting snow or
Ice, Sprinkling of.

XXXV. Snow or Ice, Removal of.

XXXVI. Stages and Accommodation Coaches.

XXXVII. Streets, Pavement of.

XXXVIII. Swine, Neat Cattle, and Public Pounds.

XXXIX. Wagons, Express.

XL. Weights and Measures.

XLI. Wires, Telegraph.

XLII. Worship, Public, in the Streets and
Public Places.

XLIII. Walks or Bridges over Gutters.

XLIV. Repeals, etc.

Surplus. SEC. 260. The surplus money, if any, arising from any such sale, after deducting the amount of the loan, the interest then due on the same, and the expenses of the advertisement and sale, shall be paid over by the pawnbroker, loanbroker, or keeper of a loan office, to the person who would be entitled to redeem the pledge in case no such sale had taken place.

Regulations SEC. 261. No pawnbroker, loanbroker or keeper of a loan office shall make any loan on the separate or divided part or parts of any one article or thing, and which article or thing shall have been offered entire or collectively to him or her by way of pawn or pledge.

Ibid. SEC. 262. No pawnbroker, loanbroker, or keeper of a loan office, shall, under any pretense whatever, purchase or buy any second-hand furniture, metals or clothes, or any other article or thing whatever, offered to him or her as a pawn or pledge.

Penalties. SEC. 263. Every pawnbroker, loanbroker, or keeper of a loan office, who shall violate or neglect or refuse to comply with any or either of the provisions of sections of this article shall, for every such offense, forfeit and pay the sum of one hundred dollars.

ARTICLE XXVII.

Carrying of Pistols.

Concealed weapons. SEC. 264. Every person, except judges of the federal, state and city courts, and officers of the general, state and municipal governments, authorized by law to make arrests, and persons to whom permits shall have been issued, as hereinafter provided, who shall have in his

MISCELLANEOUS ORDINANCES.

215

possession within the city of New York a pistol of any description concealed on his person, or not carried openly, shall be deemed guilty of a misdemeanor, and shall be punished, on conviction, by a fine not exceeding ten dollars, or, in default of payment of such fine, by imprisonment not exceeding ten days.

SEC. 265. Any person, except as provided in this article, who has occasion to carry a pistol for his protection, may apply to the officer in command at the station-house of the precinct where he resides, and such officer, if satisfied that the applicant is a proper and law-abiding person, shall give said person a recommendation to the superintendent of police, or the inspector in command at the central office in the absence of the superintendent, who shall issue a permit to the said person, allowing him to carry a pistol of any description. Any non-resident who does business in the city of New York, and has occasion to carry a pistol while in said city, must make application for permission to do so to the officer in command of the station-house of the police precinct in which he so does business, in the same manner as is required by residents of said city, and shall be subject to the same conditions and restrictions.

Permits to carry pistols

SEC. 266. If, at the time of the arrest, a pistol of any description shall be found concealed on the person of, or not carried openly by any one arrested, the officer making the arrest shall state such fact to the police magistrate before whom the prisoner is brought, and shall make a separate complaint against such prisoner for violation of the provisions of this article.

Complaint for carrying concealed weapons.

Revocation
of permis-
sion to carry
pistols.

SEC. 267. The commissioners of police of the police department of the city of New York are hereby authorized and empowered, for reasons appearing to be satisfactory to them, by a vote of a majority of a quorum of said commissioners on ayes and noes, to annul or revoke any permission given under this article. All persons to whom such permission shall be given are hereby declared to be individually responsible for their own acts, or the consequences that may arise from the use of pistols carried under the permission to be obtained as provided in this article.

ARTICLE XXVIII.

Snow-ploughs and Sweeping-machines by Railroad Companies and others in the City of New York.

Snow-
ploughs.

Sweeping-
machines.

SEC. 268. It shall not be lawful for any or either of the street or horse-car railroads or stage companies, proprietors or corporations, within the limits of the city of New York, or their officers, agents or servants, to cause or allow any snow-plough, sweeping-machine or other similar instrument to pass over the tracks or lines occupied or used by them within the said limits, unless by the express permission in that behalf to be granted to them by the mayor.

Fines.

SEC. 269. Any of the said companies, proprietors or corporations who shall violate the provisions of the above section, shall be punished by a fine not exceeding one hundred dollars for each offense, and the officers, agents or servants of such companies, proprietors or corporations who shall violate the said provisions

THE
MUNICIPAL CODE

OF
SAINT PAUL:

COMPRISING THE
LAWS OF THE STATE OF MINNESOTA RELATING TO THE CITY OF
SAINT PAUL,
C. G. LAWRENCE.
AND THE
ORDINANCES OF THE COMMON COUNCIL;

REVISED TO DECEMBER 1, 1884,

BY
W. P. MURRAY, CITY ATTORNEY.

PUBLISHED BY AUTHORITY OF THE COMMON COUNCIL.

ST. PAUL:
DAILY GLOBE.
1884.

MAY 7 1914

ARTICLE XVIII.

CONCEALED WEAPONS—LICENSE.

[Passed January 17, 1882.]

308. SECTION 1. It shall be unlawful for any person, within the limits of the city of St. Paul, to carry or wear under his clothes, or concealed about his person, any pistol or pistols, dirk, dagger, sword, slungshot, cross-knuckles, or knuckles of lead, brass or other metal, bowie-knife, dirk-knife or razor, or any other dangerous or deadly weapon.

Concealed
weapons, un-
lawful to carry.

309. SEC. 2. Any such weapon or weapons, duly adjudged by the municipal court of said city to have been worn or carried by any person, in violation of the first section of this ordinance, shall be forfeited or confiscated to the said city of St. Paul, and shall be so adjudged.

Confiscation of.

310. SEC. 3. Any policeman of the city of St. Paul, may, within the limits of said city, without a warrant, arrest any person or persons, whom such policeman may find in the act of carrying or wearing under their clothes, or concealed about their person, any pistol or pistols, dirk, dagger, sword, slungshot, cross-knuckles, or knuckles of lead, brass or other metal, bowie-knife, dirk-knife or razor, or any other dangerous or deadly weapon, and detain him, her or them in the city jail, until a warrant can be procured, or complaint made for the trial of such person or persons, as provided by the charter of the city of St. Paul, for other offenses under said charter, and for the trial of such person or persons, and for the seizure and confiscation of such of the weapons above referred to, as such person or persons may be found in the act of carrying or wearing under their clothes, or concealed about their persons.

Policeman may
arrest person
carrying.

311. SEC. 4. Upon complaint made under oath or affirmation, to the municipal court of the city of St. Paul, that any person has been guilty of violating any of the provisions of section one of this ordinance, a warrant shall issue for the arrest of the offender or offenders, returnable as other warrants are returnable; upon the return of such warrant, the municipal court shall proceed to the hearing

Warrant shall
issue upon com-
plaint made.

Proceeding
upon return of
warrant.

and determination of the matter, and if it shall be adjudged that such person or persons has or have incurred any of the penalties fixed by this ordinance, such court shall so adjudge, and order that the weapon or weapons concerning the carrying or wearing of which such penalty shall have been incurred, shall be confiscated to the city of St. Paul. And further, every such person or persons so offending, on conviction, shall be required to find sureties for keeping the peace for a term not exceeding six months.

Fine upon conviction.

312. SEC. 5. Any person or persons violating any of the provisions of section one of this ordinance, shall pay a fine of not less than \$5 nor more than \$100, or be imprisoned for a term not exceeding 90 days, or both, in the discretion of the municipal judge, before whom such conviction shall be had.

Prohibition not to apply, to whom.

313. SEC. 6. The prohibition of this ordinance shall not apply to the officers and members of the police force of said city, when on duty, nor to any officer of any court whose duty may be to secure warrants or to make arrests, nor to persons whose business or occupation may seem to require the carrying of weapons for protection, and who shall have obtained from the mayor of said city a license so to do, as hereinafter provided.

Mayor may grant license, and revoke same.

314. SEC. 7. The mayor of the city of St. Paul may grant to so many, and to such persons as he may think proper, licenses to carry concealed weapons; and may revoke any and all of such licenses at his pleasure.

Application for license, how made.

315. SEC. 8. Application for such licenses shall be made to the mayor of said city, in writing, and when granted, the person applying therefor, shall pay into the city treasury the sum of two dollars, and thereupon a license shall be issued by the city clerk, and signed by the mayor.

License shall state what expiration of.

316. SEC. 9. Every such license shall state the name, age, occupation and residence of the person to whom it is granted, and shall expire on the 31st day of December of each and every year.

ALAMEDA. CALIFORNIA---WEDNESDAY, MAY 3, 1882.

F. K. KRAUTH, EDITOR AND PROPRIETOR

A. J. GREENE'S
Alameda Pharmacy,

HOMŒOPATHIC MEDICINES.

PARK PHARMACY.

BANKS AND BANKING.

First National Bank
OF ALAMEDA

CAPITAL PAID UP	\$100,000.00
RESERVE AND UNDIVIDED PROFITS	\$ 740.25

LEVI JENCKE, President.
W. B. CLEMENT, Vice President.
J. F. BAKER, Chairman and Secretary.

00000000

REV. FRANK W. LILLIS,
P. O. BOX 100, N. COAST,
D. H. COOK.

CORRESPONDENTS:

First National Gold Bank, - San Francisco
First National Bank, - - - - New York
Union National Bank, - - - - -

MISCELLANEOUS CARDS

Cuticura

THE NEW BLOOD PURIFIER

Resolvent

[illegible]

LONGFELLOW'S FINEST SONNET

[illegible]

MR. MAYE'S MEMORY.

"There's one thing we mustn't forget."

*What is it, Emma?

"Don't forget to go to the help office and find me up a cook. The new girl is good for nothing, and the old one can't do every thing. Black or white, young or old, man

At nearly the end of the funeral, the two young boys, who were dressed in white, came forward and sang a hymn. The hymn was "The Lord's Prayer," and the boys sang it very sweetly.

There was a delightful sympathy pervading the house, where she lay down to rest over the wine and seemed to be in unimpaired as the father. Before Alice died she had promised to exchange company with the father brother and this promise proved with the nephew, and the father brother, thinking, meanwhile, how delicate and pretty everything was, and deeming that that gentleman's first impres-

[illegible]

LITERATURE FOR BOYS

The first chapter of *My Father's House* shows the author's family in the East of England, where the author was born. The family is a typical English family of the early 20th century. The author's father is a successful businessman, and the author's mother is a devoted homemaker. The author's childhood is spent in a large, comfortable house in the East of England. The author's father is a successful businessman, and the author's mother is a devoted homemaker. The author's childhood is spent in a large, comfortable house in the East of England. The author's father is a successful businessman, and the author's mother is a devoted homemaker. The author's childhood is spent in a large, comfortable house in the East of England.

h, sand, rock, stones, dust, matter that may have accreted on her, or their said building from the line of said property street.

section shall not apply to :
ise in the course of receipt,
, Lamp posts or hydrants;
the outer side of the sidewalk
fect the same; 4th, Water-
ie accommodation of the
ing used and provided for
e construction or repair of
structure ; provided, such
py more than half of the
out of such building. Any
ny street or sidewalk with
cause the same to be com-
keep a light or lights burn-
he place where the obstruc-

persons violating this or-
aviction thereof, be pun-
ceeding fifty dollars, or by
l of Alameda county not
ays, or by both such fine

IMALS AT LARGE.

of Alameda do ordain as

owning or having the con-
eper of any horse, sheep,
, or other animal of the
any such animal to run at
upon, any public street of

exceeding five days, or by both such fine and im-
prisonment.
#1014

CONCERNING CONCEALED WEAPONS.

The People of the Town of Alameda do ordain as follows:

SECTION 1. It shall be unlawful for anyone, not being a public officer, or not having a permit from the President of the Board of Trustees, countersigned by the Chief of Police, to wear or carry concealed weapons about his person in the Town of Alameda, or any pistol, slungshot, brass or iron knuckles, or iron bars such as are usually carried by Chinamen, sand clubs, dirk or bowie knife, or dangerous or deadly weapon.

SEC. 2. The President of the Board of Trustees may grant written permission to any peaceable person, whose profession or occupation may require him to be out at late hours of the night, to carry concealed deadly weapons for his own protection. Such permit shall be countersigned by the Chief of Police before it shall be issued, and the Chief of Police shall number the same and keep a registered list of the persons to whom issued, with their residences and occupations.

SEC. 3. Any person violating this ordinance shall be punished by a fine not exceeding one hundred dollars, or by imprisonment in the jail of Alameda county not exceeding fifty days, or by both such fine and imprisonment.

CONCERNING WAGON TIRES.

The People of the Town of Alameda do ordain as follows:

SECTION 1. No person shall use or employ, upon any of the streets within the Town of Alameda, any cart, wagon or vehicle, in carrying or transporting

passed Sep-
tember 19,
No. 144, p
November
1877; No.
passed Oct
1877; No. 2
July 16, 18
Ordinance
nance No.

E

Mr. Edm
by what ou
this oppor
facts conn
I hope wi
resident of
few days
pect for a
aside, and
another ren
better mal
ber of lots
course, sell
fectly will
for his mar
self correct
person wou
the true s

ST. HELENA STAR.

AN ORGAN OF THE UPPER VALLEY.
ST. HELENA, CALIFORNIA, DECEMBER 11, 1884.
VOL. 11. NO. 23.

St. Helena

STAR

Monday and Thursday

—AD 25 A YEAR—

Subscription Office

W. A. MACKINDER,

Editor and Publisher

PROFESSIONAL CARDS

D. C. E. DAVIS,

DENTIST

W. A. ROOT,

DENTIST

W. A. C. DAWSON,

DENTIST

I. T. TAHOE,

PHYSICIAN

H. M. POND,

PHYSICIAN

W. A. E. M. D.,

HOMOPATHIC PHYSICIAN

PROF. MAX SCHUMANN,

VOCAL & INSTRUMENTAL MUSIC

THOMAS WATT,

ATTY. & COUNSELLOR AT LAW

HENRY HOGAN,

ATTY. & COUNSELLOR AT LAW

A. J. JONES,

ATTORNEY AT LAW

R. SCHMIDT,

FOREMAN

W. E. DEWESE,

NOTARY PUBLIC

H. R. BUSSENIUS,

DRUGGIST AND APOTHECARY

St. Helena,

D. B. CARVER,

BANKER

W. A. MACKINDER,

St. Helena, Cal

BUSINESS CARDS

H. STEINACHER,

HAIR DRESSER

Geo. B. KENNEDY,

CARPENTER & BUILDER

HENRY JELINSKY,

Blacksmith and Horse Shoe

ALBERT SCHUTZ,

ORIENTAL AND LANDSCAPE GARDENER

W. A. MACKINDER,

Editor and Publisher

PROFESSIONAL CARDS

D. C. E. DAVIS,

DENTIST

W. A. ROOT,

DENTIST

W. A. C. DAWSON,

DENTIST

I. T. TAHOE,

PHYSICIAN

H. M. POND,

PHYSICIAN

W. A. E. M. D.,

HOMOPATHIC PHYSICIAN

PROF. MAX SCHUMANN,

VOCAL & INSTRUMENTAL MUSIC

THOMAS WATT,

ATTY. & COUNSELLOR AT LAW

HENRY HOGAN,

ATTY. & COUNSELLOR AT LAW

A. J. JONES,

ATTORNEY AT LAW

R. SCHMIDT,

FOREMAN

W. E. DEWESE,

NOTARY PUBLIC

H. R. BUSSENIUS,

DRUGGIST AND APOTHECARY

St. Helena,

D. B. CARVER,

BANKER

W. A. MACKINDER,

St. Helena, Cal

J. R. Kettlewell & Son

DEALERS IN...

HARDWARE

AGRICULTURAL IMPLEMENTS,

PAINTS AND OILS.

AGENTS FOR THE...

Schuttler Wagons,

Garden City Clipper Plows,

We have a Fine Stock of Rifles, Shot

Guns and Ammunition.

...Also a nice assortment of...

PLASTER PARIS CENTERS

"I WILL NOT BE UNDERSOLD"

JOSHUA FRYE,

(POSTOFFICE, RUTHERFORD, CAL.)

...Dealer in...

DRY AND FANCY GOODS

Hats, Caps, Boots & Shoes,

...Dealer in...

GROCERIES AND PROVISIONS

DRUGS AND MEDICINES,

HARDWARE & AGRICULTURAL IMPLTS

A full stock of everything that is usually kept in a country store

...Also a nice assortment of...

Bed Rock Prices.

Central Pacific Railroad Company,

Wells, Fargo and Co's Express,

Express and Transfer Company,

St. Helena, Cal.

J. I. LOGAN & SON,

Manufacturers and Dealers in all kinds of

FURNITURE, BEDDING,

ETC., ETC.

Updated every in All its branches.

REPAIRING NEATLY DONE

Also Undertakers & Embalmers.

MAIN STREET ST. HELENA.

TAYLOR, DUCKWORTH & CO.

ST. HELENA FOUNDRY,

Plating Mill, Box Factory and Sashy Crank.

The firm are now having a specialty of

WINE PRESSES

And will build or repair any kind of wine or sugar or oil press.

All kinds of Castings. — Tinning, Plating and Sizing in London.

George Brown a Specialty.

Geo. H. Beach & Co.

REAL ESTATE

Fire & Life Insurance

AGENTS.

Deeds, Mortgages, Leases,

Contracts,

Certificates Made and

Loans Negotiated.

Our New Fire Insurance company

has been organized.

The Mutual Life of New York, Inc.

has been organized.

Our new office is at the corner of

St. Helena and Main Streets.

Office: Beach's New Building, No. 114.

Chas. D. Mooney

GRAIN

Ground & Chopped Feed

Flour and Corn Meal

Patent Flour and Meal

Also Dealers in

A SPECIALTY OF

FIRE WOOD

of all kinds.

Delivered to any part of town.

Highest Price Paid for All

Country Produce.

St. Helena, Cal.

S. WALLIN,

TAILOR.

And Dealer in

NEW AND LATEST

STOCK

of all kinds.

Just received

DRESS SUITS,

BUSINESS SUITS,

AND OVERCOATS

In the latest styles made to order

at short notice.

A perfect fit guaranteed.

REPAIRS REASONABLE.

St. Helena, Cal.

The HON TON

MILINERY

Main Street, St. Helena.

NEW GOODS

Embroidery Materials

BRIDGE TRAMWAY MATERIALS

St. Helena, Cal.

O. OSTIN,

St. Helena, Cal.

Caruso Confectionery

CIGARS

and

TOBACCO.

A CERTAIN GUARANTEED STOCK

of all kinds of cigars, tobacco, etc.

St. Helena, Cal.

AN UNEXPECTED CALL

A Family Member Disturbed by

A Legitimate Doubt, Through

the Editor of the "Star."

It was a very pleasant surprise

to find that the "Star" was

so much interested in the

family member's doubts.

The family member was

very much surprised to find

that the "Star" was so

much interested in the

family member's doubts.

The family member was

very much surprised to find

that the "Star" was so

much interested in the

family member's doubts.

The family member was

very much surprised to find

that the "Star" was so

much interested in the

family member's doubts.

The family member was

very much surprised to find

that the "Star" was so

much interested in the

family member's doubts.

The family member was

very much surprised to find

that the "Star" was so

much interested in the

family member's doubts.

The family member was

very much surprised to find

that the "Star" was so

much interested in the

family member's doubts.

The family member was

very much surprised to find

that the "Star" was so

much interested in the

family member's doubts.

The family member was

very much surprised to find

that the "Star" was so

much interested in the

family member's doubts.

The family member was

very much surprised to find

that the "Star" was so

much interested in the

family member's doubts.

The family member was

very much surprised to find

that the "Star" was so

much interested in the

family member's doubts.

The family member was

rn.

ORDINANCE NO. 62.

o the
elect

ident

inent
been
umber

and
D.
*

L!

An ordinance to prohibit the carrying of concealed deadly weapons.

The Board of Trustees of the Town of St. Helena do hereby ordain as follows:

Section One - Every person, not being a peace officer, who shall within the corporate limits of the town of St. Helena, carry or wear concealed any pistol, dirk, sword, slung-shot or other dangerous or deadly weapon, shall be deemed guilty of a misdemeanor and shall be fined in any sum not less than ten nor more than fifty dollars or by imprisonment not less than one day nor more than thirty days.

Section Two - Provided that the President of the Board of Trustees may grant written permission to any peaceable person whose profession or occupation may require him to be out at late hours of the night, to carry concealed deadly weapons for his own protection, such permission not to extend beyond one year.

Section Third - Ordinance number fourteen is hereby repealed.

This ordinance shall take effect and be in full force ten days from the first publication.

In Board of Trustees finally passed this 9th day of December, A. D. 1884.

Attest:
E. J. ALFORD,
Clerk.

D. COLE,
President of said Board.
dec 11

NE

KANSAS THE BEST STATE
CLOUD THE BEST COUNTY.
CONCORDIA THE BEST TOWN.
DAYLIGHT THE BEST PAPER.

The Concordia Weekly Daylight.

VOL. III. CONCORDIA, CLOUD CO., KAN., MAY 22, 1888. NO. 37 POPULATION - 5,000.

Concordia is the County Seat.
Has More Railroads than any City
of the Second Class in Kansas.

REAL ESTATE. MONEY TO LOAN. INSURANCE. SWEARINGIN & UDELL

Concordia, Kansas.

If you want to buy, sell, rent, or exchange Real Estate, our office is the place.

If you want to borrow money on your farm at a low rate of interest with the privilege of paying all or a part at any time--no bonus charged, no charge for collecting interest--come and see us. Cheapest money in the city.

If you want your insurance in reliable companies, we have them.

If you want a nice home on the easy payment plan (small monthly payments), we can suit you.

100,000 acres of unimproved land in Western Kansas; low price, long time.

Our Farm list comprises 250 farms in Cloud, Mitchell, Jewell and Republic Counties; prices from \$10 to \$30 per acre.

For Sale or Exchange, a fine Cattle Ranch in Barber County.

For Sale or Exchange for Concordia property, the finest residence property in Beloit.

Two fine farms near Clyde for sale on easy terms, or will exchange for unimproved Concordia property.

A nice 80-acre farm in Shirley Township, well improved, to exchange for Concordia property.

Two good farms in Center Township to exchange for cash, city property and cattle.

An 80-acre farm in Aurora Township to exchange for cash, horses and cattle.

To Exchange, an Imported Percheron Horse for a farm.

For Sale or Exchange, 600-acre farm in Jewell County; 3 farms in Republic County. Fine City Lots to give away to parties who will build on them.

To Exchange, equity in 2 brick store-rooms on Sixth street for farm or city residence property.

Carriages free; always ready to show property to our patrons.

Houses to rent.



E. D. PELLITIER.

CUT in TWO!

We have cut the profit off and propose that for the few days we remain in business the consumer will be benefited. The

Groesbeck & Co. Grocery Stock

Is now in our hands and in consequence we have the pleasure of owning groceries for less money than anybody in Concordia. For

33 DAYS

We will close grocery sales at smaller margins than has ever been done in Concordia. Come and get them at your price.

E. D. PELLITIER.



BARGAINS IN EVERY DEPARTMENT
Every Day This Week and Next.

TALK IS CHEAP.

H. N. HANSON'S.

WE OFFER

Clothing, Furnishing Goods,
BOOTS, SHOES, HATS,
Dry Goods, Notions, Trunks, Valises, Etc.

We guarantee satisfaction.
We make advantage of the low freight rate.
We do not allow any one to undersell us.
We have no need for money and matter.
We have strong faith in that our goods this season will be easily sold, at the old saying "come well bought, half sold"; and as the goods, no account of the present financial pressure, were underbought by our buyer East from parties overstocked and forced to sell at less than cost of manufacture, we can undersell our competitors. Particular attention we will call to our heavy stock of clothing, of which we have double the amount of former years, and now offer.

Men's Wash Suits at	\$4.50	Ladies' Kid Button shoes, -	\$1.00
Men's All Wool Suits at	\$12.50	Ladies' Kid Button shoes, kid	\$1.00
Men's Fine Washed Suits at	\$8.50	made	\$1.00
Boys' and Children's Suits at	\$1.25	Children's Button shoes, solid	.50
Men's Half shoes, -	\$2.50	one leather tip, -	.50
Men's B. Calf shoes, -	\$1.25	Children's Button shoes, -	\$1.00
Men's B. Calf shoes (cheap),	\$1.00	Men's Calf shoes, -	\$2.00
Boys' B. Calf shoes, -	\$1.00	Men's Fine shoes, -	\$1.50

In conclusion, we will say, come and get your share of our liberal bargains.

H. N. HANSON.

DR. HUSBAND.
DENTIST.

W. S. HAWELL, D. D.
Physician & Surgeon.

W. S. HAWELL, D. D.
Physician & Surgeon.

W. S. HAWELL, D. D.
Physician & Surgeon.

W. S. HAWELL, D. D.
Physician & Surgeon.

W. S. HAWELL, D. D.
Physician & Surgeon.

W. S. HAWELL, D. D.
Physician & Surgeon.

W. S. HAWELL, D. D.
Physician & Surgeon.

W. S. HAWELL, D. D.
Physician & Surgeon.

W. S. HAWELL, D. D.
Physician & Surgeon.

W. S. HAWELL, D. D.
Physician & Surgeon.

W. S. HAWELL, D. D.
Physician & Surgeon.

W. S. HAWELL, D. D.
Physician & Surgeon.



is spending after his do- le paying his nd neighbors, n to Nemaha sume his pas- great pleasure ith those kind e lived neigh- ears right here become of our t? note that Mrs. ently come in sum of money s happy. ANGELICE. y 22, 1888.] 275, ing the duties and repealing No. 102. he mayor and cordia. e duty of the superintend the e highway tax ys of the city be provided by all be foreman ed by the mayor t by contract. f all tools and to the city, not shall perform be required by n of the mayor 5 of ordinance ordinances or nflict herewith ereby repealed. ordinance shall orce from and the CONCORDIA 1888. 1888. EENE. Mayor erk. CONCERN. I, G. A. Beau- ay of April, A. or a permit to r for medical, urposes only	[First published May 22, 1888.] Ordinance No. 277. An ordinance regarding the carrying of concealed weapons and sale of deadly weapons, and repealing Sec. 117 of or- dinance No. 102. Be it ordained by the mayor and councilmen of the city of Concordia: Sec. 1. On and after the passage of this ordinance it shall be unlawful for any person within the city of Concordia to carry upon his or her person any concealed pistol, bowie knife, dirk, sling shot, billy, knuckles or any other deadly weapon, unless he has a permit to do so. Sec. 2. That when it shall appear to the mayor that any person's employ- ment or condition is such as to rend- er it proper that he should carry a deadly weapon, he shall order the clerk to issue to such person a permit to car- ry a concealed weapon, which permit shall be good for six months from the date of its issue, unless sooner revoked. Sec. 3. That no such permit shall be issued until there be paid to the clerk the sum of one dollar, which shall be turned over to the city treasurer and credited to the general fund. Sec. 4. The mayor may at any time for cause revoke any such permit there- before issued. Sec. 5. Any person found guilty of violating Sec. one of this ordinance shall for the first offense be fined in any sum not more than one hundred dollars, and for each subsequent offense not less than ten nor more than one hundred dollars. Sec. 6. That section 117 of ordinance No. 102 be, and is hereby, repealed. Sec. 7. That hereafter it shall be unlawful for any person within the city of Concordia to sell, loan or give to any person under the age of 18 years any such pistol, bowie knife, sling shot, billy or knuckles or any other deadly weapon which can be concealed on the person. Sec. 8. Any person charged with violation of section 7 shall, upon convic- tion, be fined in any sum not to exceed one hundred dollars. Sec. 9. This ordinance shall take effect from and after one publication in the CONCORDIA DAYLIGHT. Passed council May 16, 1888. Approved May 18, 1888. J. GREENE, Mayor. Attest: W. M. PECK, City clerk.	C V T na T ma to or all wa Conco Con Dealers in CONC
--	--	---





THE MUNICIPAL CODE
OF
BERLIN
COMPRISING THE
CHARTER
AND THE
GENERAL ORDINANCES
OF THE CITY
CODIFIED AND REVISED.

PUBLISHED BY AUTHORITY OF THE
COMMON COUNCIL

COURANT STEAM PRINT,
BERLIN WIS.
1890.

AN ORDINANCE

For Revising and Consolodating the General Ordinances of the City of Berlin.

WHEREAS, It is expedient that the general ordinances of the city of Berlin should be consolidated and arranged in appropriate chapters, articles, and sections; that ommissions should be supplied and defects amended, and that the whole should be rendered plain, corcise and intelligible; Therefore,

*The Mayor and the Common Council of the city of Berlin do ordain
as follows:*

CHAPTER I—THE MAYOR.

SECTION 161. The Mayor shall keep his office at such place in the city, as may be provided by the Common Council. He shall sign all commissions and permits granted by the authority of the Common Council except as otherwise provided. And such other acts as by law or ordinance may require his certificate.

SEC. 162. The Mayor shall grant licenses for the purposes authorized by this ordinance to such persons as shall be duly qualified according to the ordinances of the Common Council, as he may deem proper, unless the Common Council shall otherwise designate, and may revoke the same at pleasure.

SEC. 163. The Mayor shall supervise the conduct of all the officers of the city, except judicial officers; examine the grounds of all reasonable complaint made against any of them, and cause all their violations of duty and other neglects to be promptly punished or reported to the Common Council for punishment.

CHAPTER II.—LEGISLATIVE DEPARTMENT.

ARTICLE I.—THE COMMON COUNCIL.

SECTION 164. Every committee of the Common Council in reporting upon a subject referred to them must attach to their report

cents per day for each and every day he shall labor as aforesaid to be applied in payment of such fine and costs, and when his allowance at that rate for such labor shall equal such fine and costs he shall be discharged.

SEC. 191. Any person imprisoned at hard labor, who shall refuse to perform the labor required of him by the Chief of Police, or who shall escape, or attempt to escape from such imprisonment, before he shall be lawfully discharged, shall pay a fine of not less than one dollar, nor more than one hundred dollars for each offense.

SEC. 192. Any person sentenced to imprisonment for failure to pay any fine and costs imposed upon him for a violation of any ordinance of the city, may be released before the end of his term of imprisonment, upon the written order of the Mayor to the Chief of Police, or person having charge of the city lock-up, directing such person to be released; and it shall be the duty of the person to whom such order shall have been given to forthwith file the same with the City Clerk to be laid before the Common Council, and the same shall be laid before such Council at the next meeting thereafter.

CHAPT R VI.—MISCELLANEOUS ORDINANCES.

ARTICLE I.—AUCTIONS AND AUCTIONEERS.

SECTION 193. No person shall sell any goods, wares, merchandise, or other thing whatever at auction in any place in this city (unless exempt from obtaining an auctioneer's license by the laws of this state) unless license therefor be first obtained by him from the Mayor, as hereinafter provided.

SEC. 194. Every person who may wish to obtain a license to sell any such goods, wares, or merchandise at auction shall apply in writing for the same, to the Mayor, setting forth therein, his proposed place of business, and the names of his sureties, and in no case shall such license be transferable, or the place of business changed, without the consent, in writing, of the Mayor.

SEC. 195. License may be granted by the Mayor, to any person who shall apply to him therefor, to sell goods, wares, merchandise at auction, in this City, upon payment into the city treasury of the sum of ten dollars, for each day for which such license is granted, and the execution and delivery to the Mayor, of a bond, executed by such applicant and sureties, to be approved by the Mayor, conditioned for the payment by such applicant of the percentages on the gross amount of sales hereinafter mentioned, such applicant or licensee, shall, at the close of each day, make a full report of all sales made during said day, verified by his affidavit, and forthwith file the same with the City Clerk, and such licensee shall, in addition to the license fee paid

any table, thing or device of any kind or nature whereon or with which money or any other thing of value, may in any manner be played for, under penalty of a fine of not less than one dollar nor more than twenty-five dollars for each.

SEC. 480. Any person who shall expose in any of the streets, avenues or other public places within the limits of the City, any table or device of any kind whatever, upon or by which any game of chance or hazard can be played, or shall play at or upon any such table or device, shall pay a fine of not less than five dollars nor more than twenty five dollars for each offense.

SEC. 481. Any person who is a frequenter, visitor, inmate, door-keeper, solicitor, runner, agent, abettor, or pimp of or for any house, store, grocery, hall, room or any other place where are kept any E. O., tables, keno tables, faro bank, shuffle board, bagatelle, playing cards, pigeon holes or any other instrument, device or thing used for gambling, whereon or with which money, liquor or other articles are played for, shall, upon conviction, pay a fine of not less than five dollars nor more than fifty dollars, in the discretion of the court, for each offense.

SEC. 482. It is hereby made the duty of every member of the police force to seize any table, instrument, device or thing used for purpose of gaming; and all such tables, instruments or devices, shall be destroyed. Any person or persons obstructing or resisting any member of the police force in the performance of any act authorized by this section, shall pay a fine of not less than ten dollars nor more than fifty dollars for each offense.

ARTICLE XXVI.—CONCEALED WEAPONS.

SECTION. 483. It shall be unlawful for any person, within the limits of the City of Berlin, to carry or wear under his clothes, or concealed about his person, any pistol, colt or slung shot, cross knuckles, or knuckles of lead, brass or other metal or bowie knife, dirk knife or dirk, razor or dagger, or any other dangerous or deadly weapon. And any person who shall violate any provision of this section, shall pay a fine of not less than one dollar nor more than fifty dollars for each offense.

SEC. 484. The provisions of this article shall not apply to the officers or members of the police force of said City when on duty, nor to any officer whose duty it may be to serve warrants or make arrests; nor to persons who shall have obtained from the Mayor a license to carry such weapons for their protection as hereinafter provided.

SEC. 485. The Mayor may grant, to such persons as he may deem proper, license to carry concealed weapons and may revoke such license at his pleasure.

SEC. 486. Application for such license shall be made to the Mayor, and, when granted, the person so licensed shall pay to the City Treasurer the sum of one dollar, and thereupon a license shall be issued by the City Clerk and signed by the Mayor. Every such license shall state the name, age, occupation, and residence of the person to whom it is granted and shall expire on the thirtieth day of April next following.

ARTICLE XXVII.—NUISANCES.

SECTION 487. Any factory, building or structure, of any kind, or any tallow, chandler's shop, soap factory, tannery, distillery, livery stable, cattle yard or shed, barn, pig-sty, or hog yard, packing house slaughter house, or rendering establishment which shall become nauseous, fowl or offensive, is hereby declared a nuisance, and the person or persons owning, keeping or maintaining any such factory, shop, yard, house, building or structure aforesaid, shall pay a fine of not less than five dollars nor more than fifty dollars.

SEC. 488. Any store, house, factory, building or structure of any kind or any grounds or premises kept, permitted or suffered to remain for twenty four hours in such condition as to be offensive the neighborhood, dangerous or prejudicial to the health or safety of the occupants or other persons, is hereby declared a nuisance, and the owner, proprietor, lessee or agent of such store, house, factory, building or structure of any kind, or ground or premises, shall pay a fine of not less than five dollars and not more than fifty dollars and a like fine for every day such nuisances shall continue after the first conviction.

SEC. 489. It shall constitute, and is hereby declared a nuisance for any person to erect and maintain any privy as near as forty feet to any street, dwelling, shop or well, unless the same be furnished with a substantial vault six feet deep and made tight so that the contents can not escape therefrom and sufficiently secured and inclosed; or unless the same shall be constructed with water tight drawers or receptacles to contain the contents of such privy so that the same cannot escape therefrom. Any person owning, erecting or maintaining such privy shall pay a fine of not less than one dollar and not more than ten dollars and a like fine for every week he shall continue the same after the first conviction.

SEC. 490. It shall constitute, and is hereby declared a nuisance for any person to suffer or permit any cellar, vault, private drain, pool, sewer or sink upon any premises belonging to or occupied by him to become nauseous, foul, offensive to the public health. Any person who shall create, suffer or permit such nuisance to exist shall be subject to a fine of not less than five dollars and not more than fifty dollars for every offense and to a like fine for every day

pay a fine of not less than five dollars and not more than thirty dollars for each offense; provided that the Mayor may, in his discretion, grant permits for such purpose, whenever the application for such permits shall be accompanied by the consent, in writing, of each and every person occupying the premises, in front of which it is proposed to locate under such permission, and provided further that any permit so granted may be revoked and annulled at any time by the Mayor, by notice thereof in writing given to the person to whom such permit is granted or any agent of such person who may at the time be acting under such permit

SEC. 530. Any person who shall make, aid, countenance or assist in making any improper noise, riot, disturbance, breach of the peace or diversion tending to a breach of the peace, in the streets or elsewhere in the City, and all persons who shall collect in bodies or crowd for unlawful purposes and for any purpose to the annoyance or disturbance of citizens or travelers, shall severally pay a fine of not less than one dollar nor more than one hundred dollars.

ARTICLE XXIX.

SEC. 531. All public or general ordinances, or parts thereof, not included in this ordinance, are hereby repealed, so far as they conflict, or are inconsistent with the provisions of this ordinance. Private or special ordinances, orders, and resolutions passed by the Common Council, are not repealed, unless repugnant to the provisions of this ordinance.

SEC. 532. This ordinance shall take effect and be in force from and after its passage, and publication.

Passed, adopted and approved this 4th day of June, A. D. 1890.

H. S. SACKET,

A. L. TUCKER,

Mayor of the City of Berlin.

City Clerk of the City of Berlin.

Oakland, Calif. 1898.

CITY CHARTER

— OF THE —

CITY OF OAKLAND, CAL.

— ALSO —

GENERAL MUNICIPAL ORDINANCES

OF SAID CITY

IN EFFECT OCTOBER 1, 1898

ANNOTATED AND INDEXED UNDER THE SUPERVISION OF

W. A. DOW

CITY ATTORNEY

COMPILED

BY AUTHORITY OF THE CITY COUNCIL

OAKLAND:

ENQUIRER PUBLISHING COMPANY

416-420 TENTH STREET

1898

20167

TO YTI283V000
ATOC300000
Y200000

332

GENERAL MUNICIPAL ORDINANCES

Section 2. An ordinance entitled "An Ordinance to Prevent Horses and Other Animals from Running Away in the Public Streets of the City of Oakland," approved May 12, 1874, and all ordinances amendatory thereof, are hereby repealed.

Section 3. Every person violating any provision of this ordinance is guilty of a misdemeanor, and upon conviction thereof shall be punished by fine of not to exceed one hundred dollars; and in case such fine be not paid, then by imprisonment at the rate of one day for every two dollars of the fine so imposed.

Section 4. This ordinance shall take effect immediately upon its approval.

(Approved May 15, 1890. Vol. 3, p. 438.)

ORDINANCE No. 1141.

AN ORDINANCE TO PROHIBIT THE CARRYING OF CONCEALED WEAPONS.

Be it Ordained by the Council of the City of Oakland, as follows:

Section 1. It shall be unlawful for any person in the City of Oakland, not being a public officer or a traveler actually engaged in making a journey, to wear or carry concealed about his person without a permit, as hereinafter provided, any pistol, slung-shot, brass or iron knuckles, sand club, dirk or bowie knife, or iron bar or other dangerous or deadly weapon, or any sling or other contrivance by which shot or other missiles are or may be hurled or projected. A written permit may be granted by the Mayor for a period of not to exceed one year to any peaceable person whose profession or occupation may require him to be out at late hours of the night to carry a concealed deadly weapon upon his person.

Section 2. Every person violating any provision of this ordinance is guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not to exceed one hundred dollars; and in case such fine be not paid, then by imprisonment at the rate of one day for every two dollars of the fine so imposed.

Section 3. An ordinance entitled "An Ordinance to Prohibit the Carrying of Concealed Weapons in the City of Oakland," approved November 10, 1875, and also Section 1 of an ordinance entitled "An

OF THE CITY OF OAKLAND, CAL.

333

Ordinance Prohibiting the Carrying of Pistols and Sling-shots," approved May 4, 1881, are hereby repealed.

Section 4. This ordinance shall take effect immediately upon its approval.

(Approved May 15, 1890. Vol. 3, p. 439.)

ORDINANCE No. 1142.

AN ORDINANCE TO PROHIBIT THE DISCHARGE OF
CANNON, ANVILS, FIREARMS AND FIREWORKS.

Be it Ordained by the Council of the City of Oakland, as follows:

Section 1. No person shall fire or discharge, or cause to be fired or discharged within the limits of the City of Oakland, any cannon, anvil, gun, pistol or other firearms, Chinese or other firecracker, bomb, fireworks or explosive preparation of a similar nature, loaded or charged with gunpowder, or any other explosive material, except as hereinafter provided.

Section 2. The foregoing provisions as to the use of firearms shall not apply to peace officers in the discharge of their official duties and using reasonable care; nor to persons using firearms in necessary self defense or in a careful manner for the purpose of destroying noxious animals upon land owned or occupied by them; nor to persons firing firecrackers, bombs, fireworks or similar preparations or pistols with blank cartridges on the 3d, 4th and 5th days of July.

Section 3. Cannon, anvils or fireworks may be discharged upon occasions of public parade, procession or rejoicing, after permission in writing first obtained therefor from the Mayor, specifying time and place. All acts under such permission must be done in a careful manner, and such permission shall not exempt the person to whom it is granted from any liability for damage done to person or property by him under such permission.

Section 4. Every person violating any provisions of this ordinance is guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not to exceed one hundred dollars, and in case such fine be not paid, then by imprisonment at the rate of one day for every two dollars of the fine so imposed.

Evanston, Ill. Ordinances.

REVISED ORDINANCES

OF THE

CITY OF EVANSTON

ALSO

SPECIAL LAWS
AND ORDINANCES OF GENERAL INTEREST

REVISED BY

GEORGE W. HESS AND FRANK R. GROVER

PUBLISHED BY AUTHORITY OF THE
CITY COUNCIL OF THE CITY OF EVANSTON

LANSING, MICHIGAN:
DARIUS D. THORP, PRINTER AND BINDER,
1893.

Digitized by

Google *EVANSTON*
#521

CHAPTER XXIX.

CONCEALED WEAPONS.

- 531. *Unlawful to carry.*
- 532. *Confiscation of weapons.*
- 533. *Arrest for carrying.*
- 534. *Procedure.*
- 535. *Penalty.*
- 536. *To whom not applicable.*
- 537. *Mayor to grant licenses.*
- 538. *Fee for license.*
- 539. *Contents of license.*

531. It shall be unlawful for any person within the limits of the city of Evanston to carry or wear under his clothes or concealed about his person, any pistol, colt or slung shot, cross knucklet, or knuckles of lead, brass or other metal, or bowie knife, dirk, dagger, or any other dangerous or deadly weapon.

532. Any such weapon or weapons duly adjudged by any police magistrate, or justice of the peace, to have been worn or carried by any person, in violation of section 531 shall be forfeited or confiscated to the said city of Evanston, and shall be so adjudged.

533. Any policeman of the city of Evanston may, within the limits of said village, without a warrant, arrest any person or persons whom he may find in the act of carrying or wearing concealed about his or their persons, under their clothes, any weapon specified in section 531, until a summons or warrant can be procured on complaint made (under oath or affirmation) for the trial of such person or persons, and for the seizure and confiscation of such weapons.

534. Upon complaint made, under oath or affirmation, to any magistrate or justice of the peace in said city, that any person has been guilty of violating any of the provisions of section 531, a summons or warrant shall issue for the summoning or arrest of the offender or offenders returnable forthwith; upon the return of such summons or warrant, such magistrate or justice shall proceed to the hearing and determination of the matter, and if it shall be adjudged that such person or persons has or have incurred any of the penalties fixed by this chapter, such magistrate or justice of the peace shall so adjudge and order that the weapon or weapons, concerning the wearing or carrying of which such pen-

alty shall have been incurred, shall be confiscated to the city of Evanston.

535. Any person or persons violating any of the provisions of this chapter shall pay a fine of not less than five dollars nor more than two hundred dollars, in the discretion of the magistrate or court before whom such conviction shall be had.

536. The prohibitions of this chapter shall not apply to the officers or members of the police force of said city when on duty, nor to any officer of any court whose duty it may be to serve warrants or to make arrests; nor to persons whose business or occupation may seem to require the carrying of weapons for their protection, and who shall have obtained from the mayor a license so to do, as hereinafter provided.

537. The Mayor may grant to so many and such persons as he may think proper, licenses to carry concealed weapons, and may revoke any and all of such licenses at his pleasure.

538. Applications for such licenses shall be made to the city clerk, and when granted, the applicant therefor shall pay to the said clerk, for the use of the city, the sum of two dollars.

539. Every such license shall state the name, age and occupation and residence of the person to whom it is granted.

CHARTER
AND
ORDINANCES
OF THE
CITY OF SYRACUSE, N. Y.

AS REVISED IN 1885, AND AS AMENDED FROM 1885 TO 1893
INCLUSIVE,

TOGETHER WITH

SPECIAL LEGISLATIVE ENACTMENTS AFFECTING
THE CITY OF SYRACUSE.

SUPPLEMENT FOR 1894.

SYRACUSE, N. Y.:
E. M. GROVER, PRINTER AND BINDER.
1894.

LEGISLATIVE ACTS.

243

Fifth. All moneys, pay, compensation or salary or ^{Deductions} any part thereof, deducted or withheld from any member or members of the police force for or on account of absence, for any cause, lost or sick time, sickness or other disability, physical or mental; and of

Sixth All moneys received or derived from the ^{Receipts from} granting or issuing of permits to carry pistols in said ^{pistol permits.} city, and the chief of police is hereby authorized to issue permits for such purpose, in proper cases, upon receiving from the applicant for such permit the sum of two dollars and fifty cents, but no permit shall continue in force for more than one year; and of

Seventh. Such sum per month to be paid by each ^{Contributions.} member of the police force as shall be agreed upon by the members; and of

Eighth. All fees received by the chief of police, cap- ^{Bail fees.} tains or roundsmen for perfecting and accepting bail bonds.

§ 2. The police commissioners of said city are hereby ^{Trustees and} made a board of trustees of said pension fund, and they ^{treasurer of} shall, from time to time, appoint one of their number as treasurer of said fund, but before entering upon his duties he shall execute and deliver to the said board of trustees a bond in the penal sum of ten thousand dollars to be approved by the mayor of said city and conditioned for the faithful discharge of his duties, and that he shall pay over and account for all moneys and property which shall come into his hands as such treasurer.

[Published January 5, 1894.]

ORDINANCE No. 79.

An ordinance relating to crimes and punishments.

Be it ordained by the mayor and council of the City of Scandia:

SECTION 1. Every person who shall, within the corporate limits of the city of Scandia, disturb the peace of the city, or of any religious, political or other lawful meeting, or who shall disturb the peace of any neighborhood, family or person, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum, not less than Three (\$3.00) Dollars, nor more than Fifty (\$50.00) Dollars.

SECTION 2. Every person who shall, within the corporate limits of the city of Scandia, use any indecent, improper, obscene or profane language; or who shall be guilty of any indecent, lewd, obscene or boisterous conduct, shall, upon conviction, be adjudged guilty of a violation of this ordinance, and be punished by a fine of not less than One (\$1.00) Dollar nor more than Ten (\$10.00) Dollars.

SECTION 3. Every person who shall, within the corporate limits of the city of Scandia, be intoxicated, shall, upon conviction, be fined, for the first offense, in any sum not less than Three (\$3.00) Dollars, nor more than Twenty-five (\$25.00) Dollars. And for each subsequent conviction of a similar offense, within six months, in any sum not less than Five (\$5.00) Dollars, nor more than Fifty (\$50.00) Dollars.

SECTION 4. Every person who shall, within the corporate limits of the city of Scandia, set up, keep, or operate, any table or gambling device, with cards, dice, or any other kind of gambling device, adapted, designed and devised for the purpose of playing any games of chance, luck or skill, for money, property, chips or any other thing of value, or who shall induce, entice or permit, any person or persons, to play or bet at or upon, or about such gambling table or device, shall upon conviction be fined in any sum not less than Ten (\$10.00) Dollars, nor more than Fifty (\$50.00) Dollars.

SECTION 5. Every person who shall be found within the corporate limits of the city of Scandia, without visible means of support, or some legitimate business, shall be notified by the city marshal to at once depart from said city and remain outside thereof; and if such notice be not complied with, or if, after leaving, such person shall return, they shall be deemed guilty of vagrancy, and the city marshal shall forthwith arrest such person and upon conviction they shall be fined in any sum not exceeding Fifty (\$50.00) Dollars.

SECTION 6. Every person who shall, within the corporate limits of the city of Scandia, carry or have upon their person any concealed pistol, revolver, bowie-knife, dirk, sling-shot, billy, knuckles or other deadly weapon, shall upon conviction be fined in any sum not less than Two (\$2.00) Dollars, nor more than Fifty (\$50.00) Dollars. Provided:—That any person engaged in a lawful occupation and of good moral character, may, by the mayor, be granted a permit to carry such concealed weapons.

SECTION 7. Every person who shall

Donars.

SECTION 21. All prosecutions for any violation of this ordinance shall be before the police judge, and in all cases of conviction the police judge shall forthwith commit the defendant to the city prison until the fine assessed against him and all costs of prosecution are paid. At any time after commitment the mayor may order the city marshal to put the defendant at work upon the streets until the fine is worked out at the rate of One [\$1.00] Dollar per day.

SECTION 22. Ordinances number Six [6], number Twenty-four [24], number Thirty-five [35], and all ordinances and parts of ordinances in conflict herewith, are hereby repealed.

SECTION 23. This ordinance shall take effect and be in force from and after its passage, approval and publication in the SCANDIA JOURNAL.

Passed the council December 15, 1893.

Approved this 27th day of December 1893.

C. S. LYONS, Mayor.

STATE OF KANSAS, REPUBLIC COUNTY, ss:

I hereby certify the foregoing to be a true and correct copy of the original ordinance, as passed by the council and approved by the mayor, and now on file in my office.

I. C. WARE,

[SEAL]

City Clerk

REVISED ORDINANCES

OF

LINCOLN, NEB.

Together with Special Ordinances of the City of Lincoln,
Laws of Nebraska Relating to the City of Lincoln,
and Rules of the Excise Board.

COMPILED AND REVISED BY

L. W. BILLINGSLEY AND R. J. GREENE.

PUBLISHED BY AUTHORITY OF THE CITY COUNCIL.

LINCOLN:
JOURNAL COMPANY, STATE PRINTERS.
1895.

COPYRIGHT, 1895,

BY

L. W. BILLINGSLEY AND R. J. GREENE.

THE CITY OF LINCOLN.

209

coal purchased, a certificate showing the weight of the coal so delivered, and the weight of the wagon or cart.

781. § 3. Any person violating any of the provisions of this ordinance, or who shall deliver to any purchaser a less quantity than two thousand pounds of coal for each ton purchased, (or a proportionate amount for any part of a ton,) or who shall practice any fraud or deceit in the sale or delivery of any coal purchased, to be delivered in said city as aforesaid, shall, upon conviction, be fined in a sum of not less than twenty dollars, nor more than fifty dollars, for each offense; and it is hereby made the duty of every driver of any coal wagon or cart to drive said wagon or cart upon the city scales and have the same weighed with and without the load, whenever requested by the purchaser, the expense of said weighing to be paid by said purchaser if the weights in said certificate are found correct, otherwise to be paid by the dealer.

§ 4. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

§ 5. This ordinance shall take effect and be in force from and after the expiration of one week after its passage, approval, and publication according to law.

Passed August 26, A. D. 1895.

Approved August 26, A. D. 1895.

Attest: J. W. BOWEN, *City Clerk*. [SEAL.]

F. A. GRAHAM, *Mayor*.

AN ORDINANCE regulating the carrying of concealed weapons in the city of Lincoln, prohibiting the carrying of the same save under certain conditions, prescribing penalties for violation of the provisions of this ordinance, and repealing ordinances in conflict herewith.

Be it ordained by the Mayor and Council of the City of Lincoln:

ARTICLE XVI.

Concealed Weapons.

782. § 1. It shall be unlawful for any person within said city to carry about the person any concealed pistol, revolver, dirk, bowie knife, billy, sling-shot, metal knuckles, or other dangerous or deadly weapons of any kind, excepting only officers of the law in the discharge of their duties; and any person so offending shall be deemed guilty of a misdemeanor, and on conviction thereof shall be subject to the penalty hereinafter provided.

783. § 2. Any such weapon or weapons, duly adjudged by the Police Judge of said city to have been worn or carried by any person, in violation of the first section of this ordinance, shall be so forfeited or confiscated to the said city of Lincoln, and shall be so adjudged.

784. § 3. Any policeman of the city of Lincoln may within the limits of said city without warrant arrest any person or persons whom such policeman may find in the act of carrying or wearing under their clothes or concealed about their person, any pistol, or revolver, slung shot, or cross-knuckles, or knuckles of lead, brass or other metal, or bowie knife, dirk knife, or dirk, or dagger, or any other dangerous or deadly weapon, and detain him, her, or them, in the city jail until a warrant can be procured.

785. § 4. Any person or persons violating any of the provisions of the first section of this ordinance, shall, upon conviction, pay a fine of not more than one hundred dollars, and be committed until such fine and costs are paid.

786. § 5. The prohibitions of this ordinance shall not apply to the officers or members of the police force of the city when on duty, nor to any officer of any court whose duty may be to serve warrants or to make arrests, nor to persons whose business or occupation may seem to require the carrying of weapons for their protection, and who shall have obtained from the Mayor a license so to do.

787. § 6. The Mayor may grant to so many and such persons as he may think proper, licenses to carry concealed weapons, and may revoke any and all of such licenses at his pleasure. Every such license shall state the name, age, occupation, and residence, of the person to whom granted, and shall be good for one year. A fee of fifty cents shall be paid therefor to the City Treasurer, and by him placed in the police fund.

§ 7. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

§ 8. This ordinance shall take effect and be in force from and after the expiration of one week after its passage, approval, and publication according to law.

Passed August 26, A. D. 1895.

Approved August 26, A. D. 1895.

Attest: J. W. BOWEN, *City Clerk*. [SEAL.]

F. A. GRAHAM, *Mayor*.

TOWN OF MONTCLAIR.

#1050

An Ordinance to Regulate the Carrying of Concealed Weapons and to Prohibit the Carrying of the Same Except as Herein Provided.

The Council of the Town of Montclair in the County of Essex do ordain as follows:

SECTION 1. No person shall carry any deadly weapon concealed on his person within the Town of Montclair except members of the police force of the Town of Montclair, public officers either of the United States or of this State or any sub-division thereof who are duly authorized by law to carry such weapons and persons to whom permits shall have been issued as hereinafter provided.

SEC. 2. Any person who has occasion to carry a deadly weapon for his protection may apply to the Superintendent of Police and if he is satisfied that the applicant is a proper and law-abiding person and that there is good reason why such applicant should be allowed to carry such weapon he may issue a permit to said person allowing him to carry such weapon, but before delivering such permit he shall procure the same to be countersigned by the Chairman of the Police Committee of the Council. Such applicant shall at the time of issuing of the permit file with the Chief of Police his name and address. A permanent record of such permits shall be kept at police headquarters, showing the date of each permit, the name and address of the person to whom it has been issued and the date of revocation thereof.

SEC. 3. Any person violating the terms of this ordinance shall be subject to a fine of twenty dollars and in case of non-payment thereof to imprisonment in the county jail for a period of thirty days.

SEC. 4. The Chairman of the Police Committee of the Council or the Superintendent of Police shall have the power to annul or revoke any permission given under this ordinance and a written notice of such revocation or annulment served personally or mailed to the person to whom the permit has been issued at the address given by him at the time of obtaining his permit, shall be deemed sufficient notice of such revocation or annulment, and such revocation or annulment shall take effect immediately if served personally, and if served by mail, twenty-four hours after it shall have been mailed. It shall be the duty of such chairman after serving such notice forthwith to file with the Superintendent of Police a written notice of such revocation, with the day and hour of serving the same and the manner of service, and the Chief of Police shall enter such revocation on the aforesaid record as soon as it shall have gone into effect.

SEC. 5. All persons to whom such permission shall be given are hereby declared to be individually responsible for their own acts and for the consequences which may arise from the use of any weapon or weapons to be carried under the permission to be obtained as provided in this ordinance.

Adopted May 3d, 1897.

JOHN H. PARSONS,
Councilman-at-Large.

Attest:
H. TRIPPETT,
Town Clerk.

5-8-26

SESSION LAWS

... OF THE ...

STATE OF WYOMING

... PASSED BY THE ...

FIFTH STATE LEGISLATURE.

CONVENED AT CHEYENNE

ON THE TENTH DAY OF JANUARY, 1899.

PUBLISHED BY AUTHORITY.

LARAMIE, WYOMING :
CHAPLIN, SPAFFORD & MATHISON, PRINTERS.
1899.

LAWS OF WYOMING.

27

tending meetings of the Board, or in carrying out the provisions of this Act, and shall also receive their actual traveling and necessary expenses while engaged in the performance of their said duties to be paid out of the Medical fund upon warrants to be issued by the State Auditor, and all bills therefor shall be accompanied by a certificate signed by the President and Secretary of the Board, with the seal of the Board attached, attesting the correctness of the bill.

Sec. 18. All Acts and parts of Acts inconsistent with the provisions of this Act are hereby repealed. Repeal

Sec. 19. This Act shall take effect and be in force from and after its passage.

Approved February 14th, A. D. 1899.

CHAPTER 19.

House Bill No. 24.

GAME AND FISH.

An Act for the better protection of the Game and Fish of this State.
Repealing Chapter 98, Session Laws of 1895 and all other laws in conflict with this Act.

Be it Enacted by the Legislature of the State of Wyoming:

Section. 1. The Governor shall appoint a suitable person to serve as State Game Warden, whose duty it shall be to protect the game and fish of this State, and to enforce the laws relating thereto. The State Game Warden shall hold his office for four years and until his successor is appointed and qualified. Before entering upon the duties of his office, the State Game Warden shall execute a bond to the State of Wyoming in the penal sum of three thousand dollars, conditioned for the faithful performance of his duties, and his bond shall be approved by the Governor. The Governor shall have power at any time to remove the State Game Warden for misconduct, or neglect of his duties, upon written charges duly preferred; but the said State Game Warden shall be heard in his own defense. He is hereby authorized to arrest without warrant, any person or persons found violating any of the provisions of the game and fish laws,

Game Warden,
appointment

Term and bond

Game Warden
may be removed
by Governor

when detected in the act, or found with game or fish in their possession, at the time of arrest.

Authority of
Game Warden The State Game Warden shall be an active executive officer, and shall at all times when possible, take the field in person, in the performance of his duties. During the open season for the hunting and killing the large game of this State, he shall personally supervise the protection of the said large game, and the detection and punishment of violators of the game and fish laws.

Assistant Game
Wardens Sec. 2. The State Game Warden shall have power to appoint such assistants as are necessary, in the various counties of this State to properly enforce the laws; and he is hereby authorized and directed to appoint one or more assistants, as the emergency may demand in any county of this State, whenever he shall receive from such County, a petition, signed by fifty or more resident tax-payers, asking for the appointment of such Assistant Game Warden. Such Assistant Game Wardens shall execute a bond to the State of Wyoming, in the penal sum of five hundred dollars, conditioned for the faithful performance of their duties, and they shall have the same power to make arrests as the State Game Warden. Their commissions may be revoked at any time, for good and sufficient cause, by the State Game Warden.

Forest Rangers
may be appointed
Game Wardens Provided, that persons employed in this state by the Federal Government for the protection of the various forest reserves, and known as "Forest Rangers," may be employed as Assistant State Game Wardens without petition, and at the pleasure of the State Game Warden, and such Forest Rangers shall not be required to give a bond to the State, when serving as Assistant Game Wardens, and it is hereby declared by the Legislature of the State of Wyoming that the offices of Forest Rangers under the Department of the Interior of the United States shall not be incompatible with the office of Assistant State Game Warden within the meaning of Section 19 of Article VI of the Constitution of the State of Wyoming and provided, that such Forest Rangers shall not receive more than one dollar per day from the State Game Fund when serving as Assistant State Game Warden.

List of assist-
ants to be filed
with the Govern-
or The State Game Warden shall file with the Governor a list of all Assistant Game Wardens appointed by him.

Authority of of-
ficers to make ar-
rests Sec. 3. Any officer authorized to enforce the fish and game laws of this State, with or without process shall arrest any violator of any of the provisions of this Act, and such officer shall with diligence cause such person to be taken before the proper court for trial or examination, which trial shall be had upon complaint or information as now provided by law.

Duties of Jus-
tices Sec. 4. The Justice of the Peace shall in all cases of conviction under this act, when any fine is imposed, order as part of the judgment of the court that the offender shall be

LAWS OF WYOMING.

29

committed to jail, there to remain, until said fine and the costs are fully paid or otherwise legally discharged.

Sec. 5. Any Game Warden, Sheriff, Constable or other officer of the law may at any time seize and take into his custody any game or fish or any carcass thereof, or any portion of the same which he may find at any time in the possession of any person or corporation during the period when the capture of such game or fish is not permitted by the laws of this state; provided, That this Section shall not apply to any stuffed carcass, or stuffed head, or skins of animals which were taken or captured during the season allowed therefor.

Authority of officers to seize game

Sec. 6. The wanton destruction or the wasting of the game and fish of this State, during any period of time when the taking or capture of such game or fish is permitted is hereby prohibited and declared a misdemeanor; and any and all persons who shall at any time, TAKE, KILL, CAPTURE OR DESTROY ANY GAME OR FISH IN EXCESS OF THE NUMBER as hereinafter provided, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than twenty-five nor more than one hundred dollars and the costs of prosecution, to which may be added a sentence of not more than thirty days in the County Jail.

Wanton destruction of game prohibited

Penalty

Sec. 7. No person shall catch or take, or have in his possession, from any lake, river, or stream of this State, by any means whatever, any Speckled Trout, Land Lock Salmon, Grayling or California Trout, during the months of November, December, January, February, March, and April, or either of said months in any year, and the possession or selling, or offering for sale of Trout or other food fish during the months above mentioned shall be prima facie evidence of the violation of the provisions of this Section, and the person or persons so found shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than twenty-five nor more than fifty dollars and cost of prosecution, or shall be imprisoned for a period of not more than three months, or by both such fine and imprisonment.

Fishing prohibited, when

Penalty

Sec. 8. It shall be unlawful to kill or destroy, or have in possession for any purpose at any time, any Trout or Black Pass less than six inches in length taken from any of the waters of this State, and the possession shall be prima facie evidence of the violation of the provision of this Section, and any person violating the provision of this Section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than five nor more than twenty-five dollars and cost of prosecution, or shall be imprisoned for a period of not more than thirty days, or by both such fine and imprisonment.

Destruction of small fish prohibited

Penalty

Sec. 9. It shall be unlawful for the owner of any saw-mill, reduction works, smelters, refining or concentration works, or any of the employees thereof, or any other person

Destruction of fish in streams prohibited

LAWS OF WYOMING.

or persons whomsoever, to deposit, throw, or in any way permit to pass into any natural stream or any lake wherein are living fish, any saw-dust, chemicals, or other substance that will or may tend to the destruction or driving away from such waters, any fish, or kill any fish by the use of any poison or deleterious drug, or by the use of any explosive substance, or to explode, or cause to be exploded, any powder, hercules powder, dynamite, nitro-glycerine, lime gas, or any other explosive substance, for the purpose of catching, killing, or destroying food fish, and any person or persons violating the provisions of this Section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not less than twenty-five dollars nor more than one hundred dollars or shall be imprisoned for a period of not more than sixty days, or by both such fine and imprisonment. Provided, however, that any person or persons convicted of using an explosive substance for the purpose of killing or taking any of the food fishes in any of the waters of this State, shall upon conviction thereof be fined in a sum not less than two hundred and fifty dollars, nor more than five hundred dollars for each and every offense, or be imprisoned for not less than one year in the County Jail, or by both such fine and imprisonment as aforesaid.

Penalty
Explosives forbidden
Penalty
Owners of quartz mills exempted
Provided, further, That nothing in this Act contained shall prevent the owner or owners of any quartz mill or reduction works in this State, now located, or to be hereafter located upon any natural stream or lake, from operating or working said quartz mill or reduction works, where the said owner or owners thereof shall build or cause to be built a suitable dam to be used in connection with said quartz-mill or reduction works, and which dam shall be so constructed as to prevent any tailings or substance from passing into the stream or lake which will destroy or drive away the fish or any number of them from said stream, lake or waters.

Lawful fishing defined
Sec. 10. That a fishing tackle, consisting of a rod or pole, line and hook, shall be the only lawful means by which fish may be taken from the waters of the State. The said hook shall not be baited with any poisonous drug or substance, and it shall be unlawful for any person or persons to use any net, seine, gill nets, fish traps, grab hooks, spears, snare, or similar means for catching fish, and no Speckled or Mountain Trout, California Trout or any game fish shall be caught at any time during open season for speculative purposes, or for market, or for sale, and it shall be unlawful for any person to sell or offer for sale any Speckled or Mountain Trout caught in the waters of this State: Provided, That the State Fish Commissioner may upon petition of fifty citizens of the County wherein is located any lake or lakes which have been stocked with food fish, such as Lake Trout, White Fish and Carp and upon the recommendation of the Board of County Commissioners of said County, permit citizens of this State to fish for said Lake Trout, White Fish and Carp with a gill net with mesh not less than two and

LAWS OF WYOMING.

31

one-half inches, said net to be exhibited to the Fish Commissioner or his duly authorized deputy and by him approved, and it is further provided, that fish so lawfully taken shall not be shipped out of the State of Wyoming, but persons having more of said fish than can be used for their own consumption may sell the same to residents of the State of Wyoming, and provided further, that the State Fish Commissioner may at any time revoke said permission if in his judgment it is necessary in order to preserve the fish in said lakes.

Any person or persons, company or corporation offending against this Section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not less than twenty dollars nor more than fifty dollars, or shall be imprisoned for a period of not more than three months, or by both such fine and imprisonment.

Penalty

Sec. 11. It shall be unlawful for any person or persons to kill or take Speckled Trout or other fish from any private waters used for the propagation of such fish, except by the consent of the proprietor of such private waters. It shall be the duty of the proprietors of such private waters, who are engaged in the propagation of fish, as contemplated by this Section, to put, or cause to be posted, in a conspicuous manner, public notices, painted on boards in large plain letters, that the owner, naming him, is engaged in such business, and warning all persons from killing or taking any fish in the waters named in such notices.

Private waters
protected

Sec. 12. No person shall kill, net or trap within this State, except as hereinafter provided, any Snipe, Green Shank, Tatler, Godwit, Curlew, Avoset, or other wader or plover, nor Quail, Lark, Whippoorwill, Finch, Thrush, Snowbird, Turkey Buzzard, Robin or other insectivorous birds, except that Partridges, Pheasant, Prairie Chicken, Prairie Hen or Grouse may be shot from August 15th to December 1st of each year, and Sage Chickens may be shot from July 15th to October 15th of each year; and if at any time any person shall be found in possession of any Partridge, Pheasant, Prairie Hen, Prairie Chicken, or Grouse, or Sage Chicken at any other time, than between the dates above mentioned, or any other of the fowls or birds mentioned in this Section, except in the season, it shall be prima facie evidence that the same was killed, netted, ensnared or trapped by such person in violation of the provisions of this Act.

Game birds
may be killed,
when

Provided; That Snipe, Green Shank, Tatler, Godwit, Curlew, Avoset, or other wader or plover may be shot from the first day of September to the first day of May, in each year; provided also: That this Section shall not be construed to prohibit any person from importing or dealing in Quail, Partridge, Prairie Chicken, Prairie Hen, Pheasant, or Grouse imported into this State from any other State or Territory, said person to furnish proof that such game birds were killed out of this State. Any person who shall violate

Importation of
certain game
birds permitted

LAWS OF WYOMING.

any of the provisions of this Section shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum not less than ten, nor more than fifty dollars, together with costs of suit, and shall be prosecuted and punished in the same manner as in other cases of misdemeanor.

Killing of geese
and ducks per-
mitted, when

Killing of swan
prohibited

Penalty

Sec. 13. No person or persons shall ensnare, net or trap within this state any Wild Duck, Wild Goose, or Wild Swan at any time. Any person or persons who shall violate the provisions of this Section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than twenty nor more than fifty dollars for each Duck, Goose or Swan so ensnared, netted or trapped. There shall be established from the first day of September until the first day of May, an open season in which Ducks, Brant or Geese may be shot, killed, or taken by means of gun shot, but nothing but shoulder guns may be used at any time. And it shall be unlawful to kill any of the above mentioned water fowls by any other means, or during any other period, than above specified; provided: That on and after the passage of this Act it shall be unlawful for any person or persons to kill any Wild Swan in the State of Wyoming. Any person or persons who shall violate the provisions of this Section, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than ten nor more than twenty-five dollars for each offense, and may be imprisoned in the County Jail for not more than sixty days.

Hunting of
moose regulated

Deer, etc., may
be killed, when

Sec. 14. It shall be unlawful to kill any Moose within the State of Wyoming until the first day of September, in the year 1902, after which date only one male Moose may be killed during the hunting season of each year by any person hunting legally. It shall be unlawful to pursue, hunt or kill any Deer, Elk, Mountain Sheep, Mountain Goat or Antelope at any time, except from the first day of September to the first day of December of each year. It shall be unlawful at any time whatsoever to kill or capture any of the above named animals mentioned in this Section by means of any pit, pit-fall, trap or snare. Any person may, during the period permitted and prescribed by this Section, pursue, hunt and kill any of the animals mentioned in this Section, under the conditions and restrictions hereinafter imposed.

License of resi-
dent citizen

Any person who is a bona fide citizen of the State of Wyoming shall, upon the payment of one dollar to any Justice of the Peace of the County in which he resides, be entitled to receive from said Justice of the Peace, a gun license, which license shall permit such person to pursue, hunt and kill any of the animals mentioned in this Section, during the time allowed therefor, of the current year in any of the counties of this State, and such gun license shall state the name, occupation and place of residence of the person holding the same. But no person shall be required to take out such gun license in order to pursue, hunt and kill any of the animals mentioned in this Section, during the time al-

LAWS OF WYOMING.

33

lowed therefor in the County in which he actually resides. Any person who is not a resident of the State of Wyoming, shall upon the payment to any Justice of the Peace of this State of the sum of forty dollars be entitled to receive from such Justice of the Peace a license, which license shall permit such person to pursue, hunt and kill any of the animals mentioned in this Section, during the time allowed therefor of the current year.

License of non-resident

During the open season of each year, no person shall be permitted to pursue, hunt and kill, more than two Elk, two Deer, three Antelope, one Mountain Sheep and one Mountain Goat, and all licenses issued by the Justices of the Peace of this State, as provided for in this Section, shall state the number of animals which may be killed by the holder of such license. Every person who shall have procured and paid for a license, as provided for in this Section, shall be entitled to the use and possession of the whole, or any part, of any animal killed in accordance with the provisions of this Section; but the barter or sale of the carcasses, skins, or antlers of the animals mentioned in this Section, is hereby prohibited, and the possession of such carcasses, skins or antlers, in excess of the number provided for in this Section, shall be considered prima facie evidence of the violation of the provisions of this Section.

Limitations on amount of game killed

No person shall engage in the business of guiding, as the term is commonly understood, without having first procured from some Justice of the Peace of this State, a guide's certificate. Any competent person, who is a bona fide citizen of the State of Wyoming, shall, upon the payment of ten dollars to a Justice of the Peace of this State, be entitled to receive a certificate as guide, which certificate shall state the name, age, and place of residence of the holder of the same, and shall further recite that the holder of such certificate is a person of good moral character. Every person acting as guide in this State shall be ex-officio Assistant Game Warden, and shall file with the Justice of the Peace granting him his certificate, his oath of office as such Assistant Game Warden. Any person acting as guide for any person or party, shall be equally responsible with such person or party for any violation of the law, and any such guide who shall fail or refuse to report any violation of the law, by the person or party employing him, shall be liable to the penalties prescribed for the violation of the provisions of this section, and in addition to such penalties, such guide shall have his certificate revoked, and shall be ineligible to act as guide for a period of five years from the date of his conviction.

Guide's certificate

Guide ex-officio Assistant Game Warden

Any person who shall, for pay, aid or assist any person or party, in locating, pursuing, hunting and killing any of the animals mentioned in this section, shall be deemed a guide within the meaning of this section.

Who deemed guide

Whenever a guide is employed by any person or party, such guide shall at the expiration of the period of time

Report of guide for which he was employed, make a written report to the Justice of the Peace from whom his certificate was obtained, stating the number of days he was employed, the numbers of persons guided, and the number of animals killed, of each kind mentioned in this section.

Non - resident must be accompanied by guide It shall be unlawful for any non-resident person to kill any of the animals mentioned in this section, unless accompanied by a qualified guide.

Shipping certificate Every person who may wish to transport beyond the limits of this state, any carcasses, heads, antlers, scalps or skins of any animals killed in accordance with the provisions of this Section, shall first procure from a Justice of the Peace of this State a certificate stating that said carcasses, heads, antlers, scalps or skins, were taken from animals which were killed in season and according to law.

Right of officers to search The State Game Warden and his assistants, and all Sheriffs and Constables of this State, shall have the right to search any camp, camp outfit, wagon, pack, or pack animals, for carcasses, hides, horns, scalps or any other parts of animals killed in violation of this Act.

Officers may compel production of license It shall be the duty of all persons holding licenses as herein provided for, to produce the same, when demanded by any duly authorized officer of the law.

Penalty Each act of pursuing, hunting, or killing any of the animals mentioned in this section, without a license, as herein provided for, shall be considered a distinct and separate offense. The several district courts of this State shall have original jurisdiction as well as Justices of the Peace, of any violation of this section.

Disposition of license money All moneys collected for licenses and for certificates to guides, as herein provided, shall, within twenty days after the receipt of the same, by any Justice of the Peace, be paid over to the County Treasurer of his county. Every Justice of the Peace shall also furnish the County Treasurer, with each remittance, a list of the names of all persons who have secured from him licenses and guide certificates, and the date of such licenses and certificates.

Duty of County Treasurer The various County Treasurers of this State shall keep a separate record of all moneys received from Justices of the Peace, as herein provided, and within thirty days after the receipt of the same, the County Treasurer shall pay such moneys over to the State Treasurer, and take his receipt. All moneys so paid into the State Treasury shall be and are hereby constituted a State Game Fund, said Fund to be drawn upon only for the payment of the State Game Warden and his assistants.

Compensation of Justices The Justices of the Peace collecting and accounting for the licenses and certificates, provided for in this Section, shall be allowed as compensation for such services, five per centum of all moneys so collected, which five per centum may be retained by said Justices of the Peace. Any Justice of the Peace of this State who shall fail or refuse to pay into the County Treasury all moneys collected by him as pro-

LAWS OF WYOMING.

35

vided for in this section, shall be immediately removed from office, and shall be liable to criminal prosecution.

Any person or persons violating any of the provisions of this Section shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined in any sum not less than twenty-five nor more than one hundred dollars, or by imprisonment in the County jail not less than ten, nor more than ninety days, or by both such fine and imprisonment.

Penalty

Sec. 15. It shall be unlawful at any time to capture, or pursue for the purpose of capturing, any of the wild animals mentioned in section fourteen of this Act, of whatever age, for the purpose of selling or disposing of the same, or for shipping the same out of the State. Any person violating any of the provisions of this Section shall be punished by a fine of not less than one hundred dollars for each wild animal so captured or shipped.

Unlawful to
sell live animals

Penalty

Sec. 16. It shall be unlawful for any person to kill, wound, enslave or trap any beaver, or kitten beaver, within the State of Wyoming, for a period of ten years, from and after the approval of this Act. Provided: That any resident tax-payer and bona fide owner of real estate in this State, may, upon his own premises, kill or destroy beaver when necessary for the protection of his dams, irrigating ditches and trees, and to prevent the overflowing of water on his lands. Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than twenty nor more than fifty dollars, and shall be sentenced to the county jail for a period of not less than twenty days.

Killing beaver
prohibited

Exception

Sec. 17. It shall be unlawful for any person or persons to purchase, or obtain by barter any green, tanned or untanned hide or hides or horns of any animals mentioned in Section 14 of this Act. Any person violating the provisions of this section shall be deemed guilty of misdemeanor, and upon conviction thereof shall be fined in any sum not less than twenty, nor more than one hundred dollars, or by imprisonment in the county jail for a period of thirty days, or by both such fine and imprisonment.

Unlawful to
deal in hides and
horns

Penalty

Sec. 18. It shall be unlawful for any railway, express company, stage line or other public carrier, or any of their agents or employees, or other person or persons, to receive or have in their possession for transportation any carcass, or part of carcass, hides, tanned or untanned, or horns, of any of the animals mentioned in Section fourteen of this Act, or to transfer the same after the passage of this Act, except as provided in said Section 14. Except that nothing in this Act shall prevent shipping or transporting in any manner mounted heads or stuffed birds or animals to any point in or out of the State; provided, that such birds or animals were not killed in violation of this Act, or that heads or horns were not taken from animals killed

Unlawful to
ship game, when

LAWS OF WYOMING.

Penalty in violation of this Act. Any person or persons or corporation knowingly transporting game or fish for market within or out of the State shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in the sum of not less than one hundred dollars nor more than five hundred dollars for each consignment from one consignor to one consignee; provided, that none of the provisions of this section shall apply to game or fish in transit into or through this State from other States and Territories.

Blanks to be furnished Justices. Sec. 19. The County Commissioners of the various Counties of this State are hereby authorized and directed to furnish to the Justices of the Peace, of their respective counties, such blanks, prepared under the direction of the State Examiner, as may be deemed necessary for the issuance of license and certificates, as provided for in Section fourteen of this Act.

Use of dogs in hunting prohibited. Sec. 20. It shall be unlawful for any person or persons to use dogs for the purpose of running or coursing Deer, Antelope, Elk, or Mountain Sheep, and any person or persons found guilty of such running or coursing shall be fined in a sum not less than ten (10) dollars nor more than fifty (50) dollars for each offense, and in default of payment shall be imprisoned in the County jail not less than ten nor more than sixty days.

Salary of Game Warden and assistants. Sec. 21. The State Game Warden shall receive an annual salary of twelve hundred dollars, to be paid quarterly from the State Game Fund, as provided for in Section fourteen of this Act. Assistant State Game Wardens shall be paid for their services from the State Game Fund, upon their sworn accounts, which accounts shall be approved by the State Game Warden, and forwarded to the State Treasurer. They shall receive not more than three dollars per day for each day necessarily employed by them in the discharge of their duties.

Penalty for officer failing to perform duty. Whenever the attention of the State Game Warden, or of any Assistant State Game Warden, Sheriffs, Deputy-Sheriffs or Constables, is called to any violation of any of the provisions of this Act, and he shall fail to take proper steps for the arrest and conviction of any person or corporation charged with such violation, he shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than fifty, nor more than two hundred dollars, and shall have his commission revoked.

County Commissioners may appoint a Game and Fish Warden. Sec. 22. For the more certain detection and punishment of violators of this Act, the Board of County Commissioners of any County may, in their discretion, appoint a Game and Fish Warden for the County, who shall hold his office during the pleasure of said Board and shall be subject to removal at any time. He shall receive such compensation as the Board of County Commissioners may determine, which shall be at a rate not to exceed three dollars per day for the time actually and necessarily em-

LAWS OF WYOMING.

37

ployed by him in the discharge of his duties, and he shall be paid out of such funds as the said board may direct. Before entering upon his duties, he shall take and subscribe an oath before some officer authorized by the laws of the State to administer oaths, to faithfully perform the duties of his office. Whenever the attention of the Game and Fish Warden or any of his deputies is called to any violation of the provisions of this Act, and they shall fail to take proper steps for the arrest and conviction of any person or persons or corporation charged with violating any of the provisions of this Act, he shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not greater than one hundred dollars, and shall have his commission revoked; provided, that nothing in this Act shall prevent the Game Warden from appointing such deputies in each County as he deems necessary, who, however, shall serve without compensation from the State or County in which he resides. Nothing in this Act shall apply to any private fish pond.

Duties of County Warden

Sec. 23. Upon the arrest and conviction of any person or persons violating any of the provisions of the Game and Fish laws, the whole of the fine shall be paid into the County Treasury for the benefit of the State Game Fund, and shall be transmitted to the State Treasurer in the same manner as the license moneys provided for in this Act.

Fines shall be paid into County Treasury

Sec. 24. Chapter 98, of the Session Laws of 1895, entitled An Act for the Protection of Game and Fish, approved February 20th, A. D. 1895, and all other laws or parts of laws in conflict with this Act, are hereby repealed.

Repeal

Sec. 25. This Act shall take effect and be in force from and after its passage.

Approved February 15th, A. D. 1899.

ACTS

OF THE

One Hundred and Twenty-Sixth Legislature

OF THE

STATE OF NEW JERSEY

AND

Fifty-Eighth Under the New Constitution.



TRENTON, N. J.

THE J. L. MURPHY PUBLISHING CO., PRINTERS

1902.

The following laws, passed by the One Hundred and Twenty-sixth Legislature, are published in accordance with "An act for the publication of the laws," passed June 13th, 1895, and "A supplement to the act entitled 'An act relative to statutes,'" approved March twenty-seventh, eighteen hundred and seventy-four, which supplement was approved February 4th, 1896.

The proclamations of the Governor follow. An index of all the laws, compiled in accordance with the act of 1895, completes the work.

GEORGE WURTS,
Secretary of State.

780

LAWS, SESSION OF 1902.

CHAPTER 263.

An Act to require non-residents to secure license before hunting or gunning within the state of New Jersey and providing penalties for violation of its provisions.

Preamble. Whereas, Sister states have, by legislation, required all non-residents (including residents of the state of New Jersey) to take out licenses before hunting or gunning in such states, respectively, and imposed license fees therefor and provided for the punishment for such as should violate the provisions of such acts; now, therefore,

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

Licensing non-residents desiring to hunt and gun.

1. Every non-resident of this state shall be required to take out a license before he shall begin hunting or gunning in this state, which license the several county clerks of this state, and each of them, are hereby authorized and required to issue upon the payment by the applicant of a license fee of ten dollars, and an issuance fee of fifty cents to the county clerk issuing the same: such license shall be a certificate of permission to hunt and gun within the state of New Jersey and shall include the name, age and place of residence and business of the applicant with his description as nearly as may be, upon such forms as shall be furnished in blank to the several county clerks by the board of fish and game commissioners, and shall be valid and effective for and during the term of one year from the date of the issuance thereof and no longer; such certificate shall authorize the owner thereof to hunt and kill in any part of this state, during the open seasons of the year therein specified and under the restrictions and for the purposes allowed by law, game birds and game quadrupeds found in this state: said certificate shall not be transferable and shall be exposed for examination upon demand by any game protector or game warden of this state; said license fee shall immediately be forwarded by the county clerk

License fees.

Authority bestowed by license.

LAWS, SESSION OF 1902.

781

receiving the same to the treasurer of the board of fish and game commissioners, to be applied by them to such expense as shall be incurred by them under this act and for the purpose of the protection and propagation of game within this state; any non-resident of this state who shall hunt or gun within this state without having first procured the license or certificate above mentioned and paid the license and issuance fees above mentioned, shall be liable to a penalty of twenty-five dollars for each and every offense; *provided, however,* that the license aforesaid shall, without payment of said license fee, be issued to all non-residents who are the owners of a freehold estate in any lands in this state, who reside thereon a portion of each year, and who pay taxes thereon, and to their sons, who are members of their families, upon application to the county clerk of the county in which such lands are situate, signed by the applicant, and upon the payment of only the issuance fee above provided for; *and provided further,* that this act shall not apply to hunting or gunning on game preserves at present established, or to gunning or hunting for wild water fowl, snipe or mud hens.

Penalty for violation.

Proviso.

2. Any game protector or game warden shall have the right, after demand and refusal or failure to exhibit such certificate, to arrest, without warrant, any non-resident person or persons found hunting, or whom said protector or warden shall have reasonable cause to believe to have been hunting within this state (and for the purpose of this arrest any person who shall refuse to state his place of residence, upon demand of such officer, shall be deemed a non-resident), and to take him or them forthwith before any justice of the peace, district court or police magistrate of the county where the arrest is made and to proceed against him or them in the manner prescribed by an act of the legislature of this state, entitled "An act to provide a uniform procedure for the enforcement of all laws relating to fish, game and birds, and for the recovery of penalties for violations thereof," approved March twenty-ninth, one thousand eight hundred

Right of arrest upon failure to show license.

Proceedings.

782

LAWS, SESSION OF 1902.

Confiscate
hunting in-
plements.

and ninety-seven; and also to seize any and all gun or guns, or shooting paraphernalia in the possession of such person or persons so arrested, and to hold the same subjected to the payment of the fine or fines which shall be imposed upon such person or persons, together with the costs of prosecution; and in case such person or persons shall be convicted and shall fail to make payment of the said penalty and costs within ten days from the date of such conviction, to sell the same at public auction and apply the funds thus realized first to the payment of the said costs and the balance thereof, if there be any, to the payment of the penalty imposed; and should any balance still remain to pay the same to the owner of the property so seized.

Game warden's
liability.

3. No game protector or game warden shall be liable for damages on account of any such arrest, seizure or sale in accordance with the provisions of this act.

Repealer.

4. All acts and parts of acts inconsistent with the provisions of this act be and the same are hereby repealed.
Approved April 22, 1902.

CHAPTER 264.

An Act to authorize cities of this state to borrow money for all purposes for which they are now authorized to raise money by taxation, and to secure the payment thereof by the issuing of bonds.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

Borrow money
by issuing
bonds.

1. It shall be lawful for the common council, board of aldermen or other governing body of any city of this state having the control of the finances of said city to borrow money from time to time for all purposes for which they are now authorized by law to raise money by taxation, and to secure the payment thereof by the issuance of bonds; the bonds so to be issued shall be of such denomination as the common council, board of aldermen or other governing body of any such city, having the

LAWS
OF THE
GENERAL ASSEMBLY
OF THE
Commonwealth of Pennsylvania,

PASSED AT THE
SESSION OF 1903,
IN THE
ONE HUNDRED AND TWENTY-SEVENTH YEAR OF INDEPENDENCE,

TOGETHER WITH

A Proclamation by the Governor, declaring that he has filed certain Bills in the office
of the Secretary of the Commonwealth with his objections thereto.

BY AUTHORITY.

WM. STANLEY RAY,
STATE PRINTER OF PENNSYLVANIA.
1903.



Rec. Nov. 20, 1903

LAWS OF PENNSYLVANIA,

Division as may be appropriated by the Legislature for that purpose.

Deposit of records
up to the year
1750.

Section 5. That the heads of the various departments of the State Government shall deposit all papers relating to their departments, with this division, beginning with the earliest records, to the year one thousand seven hundred and fifty, which are not needed by the departments for business purpose.

Advisory commis-
sion.

Section 6. That the Governor shall appoint, annually, an advisory commission of public records, who shall serve without compensation, composed of five persons of known knowledge of and interest in the preservation of all public records, whose duty it shall be to meet with the trustees and the State Librarian, at least once a year, at such time as the Governor shall arrange, and who shall make such additional recommendations to the Legislature as shall be deemed wise for the further preservation of all public records throughout the State. The State Librarian shall be the secretary of this meeting and of all meetings of the trustees.

Duty of.

Repeal.

Section 7. That all acts or parts of acts inconsistent herewith be and the same are hereby repealed.

Approved—The 14th day of April, A. D. 1903.

SAML. W. PENNYPACKER.

No. 136.

AN ACT

Requiring non-resident hunters, and unnaturalized, foreign-born, resident hunters, to procure a license before hunting in this Commonwealth, and providing penalties for violation of its provisions, and repealing an act approved the twenty-fourth day of April, one thousand nine hundred and one.

Non-resident hun-
ters and unnatur-
alized, foreign-
born resident hun-
ters, required to
take out license.

Section 1. Be it enacted, &c., That from and after the passage of this act, every non-resident and every unnaturalized, foreign-born resident of this Commonwealth shall be required to take out a license from the treasurer of the county in which he proposes to hunt, before beginning to hunt in any part of this Commonwealth. Each and every person not a resident of this Commonwealth, and each and every person who is an unnaturalized, foreign-born resident of this Commonwealth, shall pay a license fee of ten dollars to the treasurer of the county in which he proposes to hunt, and the said treasurer shall thereupon issue to him a certificate, on forms supplied by the board of Game Commissioners of this Commonwealth, bearing the name and place of residence of the applicant, with

Fee.

Certificate.

SESSION OF 1903.

179

his description as near as may be, which said certificate shall authorize the owner thereof to hunt and kill game in any part of this Commonwealth, during the period of that year when game may be legally killed, under the restrictions and for the purposes allowed by law; said certificate shall not be transferable, and shall be exposed for examination, upon demand made by any game protector, constable, or game warden of the State. One-half of the license fee so received by any county treasurer shall be retained by him, for the use of the county wherein the same is paid, and the remaining one-half of said fee shall be forwarded by him to the State Treasurer, in the same manner and for the same purpose as is now provided by law in the case of fines or penalties recovered for violation of the provisions of any of the sections of an act, entitled "An act to provide for the protection and preservation of game, game quadrupeds and game birds, and song and insectivorous birds," approved the fourth day of June, Anno Domini one thousand eight hundred and ninety-seven. All fines and penalties recovered for violation of the provisions of this act shall be distributed as are fines and penalties collected for violation of the said act of June fourth, one thousand eight hundred and ninety-seven.

Not transferable.

Disposition of fee.

Distribution of fines.

Section 2. Possession of a gun, in the fields or in the forests or on the waters of this Commonwealth, by an unnaturalized, foreign-born resident or a non-resident of this Commonwealth, without having first secured the license required by this act, shall be prima facie evidence of a violation of its provisions; and any person so offending shall be liable to a penalty of twenty-five dollars for each offense, or in default of the payment thereof, with the costs of prosecution, to suffer an imprisonment in the county jail for a period of one day for each dollar of penalty imposed, unless he or they enter into good and sufficient recognizance to pay said penalty and costs within a period of ten days from the date of conviction, or enter into recognizance to answer said complaint, on a charge of misdemeanor, before the court of quarter sessions of the peace of the county where said offense is charged to have been committed; which court, on the conviction of the defendant or defendants, and failure to pay the penalty or penalties imposed, with the cost of prosecution, shall commit the said defendant or defendants to the jail of the county for a period of one day for each dollar of penalty imposed.

Prima facie evidence.

Fine and penalty.

Ball.

Commitment.

Section 3. All officers of the Commonwealth whose duty it is to protect the game of the Commonwealth, shall have power to seize all guns and shooting paraphernalia, and game in possession or belonging to the suspected parties, within the Commonwealth. The game, upon conviction of the parties so arrested, shall

Power of officers.

180

LAWS OF PENNSYLVANIA,

Disposition of game seized.	be forfeited to the State, and forwarded by said officer to the most convenient public hospital, for the use of the sick or injured therein; and the guns and shooting paraphernalia held, subject to the payment of the penalty or penalties imposed, with the costs of prosecution; and in the case of default of the payment thereof for a period of five days from the date of conviction, unless appeal be taken, to advertise the same by public handbill, not less than five in number, conspicuously displayed in the borough or township where the conviction was secured, and after the lapse of ten days from the date of advertising, to sell said guns and paraphernalia at public auction. The fund thus realized shall be applied, first, to the payment of costs incurred, then to the payment of the penalty imposed, and the remainder, if any, shall be returned to the owner or owners of the property so seized and sold: Provided, That the fact that imprisonment is suffered by any person convicted of violating the provisions of this act, shall not prevent the sale of all guns and hunting paraphernalia so seized, and the application of the fund thus realized to the purposes before mentioned.
Guns, etc.	
Advertisement.	
Sale. Disposition of fund.	
Proviso.	
Repeal.	

Section 4. "An act requiring non-resident gunners to secure a license before hunting in the Commonwealth of Pennsylvania, and providing penalties for violations of its provisions," approved the twenty-fourth day of April, one thousand nine hundred and one, be and the same is hereby repealed.

Approved—The 14th day of April, A. D. 1903.
SAML. W. PENNYPACKER.

No. 137.

AN ACT

To establish a Department of Mines in Pennsylvania; defining its purposes and authority; providing for the appointment of a Chief of said Department, and assistants, and fixing their salaries and expenses.

Department of Mines.	Section 1. Be it enacted, &c., That there is hereby established in Pennsylvania a Department known as the Department of Mines, which shall be charged with the supervision of the execution of the mining laws of this Commonwealth, and the care and publication of the annual reports of the inspectors of coal mines and any and all other mines that may come under the provisions of the mining laws of this Commonwealth.
Duties and powers of.	

Section 2. The chief officer of this Department shall

LAWS
OF THE
STATE OF UTAH,
PASSED AT THE
SIXTH REGULAR SESSION
OF THE
Legislature of the State of Utah,
HELD AT
SALT LAKE CITY, THE STATE CAPITAL, IN JANUARY,
FEBRUARY AND MARCH, 1905.

PUBLISHED BY AUTHORITY.

Provo, Utah,
The Skelton Pub. Co.,
1905.

CHAPTER 118.

FISH AND GAME.

An Act for the protection of fish, game and birds; for appointment of a State Fish and Game Commissioner, special deputies and county fish and game wardens and prescribing their duties; to provide penalties for the violation of this act; and to repeal title 21, Revised Statutes of Utah, 1898; chapter 26, laws of Utah, 1899; chapter 133, laws of Utah, 1901; and chapter 116, laws of Utah, 1903.

Be it enacted by the Legislature of the State of Utah:

SECTION 1. State Fish and Game Commissioner. Term. Qualifications. That the Governor of the State, by and with the consent of the Senate, shall appoint a State Fish and Game Commissioner, hereafter called State Commissioner, who shall be a resident citizen of the State, and who shall not be a member of any hunting shooting or fishing club, whose term of office shall be two years and until his successor is appointed and qualified; *provided*, that when a vacancy occurs in the office of said State Commissioner and the Legislature is not in session, the Governor shall have power to fill such vacancy until the next regular session of the Legislature, and he shall have power to remove the State Commissioner at any time for cause.

Sec. 2. Salary. Bond. The State Commissioner shall receive an annual salary of one thousand dollars, together with his reasonable and necessary traveling and contingent expenses, not exceeding three hundred dollars per annum. He shall, before entering upon the duties of his office, take and subscribe to the constitutional oath of office and give a bond in the penal sum of five thousand dollars for the faithful performance of his duty. Such bond shall be approved by the State Board of Examiners and filed with the Secretary of State.

Sec. 3. Powers and duties of Commissioner. Deputies. The State Commissioner shall have control and supervision of the waters of the State, for the collection, propogation, culture and distribution of fish in the State, and shall receive and distribute all game, fish, fish fry and spawn coming into his hands fairly and equitably among the several counties. He shall have full control of all the property of the State obtained or held for the purposes contemplated by this act, and he shall have power to appoint special deputies to assist in enforcing the provisions of this act; *provided*, that the sum of two thousand dollars may be expended annually for the payment of said special deputies.

Sec. 4. Commissioner authorized to take fish and game. Report. It shall be lawful for the State Fish and Game Commissioner, or any person appointed by him in writing so to do, to take fish and game of any kind, dead or alive, or in any manner, under the direction of the

County Fish and Game Warden, for the purpose of inspection, cultivation, propagation, distribution, scientific or other purposes, deemed by him to be in the interests of the fish and game industry of the State. He shall make a detailed report of his official transactions, including the number and kinds of fish distributed and the locality and name of streams, ponds or lakes where the same have been placed, and submit such report to the Legislature during the first week of its ensuing regular session.

Sec. 5. County Warden. Qualification. Compensation. 'At their first session, after this act shall take effect the county commissioners of each county of the State shall appoint a County Fish and Game Warden, hereinafter called County Warden or County Fish and Game Warden who shall be a resident citizen of the State and who shall not be a member of any hunting, shooting or fishing club, whose term of office shall be two years and until his successor shall be appointed and qualified. Said County Warden, shall before entering upon the duties of his office, take and subscribe to the constitutional oath of office and give a bond for the faithful performance of his duties; said bond shall be approved by the county commissioners and filed in the office of the county clerk. The County Warden shall receive adequate compensation for his services, to be determined and paid by the county commissioners out of the county treasury, and shall perform his duties under the direction of the State Commissioner and the county commissioners, and may be removed for cause by the State Commissioner, with the consent of the county commissioners. Upon the appointment of the County Warden, the county clerk shall immediately advise the State Commissioner of said appointment, giving name and address of said appointee.

Sec. 6. Duties of Commissioner and Warden. It shall be the duty of the State Commissioner, and also the duty of the County Fish and Game Wardens to see that all laws of the State for the protection of fish and game are faithfully enforced in the several counties, and for this purpose they respectively are severally hereby given the same powers and authority granted by the laws of the State to and exercised by sheriffs and constables. The State Commissioner each of his special deputies and every County Warden throughout the State, and every sheriff and constable in his respective county, is authorized and required to enforce this act, and seize any game or fish taken or held in violation of this act, and he shall have full power and authority, and it shall be the duty of every such officer, with or without a warrant, to arrest any person whom he has reason to believe guilty of a violation thereof; and if, without a warrant, to hold him until a warrant can be procured; to open, enter and examine all cars, stages, packs, warehouses, stores, outhouses, boxes, barrels and packages where he has reason to believe any game or fish taken or held in violation of this act, is

to be found, and to seize the same; and, *provided*, that if such search or seizure be made without a warrant, the officer making the same must procure a warrant therefor as soon as possible during or after the search or seizure; and *provided further*, that a dwelling house actually occupied can be entered for examination only in pursuance of a warrant. It shall be the duty of the County Fish and Game Wardens to report their official acts in detail to the State Commissioner annually during and not later than the first week in December, and oftener if so required by the State Commissioner.

Sec. 7. Duties of County Wardens. Canal owners to give notice before draining canal. It shall be the duty of the County Warden to take or cause to be taken in the best practicable manner any imported fish, mountain trout, bass or herring, found in pools or other places in which receding waters of the rivers, streams, canals or other waterways have left them, and which are likely to become dry, and to carefully put the live fish thus taken into State water, and to make the best disposition of the dead fish in the interest of the county treasury. All persons, corporations and companies owning or controlling irrigating canals, ditches or mill races for irrigation, operating mills or power plants of any kind, before draining any such canal, ditch or mill race for any known purposes, shall give the County Warden at least two days notice of such draining, and a failure to do so will be a misdemeanor.

Sec. 8. Fish ways. Sawdust in streams. The owners of any dam not exceeding twenty-five feet in height, across any of the streams of this State shall, if required by the County Fish and Game Warden and under his direction, erect and maintain at all times and at the expense of said owner or owners, suitable fishways to allow the free and uninterrupted passage of fish up and down the streams, *provided* that this provision shall not apply to reservoir dams when the water is held back for irrigation purposes. It shall be unlawful and a misdemeanor for any person or persons, corporations or companies to build or maintain any dam that will be the means of killing or destroying the fish passing up or down any stream. And it shall be unlawful and a misdemeanor for any person or persons, corporation or company owning any saw mill in this State, to cause or permit any sawdust or other refuse matter from said sawmills to be washed, dumped or placed in any of the streams or waters of this State, or to place such sawdust or refuse matter in such close proximity to any stream that the same might be washed into said stream by rains; *provided*, that nothing in this act shall be so construed as to interfere with acquired rights to use water in this State.

Sec. 9. Screens to prevent fish from entering wheels. It shall be unlawful for any person or persons to operate any mill, factory, power plant or other manufacturing concern run by water power and having

either head or tail races, without first furnishing and maintaining suitable screens or other device to prevent the fish from entering therein; said screens to be built and maintained under the direction of the County Warden and at the expense of said owner or owners or operators of said mill, factory, power plant or other manufacturing concerns; *provided*, that the woolen factory race at Provo, Utah county, this State, through which fish reach Spring Lake, be made an exception to these obligations; and, *provided further*, that the owner or owners or operators of said woolen factory or other factories or mills situated upon said race, furnish and maintain at all times and at their own expense, suitable screens to prevent fish from entering the water wheels and water pipes of said factories or mills; said screens to be built and maintained under the direction of the County Warden.

Sec. 10. Taking fish when and how lawful. It shall be unlawful and a misdemeanor for any person to fish for or take any fish from any of the waters of this State, except the Colorado, Green, Grand and San Juan rivers by any means or device whatever, except by means of hook and line, commonly known as angling, and in that way, only between the 14th day of June of each year and the 15th day of December following. *Provided*, that only in Utah Lake and Provo River below the Oregon Short Line Railway bridge at Provo, and in Bear River below the county bridge at Bear River City, and in the Jordan River, carp, suckers, chubs, bullhead catfish, mullet and mountain herring, may be caught with hook and line commonly known as angling, at any time; and *provided further*, that it shall be unlawful and a misdemeanor to take any fish whatever from the waters of Fish Lake or its tributaries, or from Seven Mile Creek below Fish Lake at any time in the year except only between the 20th day of July and the 15th day of December following; and *provided further*, that it shall be unlawful and a misdemeanor for any person to take or have in possession at any time of any year any trout, black bass, or mountain herring less than seven inches long; and *provided further*, that the word "angling," as used in this act, is defined to be fishing with a fishing rod or pole held in the hand or hands, the rod or pole to have only one line attached thereto, and the line to have attached thereto artificial flyhooks not exceeding two in number, or one baited fish hook with no more than one gang of no more than three hooks, or one trolling spoon with no more than one gang of no more than three hooks.

Sec. 11. Bass and trout. It shall be unlawful for any person to sell, kill, destroy or have in his possession any bass or trout whatever at any time after the 15th day of December and before the 15th day of June following.

Sec. 12. Unlawful to sell trout. Limit of catch. Sale from private ponds. It shall be unlawful and a misdemeanor for any person to sell

or offer or expose for sale at any time any eastern brook trout, rainbow trout, grayling trout, native black-spotted or mountain trout, or any other species of trout or landlocked salmon, taken from any of the streams or waters of this or any other State and in prosecutions hereunder it shall be sufficient to allege generally that such fish were unlawfully held, and proof of the sale or of the offering or exposing for sale of any such varieties or species of fish, shall be prima facie evidence that they were unlawfully held. It shall be a misdemeanor for any person to take, catch or have in possession more than fifteen pounds of any one or more of said varieties or species of fish on any one day, for domestic use or any other purpose; and in prosecutions hereunder it shall be sufficient to allege generally, that such fish were unlawfully held and proof of the taking or catching or having in possession on any one day of more than fifteen pounds of any one or more of such varieties or species of fish, shall be prima facie evidence that such fish were unlawfully held; *provided*, that between the 14th day of June and the 15th day of December following of each year it shall be lawful to take, only with hook and line, commonly known as angling, and between the same dates, to sell, any number of pounds per day, of black bass from Utah, Bear and Sevier Lakes only. It is *further provided* that any kind of trout propagated and raised in private ponds situate in this State, may be sold or exposed for sale at any time, but in prosecutions for the violation of any of the matters or things hereinbefore prohibited or declared unlawful in this section, it shall not be necessary for the State to negative either in the complaint or on the trial this proviso. It is *further provided*, that the owner or owners of said private fish ponds, as well as all vendors of such fish shall, before selling any fish from said ponds, procure from the county clerk a separate license to sell said fish from said private ponds, which license shall be non-assignable, and the pond owner or owners shall make out and sign a certificate of sale or transfer in duplicate for each consignment of such fish sold from such private ponds, and shall deliver said certificates in duplicate at the time of sale, as follows, to-wit: One duplicate thereof to the buyer, who must produce it for inspection upon any request; and the other duplicate to the County Fish and Game Warden for his use as a means of identification. Each certificate and the duplicate must contain the name of the vendee or transferee, the character and weight of fish sold, and the date of transfer. All owners of private ponds, selling trout therefrom, shall further, place upon some part of each trout so sold or offered for sale a private mark, the mark and place where the same shall be so affixed upon each trout to be designated by the County Fish and Game Warden; and if any wholesale or retail vendor, hotel, boarding-house or restaurant keeper shall at any time have in his possession or sell or offer for sale or furnish to any customer, any trout without said mark so affixed or without the exhibition of the aforesaid duplicate

certificate of sale, or if any person shall have at any time in his possession any trout claimed to have been taken from a private pond without said designated mark so affixed, then he shall be guilty of a misdemeanor. Any person failing to comply with or who violates any of the provisions of this section shall be guilty of a misdemeanor.

Sec. 13. Use of Explosives or Drugs. It shall be unlawful for any person to kill or take any fish from the waters of the State by the use of any poison, deleterious or stupefying drug, giant powder, or quicklime, or any explosive substance whatever, or to place or to use in or on the surface of such waters, any giant powder, quicklime, or any explosive substance, or any poison, deleterious or stupefying drug, or to have in his possession any fish killed or taken by the use or aid of any of these substances. Any person found guilty of violating any of the provisions of this section shall be fined in any sum not less than one hundred dollars for each offense, or imprisoned in the county jail not less than ninety nor more than one hundred and twenty days, or by both such fine and imprisonment:

Sec. 14. Use seines, traps, etc. Fishing by artificial light. It shall be unlawful for any person to take any fish from the waters of this State by the erection of any weir, dam, fence, wheel, basket, trap, net, seine, setline, seive, gun, grabbing hooks or by fishing by fire or lamp light at night, or by other device whatsoever which can be used for the unlawful catching of fish; *provided*, that, for the purpose of catching carp, chubs, mullets, bullhead catfish, or suckers, and these fish only, seines not more than two hundred yards long and twelve feet wide, with meshes not less than one and one-half inch square for 50 yards in the center, and meshes not less than 2. inches square in the the wings thereof, may be used in the following named waters only: Bear and Sevier Lakes, the Colorado, Green, Grand and Sevier River below the bridge on the State Road leading from Juab to Scipio from May 1st to October 1st of each and every year both days inclusive and in San Juan River; in the Weber River below its junction with the Ogden River; in the Bear River below the bridge at Bear River City, from September 1st to March 31st, following, both days inclusive; and in Bear Lake only from May 15 to July 15; *provided further*, that suckers may be taken by grabbing hooks in Provo River, and Spanish Fork River only, and that only between the Oregon Short Line Railway crossing and Utah Lake, and in Weber River in Morgan and Weber counties; and, *provided further* that before any person shall use seines in the waters of Bear and Sevier Lakes above mentioned and in the Weber River below its junction with the Ogden River, and in the Bear River below the bridge at Bear River City, such person shall secure the presence of either the County Ward-

en or his deputy, who shall be paid not to exceed two dollars per day by the party drawing the seine.

It shall be lawful to use spears with or without torch or lamplight for taking and killing carp only. It shall be lawful to use gill nets not exceeding fifty yards long and six feet wide, with meshes not less than three inches square, in Bear Lake only, between June 15th and September 15th of each year.

Sec. 15. Seining in Spring Creek Lake forbidden. It shall be unlawful to use seines in Spring Creek Lake which runs into Utah Lake, or within one-half mile from the mouth of any stream flowing into Utah Lake or the mouth of Spring Creek channels which lead into said lake, or within one-half mile from the mouth of any stream, or body of water connecting two other bodies of water, in this State.

Sec. 16. Screens in irrigation canals. It is hereby made the duty of the warden of each county, on the recommendation of the board of county commissioners, to see that all irrigation canals when deemed necessary in the judgment of the County Warden, are properly protected by some device which will not be the means of obstructing the flow of water into such canals, so that no fish may enter said ditches between June 1st and September 15th of each year; said device to be provided and maintained by the county commissioners for each county.

Sec. 17. Screens at head of reservoirs. It shall be the duty of the owners or operators of any reservoir to furnish and maintain at all times a suitable screen at the head of their reservoirs, such as will effectually prevent fish from any waters of the State from passing into the reservoirs, the same to be maintained under the direction and approval of the County Warden and county commissioners.

Sec. 18. Seizure of seines and explosives. All seines, nets, tackle, powder, explosives, lime, poisons, drugs and other means or devices for unlawfully taking or killing fish of any kind, found in the possession of any person who may be detected in unlawfully taking fish from any of the waters of the State, shall be seized by the officer making the arrest, and if it appears from the evidence before the magistrate trying the case that the seines, nets, powder, explosives, lime, poisons, drugs and other means and devices for taking or killing fish were used, or were about to be used, or intended to be used for the unlawful taking of fish, the same are hereby confiscated and shall be, by order of the magistrate, taken and disposed of in the interest of the county treasury.

Sec. 19. Unlawful to kill deer, elk, etc. It shall be unlawful and a misdemeanor for any person at any time for the next succeeding four years to shoot at or in any manner kill any deer, elk, antelope, mountain sheep, otter or beaver, or any game animals or birds that may be

brought or introduced into this State by the Fish and Game Department or by private individuals for the purpose of stocking the State with said animals or birds, or to capture and hold in confinement any of the animals or their young, mentioned in this section, unless it be for public or private parks, within this State and then only by permission of the State Fish and Game Commissioner; and it shall be a misdemeanor punishable by a fine of not less than one hundred dollars, to sell or offer for sale any part or parts of any of the animals mentioned in this section. Any person or persons giving information or evidence that will lead to the conviction for violation of any of the provisions of this act shall receive one-half of the fine collected for such violation.

Sec. 20. Use of dogs in hunting. It shall be unlawful for any person or persons to pursue with any dog or dogs any of the animals mentioned in section 19 of this act.

Sec. 21. Prairie chickens, grouse, etc. It shall be unlawful and a misdemeanor for any person to kill, ensnare, net or entrap, [or have] in his possession within the State any partridge, pheasant, prairie chicken, sage hen, grouse or mourning dove, after the 1st day of December and before the 15th day of August following; or to rob or destroy the nests, eggs or young of any of the birds mentioned in this section; and it shall be unlawful and a misdemeanor to sell or offer for sale any of the birds mentioned in this section, at any time, or for any person to kill or have in his possession more than eight grouse in any one day, and the word grouse includes all of the birds mentioned in this section.

Sec. 22. Insectivorous and song birds. It shall be unlawful for any person to kill, ensnare, net or entrap at any time, in any year, any gull, owl, hawk, lark, whippoorwill, thrush, swallow, snowbird, robin, or other insectivorous or song birds, except the English sparrow, or to rob or destroy the nests, eggs or young of any of said protected birds mentioned in this section.

Sec. 23. Wild ducks and geese. It shall be unlawful for any person to take, kill, wound or shoot at, or have in his possession, any wild duck, goose, snipe, shore-bird, or brant, or swan between the 1st day of January and the 1st day of October following; to rob or destroy nests, eggs, or the young of any of said birds mentioned in this section, or to take, wound or shoot at any of the birds mentioned in this section between one hour after sunset and one hour before sunrise government standard time; and it shall be unlawful to use any sneak-boat, or sink boxes or other devices answering the same purpose, while in pursuit of any of the birds mentioned in this section; *provided*, that not more than twenty-five of any and all birds mentioned in this section shall be killed and have in possession by any person in any one day.

Sec. 24. Gauge of gun to be used. It shall be unlawful and a

misdemeanor for any person to use a gun larger than a ten-guage while hunting for fowl or birds.

Sec. 25. Unlawful possession of fish or game. Any person who shall have in his possession any game, fish or birds taken unlawfully is guilty of a misdemeanor. All fish or game taken or held unlawfully or shipped or consigned for shipment out of this State shall be seized by the State or County Fish and Game Warden and disposed of to the best interest of the county treasury of the county in which said seizure may be made. The possession of any animal, fish or bird, or of the remains or any part of the remains thereof, within the time or period within which the taking or killing or possession of the same is prohibited, shall be prima facie evidence of such unlawful taking or killing or possession; and it shall be unlawful to kill, catch or otherwise take or destroy, and leave to waste, or in any manner to cause or suffer to be wasted, and bird, animal or fish in this act mentioned, or any useful part or parts thereof.

Sec. 26. Pheasants and quail. Any person who shall hereafter at any time within the State willfully kill, wound, ensnare, trap or shoot at, or have in his possession any birds commonly known as the Mongolian or Chinese pheasant, English pheasant, pinnated grouse, or quail shall be guilty of a misdemeanor; *provided*, it shall be lawful to kill quail in the counties of Washington and Kane between the 1st day of August and the 1st day of the following February, and in Salt Lake, Davis, and Weber counties between September 30th and October 11th of each year. It shall be unlawful to transport or ship any quail out of the above mentioned counties at any time except for the purpose of propogation under the direction of the State Fish and Game Commissioner, and it shall be unlawful and a misdemeanor to sell or offer for sale any of the above mentioned birds, or for any one person to kill or have in his possession more than twelve quails in any one day in Salt Lake, Davis and Weber counties.

Sec. 27. Penalties. Except as otherwise provided in this act, all persons who shall violate or fail to comply with any of the enactments or provisions of this act shall be guilty of a misdemeanor and shall be fined not less than ten dollars for each offense, and all fines and forfeitures collected under the provisions of this act shall be paid into the county treasury of the respective counties.

Sec. 28. Reserving waters for propogating fish. For the better advancement of the fish interests of the State, the State Commissioner and the County Fish and Game Warden, by and with the consent of the county commissioners, may select and reserve one stream, lake or pond in each county for the purpose of planting, breeding and propogating fish. Such reservation may continue for a period of not longer than

four consecutive years; and it shall be a misdemeanor for any person to fish in any stream, lake or pond, while so reserved. When any stream, lake or pond is selected for any such purposes, the County Warden shall forthwith post or cause to be posted and maintained conspicuous notices thereof along the banks or shores of such stream, lake or pond, at points over one mile apart; and the County Warden shall also cause notice thereof to be published in the newspaper issued and published nearest to such lake, stream or pond, for two weeks prior to the closing of such stream, lake or pond to public fishing.

Sec. 29. Shipping fish or game out of State unlawful. It shall be unlawful for any person or persons at any time to ship or cause to be shipped, carried or transported or to consign for shipment out of this State, any of the animals, birds or fish, or any part or parts thereof, dead or alive, mentioned in this act.

Any person or persons found guilty of violating any of the provisions of this section shall be fined in a sum not less than one hundred dollars.

Sec. 30. Non-resident gun license. It shall be unlawful for any non-resident person or for any resident who is not a citizen of the United States to kill any game, animals, birds or fish in this State, without first having procured the license to do so hereinafter provided for. Any non-resident person or any resident who is not a citizen of the United States, upon the payment to the State Commissioner, of the sum of twenty-five dollars, shall be entitled to receive a license, from said commissioner, which will entitle him to hunt and kill game, animals, birds and fish, for the period of one year subject to all the laws of this State for the protection of fish and game. All moneys received by the State Fish and Game Commissioner under the provisions of this section shall be turned into the general fund of the State Treasury.

Sec. 31. Repeal. That title 21, Revised Statutes of Utah, 1898; chapter 26, laws of Utah, 1899; chapter 133, laws of Utah, 1901; and chapter 116, laws of Utah, 1903, are hereby repealed.

Approved this 17th day of March, 1905.

MUNICIPAL CODE

OF THE

CITY OF ALBANY, N. Y.

CONTAINING

The Dongan Charter, Second Class Cities' Law,
The Unrepealed Portions of the Former City
Charters, General and Special State Laws

APPLICABLE TO

THE CITY OF ALBANY

AND

THE GENERAL CITY ORDINANCES

COMPLETE TO SEPTEMBER, 1910

Compiled and Arranged by Franklin M. Danaher and
Charles H. Mills, under the Direction of

ARTHUR L. ANDREWS

Corporation Counsel

ALBANY, N. Y.

1910

PRESS OF
THE BRANDOW PRINTING COMPANY
ALBANY, N. Y.

PART VI

General Ordinances

CHAPTER I

Of the Board of Contract and Supply

- Section
1. Office.
 2. Meetings.
 3. Presiding officers.
 4. Quorum.
 5. Rules.
 6. Publication of notices for bids.
 7. Deposit with bids.
 8. Certificate to accompany requisition.
 9. Security for performance of contract.
 10. Printed blanks to be furnished.
 11. Preferences to residents and taxpayers.
 12. Disregard of proposals.
 13. Award as to separate items of bids.
 14. Commencement of work, etc.

Section 1. The Board of Contract and Supply shall have an office in the City Hall, which shall be kept open from nine o'clock in the morning until five o'clock in the afternoon of each day, except Sundays and legal holidays.

§ 2. The regular meetings of said board shall be held at its office on the first and third Mondays of each month, at such hour as may be fixed by the board. Special meetings of said board shall be held at any time upon the call of the Mayor.

§ 3. The Mayor shall be the president of said board, and shall preside at all meetings. In the absence of the Mayor, a presiding officer shall be selected by the members of the board from among their number.

§ 4. A majority of the members of said board shall constitute a quorum for the transaction of business.

GENERAL ORDINANCES

849

ments for the period of five years from the date of the contract of sale, and for the performance of all other conditions in said contract contained. The amount of such bond and the sufficiency of the sureties to be approved by the Mayor, and its form and manner of execution by the Corporation Counsel or his assistant.

§ 6. All moneys received by the City Treasurer from such sales shall be credited by him as for moneys received for redemption of lands purchased by the city for non-payment of taxes, water rents and assessments.

§ 7. This ordinance shall take effect immediately.

CHAPTER 72

An ordinance regulating the carrying of loaded firearms in the City of Albany

Passed March 6, 1905.

The City of Albany, in Common Council convened, ordains as follows:

Section 1. Any person, other than a peace officer, who shall in any public street, highway, or place within the city of Albany, have or carry concealed upon his person any loaded pistol, revolver, or other firearm, without theretofore having been authorized as hereinafter provided to carry the same, shall be guilty of a misdemeanor, punishable by a fine not exceeding one hundred and fifty dollars, or by imprisonment in a penitentiary or county jail for not more than one hundred and fifty days, or by both.

§ 2. Any person, except as provided in this ordinance, who has occasion to carry a loaded revolver, pistol, or firearm for his protection, may apply to the Commissioner of Public Safety—and such officer, if satisfied that the applicant is a proper and law-abiding person, shall give the said person a permit allowing him to carry such loaded firearms for such period of time as he may deem proper. Any nonresident who does business in the city of Albany, and has occasion to carry a loaded pistol, revolver, or firearm while in the said city, must make application for permission to do so, to the Commissioner of Public Safety, in the same manner as is required of residents of said city, and shall be subject to the same conditions and restrictions.

§ 3. If, at the time of arrest, a loaded pistol, revolver, or firearm of any description shall be found concealed on the person of

the one arrested, the officer making the arrest shall state such fact to the magistrate before whom the prisoner is brought, and shall make a separate complaint against such prisoner, for violation of the provisions of this ordinance.

§ 4. The Commissioner of Public Safety is hereby authorized and empowered, for reason appearing to be satisfactory to him, to annul, or revoke any permission given under this ordinance. Every person to whom a permit shall be granted as above provided, shall pay therefor, the sum of two dollars and fifty cents; which shall be applied in aid of the Police Pension Fund; and a return in detail, shall be made monthly by the Commissioner of Public Safety, to the Comptroller of the City, of the amount so received and credited. All persons to whom such permission shall be granted are hereby declared to be individually responsible for their own acts, or the consequences that may arise from the use of loaded pistols, revolvers, or firearms, carried under the permission obtained as provided in this ordinance.

§ 5. All ordinances or parts of ordinances of the city of Albany, inconsistent with the provisions of this ordinance are hereby repealed.

CHAPTER 73

An ordinance determining the number of members of the fire department and the classes or grades in which they shall be divided

Section 1. The number of members of the Fire Department and the classes or grades in which they shall be divided is hereby determined as follows:

There shall be one chief, two permanent assistant chiefs, one clerk, one superintendent of fire alarm, one assistant superintendent of fire alarm, two operators, two linemen, one battery man, one superintendent of the hose and supply depot, one assistant superintendent of hose and supply depot, thirteen foremen, not to exceed thirteen assistant foremen, ten engineers of steamers, ten firemen of steamers, ten drivers of steamers, three tillermen, three drivers of trucks, sixty-four permanent hosemen and ladder-men, two relief engineers, one relief fireman, one relief driver, one relief truckman, one call assistant engineer, not to exceed forty-five call hosemen and laddermen, one veterinary surgeon and one department physician.

MUNICIPAL ORDINANCES
OF THE
CITY OF TROY

1905

RULES AND REGULATIONS
of the
HEALTH DEPARTMENT

RULES AND REGULATIONS
With Reference to the
WATER WORKS

©

MUNICIPAL ORDINANCES

OF THE

CITY OF TROY

RULES AND REGULATIONS

OF THE

HEALTH DEPARTMENT

RULES AND REGULATIONS

WITH REFERENCE TO THE

WATER WORKS

1905

COMPILED UNDER THE DIRECTION OF

JOHN T. NORTON,

CORPORATION COUNSEL.

Miscellaneous.

425

AN ORDINANCE REGULATING THE CARRYING OF LOADED FIREARMS AND OTHER DANGEROUS WEAPONS IN THE CITY OF TROY.

Passed May 4, 1905.

The City of Troy in Common Council convened, ordains as follows:

SECTION 1. Any person, other than a peace officer, who shall in any public street, highway or place within the City of Troy, have or carry concealed upon his person any loaded pistol, revolver, or other firearm, or any slungshot, billy, sand-club, or a dagger, dirk, stiletto, or dangerous knife, without theretofore having been authorized as hereinafter provided to carry the same, shall be guilty of a misdemeanor, punishable by a fine not exceeding one hundred and fifty dollars or by imprisonment in a penitentiary or county jail for not more than one hundred and fifty days, or by both.

§ 2. Any person, except as provided in this ordinance, who has occasion to carry a loaded revolver, pistol or firearm for his protection, may apply to the commissioner of public safety—and such officer, if satisfied that the applicant is a proper and lawabiding person, shall give the said person a permit allowing him to carry such loaded firearm for such period of time as he may deem proper. Any non-resident who does business in the City of Troy, and has occasion to carry a loaded pistol, revolver, or firearm while in the said city, must make application for permission to do so, to the commissioner of public safety, in the same manner as is required of residents of said city, and shall be subject to the same conditions and restrictions.

§ 3. If, at the time of arrest, a loaded pistol, revolver, or firearm of any description or slungshot, billy, sand club, or a dagger, dirk, stiletto, or dangerous knife, shall be found concealed on the person of the one arrested, the

City Ordinances.

officer making the arrest shall state such fact to the Magistrate before whom the prisoner is brought, and shall make a separate complaint against such prisoner, for violation of the provisions of this ordinance.

§ 4. The commissioner of public safety is hereby authorized and empowered, for reasons appearing to be satisfactory to him, to annul, or revoke any permission given under this ordinance. Every person to whom a permit shall be given as above provided, shall pay therefore, the sum of two dollars and fifty cents; which shall be applied in aid of the police pension fund; and a return in detail, shall be made monthly by the commissioner of public safety, to the comptroller of the city, of the amount so received and credited. All persons to whom such permission shall be granted are hereby declared to be individually responsible for their own acts or the consequences that may arise from the use of loaded pistols, revolvers, or firearms, carried under the permission obtained as provided in this ordinance.

§ 5. All ordinances or parts of ordinances of the City of Troy, inconsistent with the provisions of this ordinance are hereby repealed.

§ 6. This ordinance shall take effect immediately.

THE
UNIVERSITY
OF
CHICAGO LIBRARY

CITY OF PORTLAND.

AUDITOR'S
FIFTY-FIRST ANNUAL REPORT

OF THE
RECEIPTS AND EXPENDITURES

OF THE
CITY OF PORTLAND

For the Financial Year of 1909

JAN. 1, 1909 (BOTH INCLUSIVE) DEC. 31, 1909,

WITH THE
MAYOR'S ADDRESS

AND
Annual Reports of the Several Departments

MADE TO THE CITY COUNCIL, DECEMBER, 1909,

ALSO
CATALOGUE OF THE CITY COUNCILS
SINCE ADOPTION OF CITY CHARTER, 1832-1910.



PORTLAND, ME.:
MARKS PRINTING HOUSE.
1910.

SECTION 3. The Deputy Chief Engineer and District Chief Engineer shall devote their entire time to the department and shall assist the Chief Engineer in the discharge of his duties.

The City of Portland is divided into two fire districts: wards one, two, three, four, five, six and seven to be known as District 1; wards eight and nine to be known as District 2. Within the limits of District 2, the District Chief Engineer shall have full charge, subject to the orders of the Chief Engineer, and the Deputy Chief Engineer.

In case of the absence or disability of the Chief Engineer, the powers and duties conferred and imposed upon him shall devolve upon the Deputy Chief Engineer, and in case of the absence or disability of both the Chief Engineer and Deputy Chief Engineer, upon the District Chief Engineer.

SECTION 4. The Chief, Deputy Chief and District Chief Engineer shall together constitute the Board of Engineers, and a quorum of the Board of Engineers shall constitute a majority thereof.

The Chief Engineer, if present, shall preside at all meetings of the board; in the absence of the Chief, the Deputy Chief Engineer shall be the presiding officer.

These amendments shall take effect January 1, 1910.

Approved by the Mayor, October 8, 1909.

ORDINANCE RELATING TO CONCEALED WEAPONS.

Be it ordained by the Mayor, Aldermen and Common Council of the City of Portland, in City Council assembled, as follows:

SECTION 1. No person shall, within the corporate limits of the City of Portland, in a threatening manner display any firearm, slung shot, knuckles, bowie knife, dirk, stiletto, or

AUDITOR'S ANNUAL REPORT.

153

other dangerous or deadly weapon. And no person shall, within the corporate limits of the City of Portland, wear under his clothes or concealed about his person any such fire-arm, slung shot, knuckles, bowie knife, dirk, stiletto, or other dangerous or deadly weapon, unless first licensed so to do in the manner following:

SECTION 2. The Chief of Police, or, in his absence, either of the captains of police, may, upon written application, issue to any person of good moral character, whose business or occupation requires the carrying of such weapons for protection, a certificate setting forth that such person has complied with the requirements of this ordinance, and that he has been duly licensed to carry such weapon or weapons for protection. Such license shall continue in effect until revoked by the Chief of Police.

SECTION 3. Nothing in the foregoing sections shall be construed as forbidding the carrying or wearing of such weapons by United States marshals, sheriffs and their deputies, and constables and police officers of the City of Portland.

SECTION 4. Whoever violates this ordinance shall be fined not less than five nor more than twenty dollars for each offence.

SECTION 5. This ordinance shall take effect when approved.

Approved by the Mayor, October 9, 1909.

ORDINANCE RELATING TO CITY CLOCKS.

Be it ordained by the Mayor, Aldermen and Common Council of the City of Portland, in City Council assembled, as follows:

That Section 3 of Chapter 17 of the ordinances of the

LAWS
OF THE
STATE OF DELAWARE

PASSED
AT A SESSION OF THE GENERAL ASSEMBLY

COMMENCED AND HELD AT DOVER

On Tuesday, January 5th, A. D. 1909

AND

IN THE YEAR OF THE INDEPENDENCE OF THE UNITED
STATES THE ONE HUNDRED AND THIRTY-THIRD.

VOLUME XXV.—PART I.

MILFORD CHRONICLE POWER PRINT,
MILFORD, DEL.

1909.

LAWS OF DELAWARE.

577

RESOLUTIONS.

CHAPTER 271.

HOUSE JOINT RESOLUTION PROVIDING FOR INCREASE IN NON-RESIDENTS GUNNERS LICENSE FEE.

Whereas, there are numerous gunners from other States who make it a practice to gun in this State, and under existing laws a license fee of Five Dollars is collected from them. **Preamble**

And Whereas, our neighboring States charge non-resident gunners a license fee of more than Five Dollars. **Preamble**

Therefore be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:

That from and after the passage of this Resolution up to and including April 30th, 1911, all non-resident gunners shall be required to pay a license fee of Ten Dollars per annum, said license fee to be collected in the same manner and by the same agency as non-resident gunners' licenses are now collected. **Non-resident gunners to pay license fee of \$10**

Approved April 7, A. D. 1909.

LAWS
OF THE
STATE OF NEW YORK,
PASSED AT THE
ONE HUNDRED AND THIRTY-FOURTH SESSION
OF THE
LEGISLATURE,
BEGUN JANUARY FOURTH, 1911, AND ENDED OCTOBER
SIXTH, 1911,
AT THE CITY OF ALBANY,
AND ALSO OTHER MATTERS REQUIRED BY LAW TO
BE PUBLISHED WITH THE SESSION LAWS.

VOL. I.



ALBANY
J. B. LYON COMPANY, STATE PRINTERS
1911

Chap. 195.

AN ACT to amend the penal law, in relation to the sale and carrying of dangerous weapons.

Became a law May 25, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

L. 1909,
ch. 88,
§§ 1896,
1897, 1899
amended.

Section 1. Sections eighteen hundred and ninety-six, eighteen hundred and ninety-seven and eighteen hundred and ninety-nine of chapter eighty-eight of the laws of nineteen hundred and nine, entitled "An act providing for the punishment of crime, constituting chapter forty of the consolidated laws," are hereby amended to read as follows:

§ 1896. **Making and disposing of dangerous weapons.** A person who manufactures, or causes to be manufactured, or sells or keeps for sale, or offers, or gives, or disposes of any instrument or weapon of the kind usually known as a blackjack,¹ slungshot, billy, sandclub, sandbag, bludgeon,² or metal knuckles, to any person; or a person who offers, sells, loans, leases, or gives any gun, revolver, pistol or other firearm or any airgun, spring-gun or other instrument or weapon in which the propelling force is a spring or air or any instrument or weapon commonly known as a toy pistol or in or upon which any loaded or blank cartridges are used, or may be used, or any loaded or blank cartridges or ammunition therefor, to any person under the age of sixteen years, is guilty of a misdemeanor.

§ 1897. **Carrying and use of dangerous weapons.** A person who attempts to use against another, or who carries, or possesses, any instrument or weapon of the kind commonly known as a blackjack,¹ slungshot, billy, sandclub, sandbag,² metal knuckles or bludgeon,² or who, with intent to use the same unlawfully³ against another, carries or possesses a dagger, dirk, dangerous knife, razor, stiletto, or any other dangerous or deadly instrument or weapon,⁴ is guilty of a felony.

¹ Word "blackjack" new.

² Words "sandbag, bludgeon" new.

³ Word "unlawfully" new.

⁴ Words "razor, stiletto, or any other dangerous or deadly instrument or weapon," new.

Any person under the age of sixteen years, who shall have, carry, or have in his possession,⁵ any of the articles named or described in the last section, which it is forbidden therein to offer, sell, loan, lease or give to him, shall be guilty of a misdemeanor.

⁶Any person over the age of sixteen years, who shall have in his possession in any city, village or town of this state, any pistol, revolver or other firearm of a size which may be concealed upon the person, without a written license therefor, issued to him by a police magistrate of such city or village, or by a justice of the peace of such town, or in such manner as may be *prescribed by ordinance in such city, village or town, shall be guilty of a misdemeanor.

Any person over the age of sixteen years, who shall have or carry concealed upon his person in any city, village, or town of this state, any pistol, revolver, or other firearm without a written license therefor, theretofore issued to him by a police magistrate of such city or village, or by a justice of the peace of such town, or in such manner as may be prescribed by ordinance of such city, village or town, shall be guilty of a felony.⁷

⁸Any person not a citizen of the United States, who shall have or carry firearms, or any dangerous or deadly weapons in any public place, at any time, shall be guilty of a felony. This section shall not apply to the regular and ordinary transportation of firearms as merchandise, nor to sheriffs, policemen, or to other duly appointed peace officers, nor to duly authorized military or civil organizations, when parading, nor to the members thereof when going to and from the places of meeting of their respective organizations.

§ 1899. Destruction of dangerous weapons. The unlawful⁹ carrying of a pistol, revolver, or other firearm¹⁰ or of an instrument or weapon of the kind usually known as blackjack, bludgeon,¹¹ slung-shot, billy, sandclub, sandbag,¹² metal knuckles, or of a dagger,

* So in original.

⁵ Words "in any public place" omitted.

⁶ Following sentence new.

⁷ Formerly "misdemeanor."

⁸ Following sentence formerly read: "No person not a citizen of the United States, shall have or carry firearms or dangerous weapons in any public place at any time."

⁹ Word "unlawful" new.

¹⁰ Words "or other firearm" new.

¹¹ Words "blackjack, bludgeon" new.

¹² Word "sandbag" new.

dirk, dangerous knife, or any other dangerous or deadly weapon,¹³ by any person save a peace officer, is a nuisance, and such weapons are hereby declared to be nuisances, and when any one or more of the above described instruments or weapons shall be taken from the possession of any person the same shall be surrendered to the sheriff of the county wherein the same shall be taken, except that in cities of the first class the same shall be surrendered to the head of the police force or department of said city. The officer to whom the same may be so surrendered shall, except upon certificate of a judge of a court of record, or of the district attorney, that the nondestruction thereof is necessary or proper in the ends of justice, proceed at such time or times as he deems proper, and at least once in each year, to destroy or cause to be destroyed any and all such weapons or instruments, in such manner and to such extent that the same shall be and become wholly and entirely ineffective and useless for the purpose for which destined and harmless to human life or limb.

§ 1914
added.

§ 2. Such chapter is hereby amended by adding at the end of article one hundred and seventy-two thereof a new section to be section nineteen hundred and fourteen and to read as follows:

§ 1914. Sale of pistols, revolvers and other firearms. Every person selling a pistol, revolver or other firearm of a size which may be concealed upon the person whether such seller is a retail dealer, pawnbroker or otherwise, shall keep a register in which shall be entered at the time of sale, the date of sale, name, age, occupation and residence of every purchaser of such a pistol, revolver or other firearm, together with the calibre, make, model, manufacturer's number or other mark of identification on such pistol, revolver or other firearm. Such person shall also, before delivering the same to the purchaser, require such purchaser to produce a permit for possessing or carrying the same as required by law, and shall also enter in such register the date of such permit, the number thereon, if any, and the name of the magistrate or other officer by whom the same was issued. Every person who shall fail to keep a register and to enter therein the facts required by this section, or who shall fail to exact the production of a permit to possess or carry such pistol, revolver or other firearm, if such permit is required by law, shall be guilty of a misdemeanor. Such register shall be open at all reasonable hours for

¹³ Words "or any other dangerous or deadly weapon," new. Words "without lawful permission, license or authority so to do," omitted.

the inspection of any peace officer. Every person becoming the lawful possessor of such a pistol, revolver or other firearm, who shall sell, give or transfer the same to another person without first notifying the police authorities, shall be guilty of a misdemeanor. This section shall not apply to wholesale dealers.

§ 3. This act shall take effect September first, nineteen hundred and eleven.

In effect
Sept. 1,
1911.

Chap. 196.

AN ACT to amend chapter fifty-two, laws of nineteen hundred and nine, entitled "An act relating to real property, constituting chapter fifty of the consolidated laws," in relation to officers taking acknowledgments.

Became a law May 20, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section three hundred and ten of chapter fifty-two of the laws of nineteen hundred and nine, entitled "An act relating to real property, constituting chapter fifty of the consolidated laws," is hereby amended so as to read as follows:

L. 1909, ch.
52, § 310
amended.

§ 310.¹ A certificate of acknowledgment or proof, made within the state, by a commissioner of deeds, justice of the peace, or, except as otherwise provided by law, by a notary public, does not entitle the conveyance to be read in evidence or recorded, except within the county in which the officer making the same is authorized to act² at the time of making such certificate, unless authenticated by a certificate of the clerk of the same county; provided, however, that all certificates of acknowledgments or proof, made by or before a commissioner of deeds of the city of New York residing in any part therein, shall be authenticated by the³ clerk of any county within said city, in whose office such commissioner of deeds shall have filed a certificate under the hand and seal of the city clerk of said city, showing the appointment and

When
county
clerk's au-
thentication
necessary.

¹ Section heading amended out.

² Words "making the same is authorized to act" substituted for word "resides."

³ Words "city clerk of said city, that the said commissioner of deeds was duly appointed and qualified as such," omitted.

SESSION LAWS

OF THE

STATE OF WASHINGTON

TWELFTH SESSION

Convened January 9; Adjourned March 9

1911

COMPILED IN CHAPTERS WITH MARGINAL NOTES

— BY —

I. M. HOWELL
SECRETARY OF STATE

PUBLISHED BY AUTHORITY

OLYMPIA, WASH.
E. L. BOARDMAN, PUBLIC PRINTER
1911.

EXPLANATORY.

The Twelfth Legislature convened on January 9th, 1911, at 12 o'clock, noon (being the second Monday in January), and adjourned *sine die* on March 9th, 1911.

All laws passed by said session, and approved by the Governor, take effect in ninety days after the adjournment, or at 12 o'clock, midnight, June 7, 1911, except relief bills, appropriations and those acts having an emergency clause.

I. M. HOWELL,
Secretary of State.

CH. 52-53.]

SESSION LAWS, 1911.

303

CHAPTER 52.

[S. B. 180.]

LICENSING ALIENS TO CARRY FIREARMS.

AN ACT relating to the carrying of firearms, requiring licenses of certain persons, and fixing a penalty for the violation thereof.

Be it enacted by the Legislature of the State of Washington:

SECTION 1. It shall be unlawful for any person who is not a citizen of the United States, or who has not declared his intention to become a citizen of the United States, to carry or have in his possession at any time any shot gun, rifle or other firearm, without first having obtained a license from the state auditor, and said license is not to be issued by said state auditor except upon the certificate of the consul domiciled in the State of Washington and representing the country of such alien, that he is a responsible person and upon the payment for said license of the sum of fifteen dollars (\$15.00); nothing in this section contained shall be construed to allow aliens to hunt or fish in this state without first having obtained a regular hunting or fishing license. Any person violating the provisions of this section shall be guilty of a misdemeanor.

Firearms
prohibited
without
license.

Local
consul to
approve.

Penalty.

Passed by the Senate February 10, 1911.

Passed by the House March 4, 1911.

Approved by the Governor March 11, 1911.

CHAPTER 53.

[S. B. 87.]

PROVIDING LEVY FOR PUBLIC HIGHWAY.

AN ACT providing for an annual levy for the public highway fund and amending chapter 246 of the Session Laws of 1909.

Be it enacted by the Legislature of the State of Washington:

SECTION 1. That section 1 of an act of the legislature of the State of Washington, passed by the senate February 24, 1909, and passed by the house March 8, 1909,

LAWS, RESOLUTIONS AND MEMORIALS
OF THE
STATE OF MONTANA
PASSED BY THE
THIRTEENTH REGULAR
SESSION
OF THE
LEGISLATIVE ASSEMBLY

Held at Helena, the Seat of Government of Said State,
Commencing January 6, 1913, and Ending
March 6, 1913.

PUBLISHED BY AUTHORITY

Independent Publishing Company
Helena, Montana



Certificate of Authentication

STATE OF MONTANA, }
Secretary's Office. } ss.

I, A. M. Alderson, Secretary of State of the State of Montana, do hereby certify that the printed laws, resolutions and memorials contained herein are true and correct copies of all the enrolled laws, resolutions and memorials that were passed at the Thirteenth Regular Session of the Legislative Assembly of said state, commencing January 6th, 1913, and held at Helena, the seat of government of said state, and, in addition, true and correct copies of laws initiated and passed by the People of Montana at the general election of November, 1912.

(SEAL)

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Great Seal of said State. Done at the City of Helena, the seat of government of said State of Montana, this 20th day of April, A. D. 1913.

A. M. ALDERSON,

Secretary of State.

THIRTEENTH LEGISLATIVE ASSEMBLY.

53

CHAPTER 38.

"An Act to provide that Aliens shall pay a gun license, and providing a penalty for failure to obtain license; to provide for and regulate the duties of the Game and Fish Warden and his deputies, and to provide for the disposition of the fines so collected."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. There is hereby created a gun license for aliens. No person not a bona fide citizen of the United States shall own or have in his possession, in the State of Montana, any gun, pistol or other firearm without first having obtained from the Game and Fish Warden a license therefor, which said license shall cost the owner of said firearm the sum of Twenty-five (\$25) Dollars, and shall expire one year from date of issuance thereof; provided, however, that this Section shall not apply to one who has obtained the Twenty-five (\$25) Dollar hunting license required by the laws of Montana; provided, further, that the provisions of this Section shall not apply to any alien who is a bona fide resident of the State of Montana and the owner of not less than one hundred and sixty acres of land therein, nor shall it apply to any settler on the public lands of the State of Montana who shall have begun to acquire land under the laws of the United States by filing thereon, nor shall it apply to persons engaged in tending or herding sheep or other animals, held in herd.

Alien gun license.

Obtained from whom.

License for.

Not applicable to holders of alien license.

Other persons excluded from Act.

Section 2. Any alien of the United States who shall have in his possession or under his control, any gun, pistol or other firearm without having taken out and being at the time in possession of a license as provided in Section 1 of this Act, shall be guilty of a misdemeanor and be punished by a fine of not less than Twenty-five (\$25) Dollars.

Aliens having in possession fire arms without a license.

Misdemeanor.

Penalty.

Section 3. It shall be the duty of the Game and Fish Warden and his duly authorized deputies and of all peace officers in the State of Montana, to search for and take into their possession any gun, pistol or other firearm found in the possession of any alien not entitled to hold or possess same and to sell the same, and all of the provisions of Section 1959 of the Revised Codes of Montana, shall apply to the enforcement of this Act.

Duty of Fish and Game Warden and peace officers.

Sale of captured fire arms.

Section 4. Disposition of Fines. All fines and other moneys collected under the provisions of this Act, when

Disposition of fines collected.

SESSION LAWS

arrest has been made by the Game and Fish Warden and his deputies, shall be paid into the fund known as the "Fish and Game Fund," and all fines and other moneys collected under the provisions of this Act, where the arrest has been made by peace officers, shall be paid into the school fund of the county where said action is tried or arrest made.

Repealing clause.

Section 5. All Acts and parts of Acts contrary to the provisions of this Act are hereby repealed.

Section 6. This Act shall take effect and be in force thirty days after its passage and approval by the Governor.

Approved Feb. 28, 1913.

CHAPTER 39.

"An Act to amend Section 4062 of the Revised Codes of the State of Montana, 1907, as amended by Laws of Montana, 1909, relating to the manner in which Insurance Companies, Associations or partnerships may transact business in the State of Montana."

Be it enacted by the Legislative Assembly of the State of Montana:

Revised Codes of
1907, Section 4062,
amended.

Section 1. That Section 4062 of the Revised Codes of the State of Montana, 1907, as amended by Laws of Montana, 1909, be, and the same is hereby, amended so as to read as follows:

Foreign Insurance
companies.

Section 4062. It shall not be lawful for any insurance company, association or partnership, organized or associated for any of the purposes specified in this chapter, incorporated by, or organized under the laws of any other state, or the United States, or any foreign government, directly or indirectly, to take risks or transact any business of insurance in this State, unless possessed of two hundred thousand dollars of actual paid up Capital, exclusive of any assets of any such company as shall be deposited in any other states or territories, or foreign countries, for the special benefit or security of the insured therein; any such company desiring to transact any such business as aforesaid, by any agent or agents in this State, shall appoint one attorney in fact in each county in which agencies are established, resident of such county, and shall file with the State Auditor a written instrument, duly signed and sealed authorizing such attorney in fact of such company to acknowledge service of process, for and in behalf of such

Required capital to
do business in
state.

Shall appoint an
attorney-in-fact in
each county.

Filing of authority
of attorney to
acknowledge ser-
vice.



DATE DOWNLOADED: Tue Feb 20 15:02:37 2024

SOURCE: Content Downloaded from [HeinOnline](#)

Citations:

Please note: citations are provided as a general guideline. Users should consult their preferred citation format's style manual for proper citation formatting.

Bluebook 21st ed.
1913 497 .

ALWD 7th ed.
 , , 1913 497 .

Chicago 17th ed.
" Oregon - 27th Legislative Assembly, Regular Session : 497-497

AGLC 4th ed.
" Oregon - 27th Legislative Assembly, Regular Session 497

OSCOLA 4th ed.
" 1913 497 Please note: citations are provided as a general guideline.
Users should consult their preferred citation format's style manual for proper
citation formatting.

-- Your use of this HeinOnline PDF indicates your acceptance of HeinOnline's Terms and
Conditions of the license agreement available at

<https://heinonline.org/HOL/License>

-- The search text of this PDF is generated from uncorrected OCR text.

Sec. 1621. Upon appeal being taken, the clerk of the court where the notice of appeal is filed, must within 30 days thereafter, or such further time as such court, or the judge thereof may allow, transmit a certified copy of the notice of appeal, certificate of cause, if any, and judgment roll to the clerk of the Supreme Court.

Filed in the office of the Secretary of State February 26, 1913.

CHAPTER 256.

AN ACT

[S. B. 330.]
Forbidding the sale, barter, giving away, disposal of or display for sale of pocket pistols and revolvers, and fixing a penalty for the violation thereof.

Be it enacted by the People of the State of Oregon:

Section 1. It shall be unlawful for any person, firm or corporation to display for sale at retail any pocket pistol or revolver or to sell at retail, barter, give away or dispose of the same to any person whomsoever, excepting a policeman, member of the militia or peace officer of the State of Oregon, unless the purchaser or person attempting to procure the same shall have a permit for the purpose of procuring such pocket pistol or revolver signed by the municipal judge or city recorder of the city or county judge or a justice of the peace of the county wherein such person resides.

Section 2. *Provided*, that no judge, city recorder or justice of the peace shall issue such permit until said applicant has furnished him with an affidavit from at least two reputable freeholders as to the applicant's good moral character.

Section 3. All persons, firms or corporations engaged in the retail sale of pocket pistols or revolvers shall keep a record of the sale of such pocket pistols or revolvers by registering the name of the person or persons and the number of the pocket pistol or revolver and shall transmit same to the sheriff of the county in which purchase is made on the 1st and 15th day of each calendar month.

Section 4. Any person violating the provisions of this act shall be guilty of a misdemeanor.

Filed in the office of the Secretary of State February 26, 1913.

Chicago. Dept. of Law.

OPINIONS
OF THE
Corporation Counsel and
Assistants

FROM

MAY 1, 1915, TO JUNE 30, 1916.

PUBLISHED BY AUTHORITY OF THE
CITY COUNCIL
OF THE CITY OF CHICAGO

Compiled and Edited by
SAMUEL A. ETTELSON
Corporation Counsel

**Permit for Purchase of Revolver by Owner of Shooting
Gallery.**

November 10, 1915.

MESSRS. VON Lengerke & Antoine, 128-32 South Wabash
Avenue.

Gentlemen:

Your communication of the 5th inst. wherein you wish to be advised if it is necessary for a person who keeps, conducts and operates a licensed shooting gallery to secure from the general superintendent of police a permit to purchase revolvers to be used for target practice in licensed shooting gallery, has been referred to me, and in reply I beg to state as follows:

An ordinance passed by the City Council under date of May 25, 1914, and appearing upon pages 418 and 419 of the Council Journal, amending an ordinance passed by the City Council May 11, 1914, and appearing on pages 186 and 187 of the Council Journal, is as follows:

“SECTION 4a. It shall be unlawful for any person, firm or corporation to sell, barter or give away to any person within the City of Chicago, any pistol, revolver, derringer, bowie knife, dirk or other weapon of like character which can be concealed on the person, except to licensed dealers and to persons who have secured a permit for the purchase of such articles from the general superintendent of police as hereinafter required; provided, this section shall not apply to sales made of such articles which are to be delivered or furnished outside the City of Chicago.

“SECTION 5. It shall be unlawful for any person to purchase any pistol, revolver, derringer, bowie knife, dirk or other weapon of like character, which can be concealed on the person, without first securing from the General Superintendent of Police a permit so to do. Before any such permit is granted, an application in writing shall be made therefor, setting forth in such application the name, address, age, height, weight, complexion, nationality and other elements of identification, of the person desiring such permit, and the applicant shall present

such evidence of good character as the General Superintendent of Police in his discretion may require.

“SECTION 6. It shall be the duty of the General Superintendent of Police to refuse such permit to

(a) All persons having been convicted of any crime.

(b) All minors.

“Otherwise, in case he shall be satisfied that the applicant is a person of good moral character, it shall be the duty of the General Superintendent of Police to grant such permit, upon the payment of a fee of one dollar.

“SECTION 8. Any person, firm or corporation violating any of the provisions of this ordinance, shall be fined not less than Fifty Dollars (\$50.00) nor more than Two Hundred Dollars (\$200.00) for each offense, and every purchase, sale or gift of any weapon mentioned in this ordinance shall be deemed a separate offense.”

It would seem from the above sections that the intention of the City Council was to exercise the power to determine the manner in which deadly weapons may be sold. The section of the ordinance requiring a permit from the general superintendent of police before a person can lawfully purchase a revolver was for the purpose of keeping a record of all revolvers sold in the City of Chicago.

The ordinance giving the city power to restrict and regulate the sale of firearms is a separate and distinct ordinance from the one giving the city power to grant licenses to persons to keep, conduct and operate a shooting gallery.

I am, therefore, of the opinion that a person must first secure a permit from the general superintendent of police before he can purchase a revolver to be used in a shooting gallery for target practice.

Yours very truly,

CHARLES E. PEACE,
Assistant Corporation Counsel.

Approved:

SAMUEL A. ETTTELSON,
Corporation Counsel.

Ettelson, Samuel A., and Dept. of Law. Opinions of the Corporation Counsel and Assistants from May 1, 1915, to June 30, 1916. Vol. 7, Published by Authority of the City Council of the City of Chicago, [1897?]. The Making of Modern Law: Primary Sources, link.gale.com/apps/doc/DT0103745452/MMLP?u=efgssf&sid=bookmark-MMLP&pg=458. Accessed 20 Feb. 2024.

SESSION LAWS
of the
STATE OF WYOMING

Passed by the

Thirteenth State Legislature

Convened at Cheyenne, January 12, 1915
Adjourned February 20, 1915

Compiled and Published Under Statutory Authority

By

FRANK L. HOUX
Secretary of State

Wyoming Labor Journal Company
Cheyenne Wyoming



CHAPTER 90.

House Bill No. 110.

RELATING TO RECORDING OF CONTRACTS WITHOUT FEES.

AN ACT to amend and re-enact Chapter 89, Sessions Laws of Wyoming, 1911, relating to recording contracts and the execution of certain certificates by county clerks without fees.

Be It Enacted by the Legislature of the State of Wyoming:

Section 1. That Chapter 89, Session Laws of Wyoming, 1911, be amended and re-enacted to read as follows:

"Duty of County Clerk.

Section 1. It shall be the duty of the County Clerk as ex-officio recorder of deeds of each county in the State of Wyoming, at the request of the State Boards of Land Commissioners, to record and abstract all contracts between the United States and the State of Wyoming, and all deeds, relinquishments, or assignments executed by or under the authority of the State Boards of Land Commissioners, and said County Clerk shall execute under seal any and all such certificates as may be required by said State Boards of Land Commissioners, without requiring the payment of fees therefor."

Sec. 2. All acts and parts of acts in conflict herewith are hereby repealed.

Sec. 3. This Act shall take effect and be in force from and after its passage.

Approved February 25, 1915.

CHAPTER 91.

House Bill No. 189.

GAME AND FISH LAW.

AN ACT relating to the preservation of the game animals, game birds and fish of the State of Wyoming; relating to the duties of the Game Warden, and repealing Sections 2741, 2742, 2749, 2761, 2767, 2768, 2783, 2784, 2787, 2808, 2809 and 2811 of the Compiled Statutes of Wyoming, 1910, and Sections 6, 21, 22 and 24 of Chapter 66, Session Laws of Wyoming, 1911, and Sections 4, 5, 6, 7, 9, 10, 11, 15, 16, 17, 18, 20, 21, 22, 24, 25, 26, 27, 28, 31, 32, 33, 34, 35, 36, 37, 38, 42 and amending and re-enacting Section 29 of Chapter 121, Session Laws of Wyoming, 1913, and all other acts and parts of acts in conflict herewith.

Be It Enacted by the Legislature of the State of Wyoming:

Elk Damaging Personal Property.

Section 1. The State Game Warden, his assistants and deputies, are hereby authorized to kill any elk that the State Game Warden deems in his judgment are doing damage to personal property at any season of the year. The carcasses, heads and hides from elk so killed shall be

sold at public sale to the best interests of the state and the money derived from the sale of such shall be placed in the state treasury.

Reports of Game Warden, Assistants and Deputies.

Sec. 2. The State Game Warden shall be required to make an annual report to the governor, and shall from time to time make reports of his acts and furnish information relating to the condition of the game animals and game birds of this state to the state game commission. The biennial report of the State Game Warden, as contemplated by Section 262 of the Compiled Statutes of Wyoming, 1910, shall consist of copies of his annual reports to the governor for the two years immediately preceding and up to and including December 31st immediately preceding the meeting of the legislature, and such report may be filed not later than January 1st immediately preceding the meeting of the legislature. All assistant and deputy game wardens shall be required to report monthly to the State Game Warden.

Game Warden's Salary and Contingent.

Sec. 3. The State Game Warden shall be paid the sum of Two Thousand Dollars per annum, payable monthly, from the general fund of the state, and shall be allowed the sum of One Thousand Five Hundred Dollars per annum for necessary contingent expenses incident to the performance of his duties, payable from the general fund of the state. Said contingent expenses shall be paid upon vouchers approved by the State Game Commission. He shall devote his entire time to the duties of his office.

Assistants and Deputies.

Sec. 4. The State Game Warden is hereby authorized and directed to appoint, with the approval of the State Game Commission, seven assistant game wardens in different portions of the state. The said assistant game wardens shall each be appointed for a term of two years and shall each receive a salary of One Thousand Two Hundred Dollars per annum, payable in monthly installments. They shall devote all of their time to the duties of their office under the direction of the State Game Warden. They shall each be allowed the sum of Five Hundred Dollars per annum for necessary contingent expenses incident to the performance of their duties. Said contingent expenses shall be paid upon vouchers approved by the State Game Warden and the State Game Commission. The State Game Warden is hereby authorized and directed to appoint, with the approval of the State Game Commission, one or more deputy game wardens, as the emergency may demand, in any county of this state, said deputy game wardens to be paid not less than Three Dollars nor more than Four Dollars per day, in the discretion of the State Game Warden, for actual service rendered as such wardens.

The State Game Warden is hereby authorized and directed to appoint, with the approval of the State Game Commission, one or more deputy game wardens, as the emergency may demand, in any county of this state, said deputy game wardens to receive no pay for their services other than the commission for the sale of such game and fish licenses prescribed by law.

Neglect of Duty by Game Warden and Others.

Sec. 5. Whenever the attention of the State Game Warden or any assistant or deputy game warden, sheriff, constable or deputy sheriff, is

called to any violation of the provisions of the game or fish laws of this state, and he shall fail to take proper steps for the arrest and conviction of any person or persons, company or corporation, charged with such violation, he shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not less than Fifty Dollars nor more than Two Hundred Dollars.

Licenses Issued by Whom.

Sec. 6. All justices of the peace, assistant and deputy game wardens are hereby authorized to issue game or fishing licenses, or guide certificates, which are issued to them by the State Game Warden, and they shall each give a sufficient bond in an amount as the State Game Warden may direct, conditioned for the proper accounting for and turning over of the proceeds from the sale of all game or fishing licenses, and guide certificates which may be placed in their hands, and the proper accounting for and turning over of all unused and spoiled licenses and certificates, including all stubs of licenses and certificates, to the State Game Warden. They shall pay all moneys that may come into their hands from the sale of such licenses and certificates, to the state treasurer. The bond provided for in this section shall be issued by a surety company authorized to do business in this state and the premium on said bonds shall be paid from the state game fund upon vouchers approved by the State Game Warden. To carry out the purpose of this section, any assistant or deputy game warden who shall have furnished the bond provided for in this section, shall have authority to administer oaths required by the provisions of the game or fish laws of this state, if any, relating to the issuances of licenses to hunt.

Game Animals not to be Trapped or Used for Bait.

Sec. 7. It shall be unlawful for any person or persons to kill, wound or capture any moose, elk, deer, antelope or mountain sheep, or any of the game birds of this state by means of any pit, pitfall, net, trap, deadfall, or by any other similar device, and it shall be unlawful for any person or persons to use any specimen or specimens of a game animal or game bird of this state for bait for the purpose of trapping predatory animals within this state. Any person convicted of violating the provisions of this section shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than Fifty Dollars nor more than One Hundred and Fifty Dollars, and by imprisonment in the county jail for not less than thirty days nor more than six months.

Game Birds, Open Season.

Sec. 8. It shall be unlawful for any person or persons to shoot or kill any of the game birds of this state commonly known as snipe, sandpipers, plovers, tattlers, willets, curlew, godwits, avocets, coots, mudhens, ducks and geese, except from September 15th to December 16th, inclusive, of each year. Provided, that rails may be shot only during the months of September, October and November of each year. Provided further, that in Carbon County, curlew, mudhens, ducks and geese may be killed from September 1st to December 16th of each year. Any person convicted of violating the provisions of this section shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than Ten Dollars nor more than Fifty Dollars.

Sage-chickens, Grouse, Pheasants, Quail.—Number Permitted.

Sec. 9. It shall be unlawful for any person or persons to shoot or kill any of the game birds of this state commonly known as sage-hens or sage-chickens, except from August 1st to September 1st, inclusive, of each year. Provided, that all grouse, not including sage-hens or sage-chickens as hereinbefore specified, may be lawfully shot or killed only from September 1st to November 15th, inclusive, of each year. Provided, that it shall be unlawful for any person or persons to kill any Mongolian pheasant or quail until the year 1919, when the killing of such birds shall be allowed only during the open season for sage-hens or sage-chickens. Provided, further, that it shall be unlawful for any person to kill more than eighteen game birds of this state in any one day, and not more than six shall be sage-hens, sage-chickens or grouse, and it shall be unlawful for any person to have more than eighteen game birds in his or her possession in any one day, and not more than six shall be sage-hens, sage-chickens or grouse. Provided, that but two sage-hens or sage-chickens shall be killed or allowed in the possession of any person in the counties of Laramie and Sheridan in any one day. Provided, that this section shall apply only to persons hunting legally. Any person convicted of violation of the provisions of this section shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than Ten Dollars nor more than Fifty Dollars.

Moose and Antelope. Elk and Mountain Sheep.

Sec. 10. It shall be unlawful for any person or persons to kill any moose or antelope, or to sell or have in their possession any moose or antelope or parts thereof that were killed in this state, until the open season for other game animals in 1919, when only one male moose and one antelope may be killed by any person hunting legally. Provided, that during the open season of 1915-1916, there may be killed under special license, issued under the State Game Warden, fifty fully matured bull moose, and the possession of any moose or part of the same killed under said special license shall be lawful. It shall be unlawful for any person or persons to kill or wound any elk or mountain sheep in any part of this state, except in Lincoln, Park and Fremont counties. Provided, that it shall be unlawful for any person or persons to kill or wound any elk in that part of Fremont county which lies north of Big Wind River and south of Sweetwater River. Provided, further, that it shall be unlawful for any person or persons to kill or wound any elk within the boundaries of the Bridger National Forest in this state, until the open season on game animals in 1919. Any person convicted of violation of the provisions of this section shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not less than One Hundred Dollars, or by imprisonment in the county jail for not less than thirty days nor more than six months, or by both such fine and imprisonment, in the discretion of the court.

Open Seasons for Elk, Mountain Sheep and Deer.

Sec. 11. It shall be unlawful for any person or persons to hunt, wound or kill any elk or mountain sheep in this state, except from September 1st to November 15th, inclusive, of each year, and it shall be unlawful for any person or persons to hunt, wound, pursue or kill any deer within this state, except from October 1st to November 15th, inclusive, of each year. Provided, that in Sheridan, Campbell, Johnson,

Crook, Weston and Niobrara counties it shall be unlawful for any person or persons to hunt, wound, pursue or kill any deer except from October 15th to October 31st, inclusive, of each year. Provided, further, that no person may kill more than one matured male mountain sheep and one deer in this state during the open season thereon, and this section shall apply only to persons hunting legally. Provided, that in that particular territory, situated in Lincoln county and in cattle districts numbers 1, 3 and 5, which embraces all that portion of the Wyoming National Forest lying west and south of the Fall River Divide; commonly known as the Fall River Rim or Crest. The hunting period will be from October 5th to November 30th, of each year. Any person convicted of violation of the provisions of this section shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than Fifty Dollars nor more than One Hundred Dollars, or by imprisonment in the county jail for not less than thirty days nor more than three months, or by both such fine and imprisonment, in the discretion of the court.

Number of Game Animals That May Be Killed.

Sec. 12. It shall be unlawful for any person to kill more than two elk, one deer and one matured male mountain sheep in any one year; also one fully matured bull moose, and the limit herein specified shall apply only to persons hunting legally. Any person convicted of violation of the provisions of this section shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not less than Fifty Dollars nor more than One Hundred and Fifty Dollars, or by imprisonment in the county jail for not less than thirty days nor more than six months, or by both such fine and imprisonment.

Alien's Gun and Fish License.

Sec. 13. There is hereby created a special gun and fish license for aliens. No person, not a bona fide citizen of the United States, shall own or have in his possession, in the State of Wyoming, any gun, pistol or other firearm, or any fishing tackle, without first having obtained the specified license therefor, which such special gun and fish license shall cost the owner the sum of Twenty-five Dollars and shall expire on December 31st of each year after date of issuance thereof; provided, however, that this section shall not apply to one who has obtained a Fifty Dollar hunting license issued under the provisions of Section 17 of this act. Provided further, that the provisions of this section shall not apply to any alien who is a bona fide resident of the State of Wyoming, and a bona fide freeholder in the State of Wyoming, or one who pays taxes in any county of this state in excess of the sum of One Hundred Dollars, or to any settler on the public lands of the United States or the State of Wyoming and who shall have initiated proceedings to acquire title there-to under the several acts of Congress or the laws of the State of Wyoming, nor shall it apply to persons engaged in tending or herding sheep or other animals in herd or on the open range when in active employment. Any alien of the United States who shall have in his possession or under his control any gun or pistol or other firearm, or any fishing tackle, without having taken out and being at the time in possession of a license as herein provided shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than Twenty-five Dollars and not more than One Hundred Dollars, and in the event that such fine and costs are not paid shall be imprisoned in the county jail until such fine and costs

are paid at the rate of One Dollar per day. It shall be the duty of the State Game Warden, his assistants and deputies, and all other peace officers in the State of Wyoming, to search for and take into their possession any gun, pistol or other firearm, or fishing tackle, found in the possession of any alien not entitled to hold or possess the same, and to sell the same, destroy or otherwise dispose of the same upon order of any Justice of the Peace or District Court of the State of Wyoming, or a Judge or District Court Commissioner thereof. Provided that any moneys derived from fines or moneys collected under this section shall, when the arrests are made by the State Game Warden, his assistants or his deputies, be paid over to the State Game Fund, and all fines and other moneys collected under the provisions of this section, when the arrest is made by Peace Officers shall be paid into the school fund of the county where said offense is committed.

Failure to Produce License.

Sec. 14. The failure of any person hunting the game animals and game birds, or fishing within the waters of this state, to produce the necessary and proper license to engage in such hunting and fishing, when requested to do so by an authorized officer, shall be prima facie evidence of the violation of the provisions of Section 31 and 32 of this Chapter and Section 23 of Chapter 66, Session Laws of Wyoming, 1911.

Resident Hunter's and Game Bird Licenses.

Sec. 15. Any person who is a bona fide elector of this state or the child or legal ward of a bona fide elector of this state, over the age of fifteen years, or a soldier or a sailor who is a bona fide elector of the United States and has been stationed at a government post within this state for one year past, or a non-resident having property in this state on which he or she pays taxes to the amount of \$100.00 or over, annually, or an officer employed in this state by the National Forest Service, upon making application to any qualified justice of the peace, assistant or deputy game warden, and upon furnishing satisfactory proof that such person is a bona fide elector of this state, or the child or legal ward of a bona fide elector of this state, over the age of fifteen years, or a soldier or a sailor who is a bona fide elector of the United States and has been stationed at a government post within this state for one year past, or a non-resident having property in this state on which he or she pays taxes to the amount of \$100.00 or over, annually, or an officer employed in this state by the National Forest Service, and upon the payment of two dollars and fifty cents to said justice of the peace, assistant or deputy game warden, shall be entitled to receive a resident hunter's license, which license shall permit such person to pursue, hunt and kill one elk, one deer and one matured male mountain sheep and the game birds, during the current season, under the restrictions imposed by the laws of this state; or, upon the payment of one dollar to said justice of the peace, assistant or deputy game warden, shall, if over the age of fourteen years, be entitled to receive a game bird license, which license shall entitle such person to kill any of the game birds during the current season, under the restrictions imposed by the laws of this state.

Resident Hunter's Special License.—Bull Moose License.

Sec. 16. Any person who shall have complied with the provisions of Section 15 of this Chapter shall, at any time during the open season

on large game, upon the payment of \$10.00 to any officer authorized to issue game licenses, be entitled to receive a resident hunter's special license, which license shall entitle the person to whom the same is issued, to pursue, hunt and kill one elk in addition to the game animals he is permitted to kill under his resident hunter's license. Provided, further, there shall be issued a special bull moose license, the cost of which shall be one hundred dollars (\$100.00). Said license shall entitle the holder thereof, to kill one fully matured bull moose, under the following restrictions; Parties holding such license must be accompanied by a deputy warden appointed by the State Game Warden and who shall receive for such work the sum of four dollars per day. The above to be paid by the holder of said moose license.

Non-resident Gunner's and Hunters Licenses.

Sec. 17. Any person who is not a bona fide elector of this state, or the child or legal ward of a bona elector of this state, or a soldier or sailor who is a bona fide elector of the United States, and has been stationed at a government post within this state for one year past, or a non-resident having property in this state on which he or she pays taxes to the amount of one hundred dollars or over, annually, but who shall be a citizen of the United States or a free-holder in this state, shall, upon the payment of five dollars to any justice of the peace, assistant or deputy game warden of this state, be entitled to receive from such officer a gunner's license, which license shall permit such person to kill any of the game birds and catch the fish of this state during the current season, under the restrictions imposed by the laws of this state. Any person who is not a bona fide elector of this state, or the child or legal ward of the bona fide elector of this state, or a soldier or a sailor who is a bona fide elector of the United States and has been stationed at a government post within this state for one year past, or a non-resident having property in this state on which he or she pays taxes to the amount of \$100.00 or over, annually, or an officer employed in this state by the National Forest Service, shall, upon the payment of \$50.00 to any Justice of the Peace, assistant or deputy game warden, be entitled to receive from such officer a non-resident hunter's license, which license shall permit such person to kill two elk, one deer and one matured male mountain sheep and other game animals and game birds and catch the fish of this state, during the current season, under the restrictions imposed by the laws of this state. Provided that any non-resident who has complied with the above may upon application to the State Game Warden, be issued a special Bull Moose License, which shall cost the holder thereof the sum of one hundred dollars, not more than one such license, shall be issued to each applicant. Said holder thereof to be accompanied by special game warden and who shall receive for such work the sum of four dollars per day. The above to be paid the holder of said bull moose license.

Guides.—Certificate, Reports, and Duties.

Sec. 18. It shall be unlawful for any person to be engaged in the business of guiding, as the term is commonly understood, without having first secured from a Justice of the Peace of the county in which he resides, a guide certificate. Any competent person of good moral character, who is a bona fide citizen and qualified elector of this state, may, upon the payment of \$10.00 to a justice of the peace of this state, receive a certificate of guide, which certificate shall be valid for a term of one

year from the date of issue, unless sooner revoked, and shall state the name, age and place of residence of the holder of the same, and shall recite that the holder of such certificate is a person of good moral character, a bona fide resident and qualified elector of this state. Every person, before obtaining such certificate, shall file with the said justice of the peace a bond in the amount of \$500.00 for the faithful performance of his duty, said bond to be approved by the justice of the peace. He shall present to the justice of the peace the affidavit of two resident freeholders, known to the said justice of the peace, corroborating his own affidavit that he, the said applicant, is of good moral character, a bona fide citizen and qualified elector of this state.

All such guides shall be required to furnish to the State Game Warden sworn reports each year, not later than December 15th; the said reports to contain the names of persons guided, the number of animals and kind killed by each person, and the disposition of said animal; the number of arrests and convictions for violations of game or fish laws and the name of the justice of the peace granting his certificate. Every person acting as guide, as herein provided, shall be an ex-officio assistant game warden, and shall file with the state game warden his oath of office. Each such guide shall immediately report to the State Game Warden any violation of the game or fish laws of this state by the person employing him, or by any other person. Every guide who, as an ex-officio assistant game warden, makes an arrest and secures the conviction of any violation of any of the game laws of this state, shall be entitled to receive \$3.00 per day for each day necessarily employed in making such arrest and securing such conviction, to be paid from the state general fund, when his account has been approved by the State game commission. Any guide convicted of violating any of the provisions of this section, or of the game laws of this state, shall have his certificate revoked by the justice of the peace who granted the same. Any guide whose certificate has been revoked or any person who is convicted of violating any of the game laws of this state, as aforesaid, shall be ineligible to act as guide in this state for a period of five years from the date of such revocation or conviction.

Moneys Remitted to State Treasurer.

Sec. 19. All moneys collected for hunting licenses and guide certificates, as provided in the game laws of this state, shall, within fifteen days after receipt of same by any justice of the peace, assistant or deputy game warden, be paid into the state treasury. Every justice of the peace, assistant and deputy game warden, shall also furnish the state treasurer, with each remittance, a list of the names of all persons who have secured licenses and guide certificates, which report shall also state the number and kind of the licenses or certificates, the date of issue and the address of the party to whom issued. A duplicate of this report shall also be filed with the state game warden. All moneys so paid into the state treasury shall be credited to the general fund of the state. All justices of the peace, assistant and deputy game wardens shall be held responsible under their bonds for all licenses and certificates issued to them by the state game warden. Any such officers who violate the provisions of this section shall, upon conviction be deemed guilty of a misdemeanor and shall be fined in a sum of not less than twenty-five dollars nor more than one hundred dollars.

Fees for Issuing Licenses.

Sec. 20. The justices of the peace and unsalaried deputy game warden[s] collecting and accounting for game licenses and guide certificates provided for by the game laws of this state, shall be allowed fees as follows:

Each resident ordinary big game license	\$.50
Each resident bird license	.25
Each resident special big game license	1.00
Each non-resident or alien big game license	2.50
Each non-resident gunner's license	.50
Each non-resident bear license	1.00
Each guide's certificate	1.00

Provided, that any officer who is authorized by the provisions of this act to issue licenses, and who shall issue the same to a person not entitled thereto, shall be deemed guilty of a misdemeanor and shall be fined in any sum not exceeding twenty-five dollars, and the State Game Warden may thereupon revoke the authority of such officer to issue any further license.

Capture of Game Animals.

Sec. 21. It shall be unlawful for any person or persons to capture any of the game animals of this state, except in the manner hereinafter provided in this section. Any responsible resident person of good character, who shall desire to capture any of the game animals of this state, for the purpose of domestication and propagation, upon application to the state game warden, and the payment of one dollar, may receive from such state game warden a permit which shall entitle such person to capture not more than three male elk, six female elk, three male deer, six female deer, three male mountain sheep, three female mountain sheep, three male antelope, six female antelope. Provided, that during the months of January, February, March and April, the capture of such game animals shall be under the direction, supervision and assistance of the state game warden or an assistant [or] deputy game warden. It shall be unlawful for any person to capture any elk more than one year old, or any deer, mountain sheep or antelope more than three months old. No person shall be entitled to receive more than one permit under the provisions of this section. The capture and custody of any of the animals mentioned in this section shall not entitle a person holding a permit under the provisions of this section to kill, sell or dispose of the game, or to ship the same out of the state for the period of five years from the date of the capture of said animals, but such person shall be entitled to an absolute property right in the natural increase of such animals. Any person who shall violate any of the provisions of this section shall, upon conviction thereof, be fined in a sum of not less than twenty-five dollars nor more than one hundred dollars, or be imprisoned in the county jail for not less than thirty days nor more than sixty days, or be punished by both such fine and imprisonment.

Photographing Game Animals.

Sec. 22. It shall be unlawful for any person or persons to photograph any of the game animals of this state during the months of Janu-

ary, February, March and April, except in the manner hereinafter provided in this section. Any responsible person who shall desire to photograph any of the game animals of this state during the months of January, February, March and April, upon the payment of one dollar to the state game warden and upon the recommendation of two well known responsible electors of this state, may receive from such state game warden a permit, which permit shall entitle such person to enter the game fields of this state during said months and photograph any of the game animals therein, but such person shall be under the direction and supervision of the state game warden or an assistant or deputy game warden detailed for that purpose. It shall be the duty of all game wardens employed as provided for in this section and in section 13 of this chapter, to prevent any harassing, undue disturbance of, or injury to the game animals of this state. Every person holding a permit to capture or to photograph game animals shall pay to the officer directing, supervising and assisting him as herein provided, the sum of three dollars per day for each day or fraction of a day such officer shall be so employed, and such funds shall be remitted by such game warden, within ten days after such service has been performed, to the state treasurer to the credit of the general fund, together with a statement showing from whom collected, time of service and number and kind of animals captured and place of capture, or if he has been employed to assist in photographing the game animals of this state, then a statement shall accompany his remittance showing for whom the service was performed, where and when the time of service. Duplicates of such reports shall be filed with the state game warden. Provided, that if such assistant or deputy game warden is not regularly employed by the state during the time such service was performed, then he shall render his account against the state for such sum as may be approved by the state game warden, not to exceed the amount collected, which shall be paid from the state game fund by proper warrant issued by the state auditor. Provided, further, that all fees or earnings received by the state game warden under the provisions of this section shall be covered into the state treasury to the credit of the general fund. The state game warden shall have power to revoke at any time, any permit granted by him under the provisions of this section and section 13 of this chapter. Any person who shall violate any of the provisions of this section shall, upon conviction thereof, be fined in the sum of not less than fifty dollars nor more than one hundred dollars, or shall be confined in the county jail not less than thirty days, nor more than ninety days.

Beaver.

Sec. 23. It shall be unlawful for any person to kill, wound, ensnare or entrap any beaver within this state, until the fifteenth day of September, 1919. Provided, that any bona fide owner of real estate, who is being damaged by beaver, may have the same destroyed by obtaining the permission of the state game warden, as follows: Such land owner shall make application to the state game warden, stating the location of his land, the location of the beaver, and the character of the damage being done. Thereupon the state game warden shall investigate said complaint, and if he finds that actual damage is being done by the beaver to the lands or property of the complainant, he shall immediately issue permission to destroy same. Said property owner shall, after destroying same, immediately report number destroyed to the state game warden.

Sale or Shipment of Game—Game Specimen Defined—Game Tags.

Sec. 24. It shall be unlawful for any person to sell, barter or dispose of for any pecuniary consideration or advantage, or to obtain by sale or barter any edible portion or portions of any game animal or game bird or fish of this state. It is hereby declared that for the purpose of this Act, a game specimen shall include and cover any carcass, or any part thereof, or any hide, tusk, scalp or head, whether mounted or unmounted, or any full life-sized mount, of any of the game animals or game birds of this state. It shall be unlawful to ship or transport, or to receive for shipment or transportation out of this state, any game specimen, as hereinbefore defined, or any beaver hide, or beaver hides, unless the same shall first be tagged with a Wyoming game tag. It shall be unlawful to ship or transport, by common carrier, or to receive for shipment or transportation by common carrier from one point in this state to another point in this state, any game specimen, as hereinbefore defined, or any beaver hide, or beaver hides, unless the same shall first be tagged with a Wyoming game tag. It shall be unlawful for any person to deliver to any taxidermist or other person for mounting, or for any taxidermist or other person to receive or have in his possession for mounting, any game specimen, as hereinbefore defined, or any beaver hide, or beaver hides, unless the same shall first be tagged with a Wyoming game tag. It shall be unlawful for any person to give away any game specimen, as hereinbefore defined, or for any person to receive any such game specimen, unless the same shall first be tagged with a Wyoming game tag. Provided, that it shall be lawful for any person to sell or barter, exchange any beaver hide or beaver hides, or any game specimen or specimens of any game animal of this state lawfully killed or taken, but such beaver hide or beaver hides, or game specimen or specimens, shall first be tagged with a Wyoming game tag. Any person convicted of violation of the provisions of this section shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than twenty dollars nor more than one hundred dollars, or shall be imprisoned in the county jail for not less than twenty days nor more than sixty days, or may be punished by both such fine and imprisonment.

Game Tags.

Sec. 25. Any person desiring a game specimen or beaver hide tagged for any of the purposes contained in Section 24 of this chapter, shall comply with the following provisions:

Such person shall make an affidavit before any justice of the peace authorized to issue Wyoming game tags, stating that the game specimen or beaver hide is from an animal or bird taken or killed in accordance with the law; the time when, the place where, approximately, and the person by whom such animal or bird was taken or killed. Said affidavit shall also state the name of the person to whom said game specimen or beaver hide will be shipped or delivered, and the place where said game specimen or beaver hide will be shipped or delivered; and if the game specimen be an edible portion of the game animal or bird, then said affidavit shall state that such edible portion of such game animal or bird is not being sold or disposed of for any pecuniary consideration.

Such person shall then pay to the said justice of the peace a fee of twenty-five cents, whereupon the justice of the peace shall then attach to the game specimen or beaver hide a Wyoming game tag and seal, which

tag and seal shall entitle the person to ship or transport, or receive for shipment or transportation out of this state such game specimen or beaver hide; or such tag will entitle the person to ship or transport by common carrier from one point within this state to any other point within this state, such game specimen or beaver hide, or to deliver to any taxidermist or other person for mounting, or to have in his possession such mounted game specimen, or to sell, barter, exchange or dispose of for any pecuniary consideration or profit any beaver hide, or any game specimen except an edible game specimen, of which such sale, barter, exchange and disposition of for a pecuniary consideration or profit is heretofore prohibited.

The state game warden shall keep a strict record of all Wyoming game tags issued by him to the justices of the peace, and said justices of the peace shall keep a strict record in their court dockets, on a page or pages set apart for that purpose, of each game specimen or beaver hide tagged with a Wyoming game tag, which record shall also show the kind of game specimen so tagged, the name and address of the person to whom a game tag or game tags have been issued, the date of issue, the number of the tag or tags so issued. And the purpose or purposes for which said tag or tags were issued. It shall be the duty of every justice of the peace who tags game specimens or beaver hides within this state, to submit a written report to the state game warden on December 1st, of each year, showing in detail the kind and number of game specimens or beaver hides tagged with a Wyoming game tag, the names and address of persons to whom tags have been issued, the date of issue, the number of the tag or tags so issued, the purpose or purposes for which said tag or tags were issued; said report to cover and pertain to all game specimens or beaver hides tagged by such justice of the peace or his predecessor in office, if any there be, for the year ending December first, respectively.

Game Animals and Fish Defined.

Sec. 26. For the purposes of this Chapter and other provisions of the game laws of this state wherein the words "game animal" or "game animals or fish" are used, such words shall be construed as meaning any elk, deer, mountain sheep, wild goats, antelope, moose, beaver or bear, trout, greyling, pike, bass or catfish within this state.

Lawful Fishing—Sale of Fish—Seining License.

Sec. 27. A fishing tackle consisting of a rod or pole, line and hook, shall be the only lawful means by which fish may be taken from the waters of the state. The said hook shall not be baited with any poisonous drug or substance, and it shall be unlawful for any person or persons to use any net, seine, gill nets, fish traps, grab hooks, spears, snare or similar means for catching fish, and no speckled or mountain trout, California trout or any game fish shall be caught at any time for speculative purposes, or for market, or for sale, and it shall be unlawful for any person to sell or offer for sale any speckled or mountain trout caught in the waters of this state; in the lakes and reservoirs of the Laramie Plains, provided, that any person or persons who are engaged in fish culture for commercial purposes, upon making satisfactory proof of the same, may sell, transport within and out of the state any fish that have been raised and caught from his or their private waters.

Provided further, that the citizens of this state shall be permitted to fish with seine, with meshes not less than $1\frac{1}{4}$ inches, in any of the waters of this state. Any citizen or citizens desiring to seine in any of the waters of this state, shall make application to the assistant or deputy game warden of his district. If said application be approved by the warden of said district, he shall upon all occasions accompany any such citizen or citizens and shall return any and all trout, greyling, pike, bass or cat fish to said stream, and it is hereby made unlawful for any citizen seining in any of the waters of this state to retain any trout, greyling, pike, bass or cat fish. Any citizen or citizens so seining shall procure a license to do so from the warden of said district upon payment of \$3.00, which shall procure a license for one or more citizens for any one day, who may use but one seine only. Said license fee shall be recovered into the treasury in the same manner as all other fees provided for under the Game and Fish Laws of this State;

And further provided, that the superintendent of a fish hatchery district may, upon petition of fifty citizens of the county wherein is located any lake or lakes which have been stocked with food fish, such as lake trout, white fish and carp, and upon the recommendation of the board of county commissioners of said county, permit citizens of this state to fish for said lake trout, white fish and carp with a gill net with mesh not less than one and one-half inches, said net to be exhibited to said superintendent and by him approved; and it is further provided, that fish so lawfully taken shall not be shipped out of the state of Wyoming; and provided, further that said superintendent may at any time revoke said permission if in his judgment it is necessary in order to preserve the fish in lakes. Any person offending against this Section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not less than twenty dollars nor more than fifty dollars, or shall be imprisoned for a period of not more than three months or by both.

Transportation of Game Animals or Specimens.

Sec. 28. It shall be unlawful for any railway, express company, stage company, or other public carriers, or any of their agents or employees or other person or persons to receive or have in their possession for transportation, any live game animal or game birds or game specimen as defined in Section 24 of this Chapter, or any beaver hide or beaver hides, except as otherwise provided by law. Any railway, express company, or stage company or other public carrier or any of their agents or employees or other person or persons convicted of violation of the provisions of this Section shall be deemed guilty of a misdemeanor and shall be fined not less than one hundred dollars nor more than five hundred dollars. Provided, that none of the provisions of this Section shall apply to game or fish in transit through this state from other states or territories.

Justices of the Peace—List—Supplies—Appropriation.

Sec. 29. The county clerk of each county of this state shall furnish to the State Game Warden a full, true and complete list of all justices of the peace within his respective county, together with their respective post office address. The State Game Warden is hereby authorized and directed to furnish game tags, sealing implements, printed licenses and certificates in accordance with the provisions of the game laws of this state; such licenses and certificates to be prepared with stubs and securely

bound in books and numbered consecutively. He shall provide each justice of the peace, assistant game warden and deputy game warden with a suitable supply of licenses and certificates, and such books, together with the stubs and unused licenses and certificates shall be returned to the State Game Warden on or before December 5th of each year by such justices of the peace, assistant and deputy game wardens. The State Game Warden shall also furnish to such justices of the peace as shall apply for the same, game tags and sealing implements for the purpose of complying with the provisions of Section 25 of this Chapter. Sealing implements and game tags so furnished shall be considered the property of this state and unused seals and sealing implements shall be returned to the State Game Warden upon the expiration of the term of office of such justice of the peace. For the purpose of defraying the cost of purchasing implements and game tags, printing licenses and certificates and paying postage and furnishing such other supplies and paying such other expenses as may be necessary to carry into effect the provisions of this Chapter, the sum of \$1,000.00 per annum, or so much thereof as may be necessary, is hereby appropriated out of the general fund of the state. Any officer violating the provisions of this Section, shall, upon conviction thereof, be deemed guilty of a misdemeanor and shall be fined in a sum of not less than ten dollars.

Predatory Wild Animals in Game Preserves—Use of Dogs.

Sec. 30. It shall be unlawful for any person to enter the national forests of this state for the purpose of chasing or coursing predatory wild animals with dogs, unless each of such dogs shall have been duly tagged as hereinafter provided. Upon application to the State Game Warden, and the payment of one dollar for each dog, the applicant may, in the discretion of the State Game Warden, receive a license, good for the closed season on large game animals during the current calendar year only, permitting such applicant to hunt and chase mountain lion, wolves, fox, coyotes, lynx, wildcats and wolverines within any part of the national forests which are not included within the state game preserve. Each dog contemplated by this Section shall bear a metal tag attached to a substantial collar and bearing the license number and name of such applicant; all such tags and collars shall be furnished at the expense of the applicant. Any holder of such license may take such tagged dogs into the state game preserve of this state when the State Game Warden may deem it advisable for the extermination of predatory wild animals upon the condition that such dogs be taken and kept in such state game preserve in company with the State Game Warden or one of his assistants or deputies, and any hunting or chasing of any of the above mentioned animals in said state game preserve shall be under the direct supervision and control of the State Game Warden or his assistant or deputy. Any person convicted of the violation of any provision of this Section shall be deemed guilty of a misdemeanor and shall be fined no less than seventy-five dollars nor more than one hundred dollars, or may be imprisoned in the county jail for a period of not less than thirty days nor more than ninety days, or may be punished by both such fine and imprisonment, in the discretion of the court.

Authority to Arrest, Seize and Search.

Sec. 31. Any officer authorized to enforce the game and fish laws of this state may, without process, arrest any violator of any of the pro-

visions of said laws, and such officers shall, with diligence, cause such person to be taken before the proper court for trial or examination, which trial or examination shall be had upon complaint or information as now provided by law. Any officer authorized to enforce the game and fish laws of this state may, at any time, seize and take into custody any fish, carcass or part thereof, tusk, hide, scalp, head, or any game bird which has been unlawfully killed or which is held in possession in violation of law, or has been obtained in violation of law, and such game or fish shall be sold to the best advantage, and the money derived from the sale thereof shall be paid into the state treasury, to be credited to the general fund. The State Game Warden and his assistant and deputy game wardens and all sheriffs and constables of this state, shall have the right to search any camp, camp outfit, pack or pack animals, automobiles, wagon, buggy or hunting clothes for game specimens, carcasses, heads, hides, scalps, tusks or other parts of game animals and game birds, or any fish, which they have reason to believe were killed or taken in violation of any of the provisions of the game and fish laws of this state.

State Game Preserves Excepted.

Sec. 32. The provisions of the game laws of this state, or those parts thereof defining an open season for, and permitting the pursuit, hunting and killing of the game animals and game birds of this state, and regulating the capture of such game animals, shall not apply to any of the areas included in any of the state game preserves now established or which may hereafter be established.

State Game Fund Defined.

Sec. 33. For the purposes of this Chapter where the words "state game fund" are used such words shall be construed to mean the fund arising from moneys set aside for carrying out the provisions of the game laws.

Sale of Game Fish Prohibited.

Sec. 34. It shall be unlawful to sell, directly or indirectly, or to offer for sale, any game fish or parts thereof, caught from the waters of this state. Provided, that this Section shall not apply to any officer authorized by law to sell fish which have been confiscated, nor shall it apply to any person or persons who are engaged in fish culture as provided in Section 30 of Chapter 121, of the Session Laws of Wyoming, 1913. Any person violating the provisions of this Section shall, upon conviction thereof, be deemed guilty of a misdemeanor and shall be fined in a sum of not less than ten dollars nor more than one hundred dollars.

When Transportation Companies May Receive Game Fish.

Sec. 35. It shall be unlawful for any railroad company, express company, stage company, or other common carrier or any of its agents or employees to receive or have in their possession any game fish caught from the waters of this state. Provided, that this Section shall not apply to game fish lawfully taken from the waters of this state by any bona fide citizen thereof, nor shall it apply to any person or persons who are engaged in fish culture for commercial purposes, as provided in Section 30 of Chapter 121, of the Session Laws of Wyoming, 1913. Any person or company, as above defined, violating the provisions of this Section shall, upon conviction thereof, be deemed guilty of a misdemeanor

and shall be fined in a sum not less than ten dollars nor more than one hundred dollars.

Shipment of Game Fish Out of the State.

Sec. 36. It shall be unlawful for any person or persons, company or corporation, to ship or offer to ship out of this state, or to carry out of this state, any game fish caught from the waters of this state. Provided, that this section shall not apply to any person or persons who are engaged in fish culture for commercial purposes, as provided in Section 30, Chapter 121, Session Laws of Wyoming, 1913. Any person, company or corporation violating the provisions of this Section shall, upon conviction thereof, be deemed guilty of a misdemeanor and shall be fined in a sum not less than ten dollars nor more than one hundred dollars.

Closed Season in Fremont County.—Amount Lawful to Catch.

Sec. 37. In the County of Fremont, it shall be unlawful to take fish from any of the streams of said county from November 1st, to March 31st, of each year. It shall be unlawful for any person to have in his or her possession more than twenty pounds of fish caught from the waters of this state. Any person violating the provisions of this section shall, upon conviction thereof, be deemed guilty of a misdemeanor and shall be fined in a sum of not less than ten dollars nor more than one hundred dollars.

Unlawful to Obstruct Free Passage of Fish.

Sec. 38. It shall be unlawful for any person or persons, company or corporation, to erect, or place, or cause to be erected or placed across any of the rivers, creeks, ponds, or lakes of this state, any dam, net, service weir, trot-line, or any other obstruction in such a manner as to prevent the free passage of fish up, down or through such waters, unless such dam, net, service weir, trot-line or other obstruction shall be erected or placed across such stream, river, creek, pond or lake with the consent and under the direction of the fish hatchery superintendent of the district. Provided, that the owner or owners of any dam erected across any of the streams within this state, shall build, erect and maintain at all times at his or their expense, fish ways at an angle of not more than 45 degrees, to allow the free and uninterrupted passage of fish up and down such streams. Provided, that this Section shall not apply to dams over fifty feet in height. Any person or persons, company or corporation, violating the provisions of this Section shall, upon conviction thereof, be deemed guilty of a misdemeanor and shall be fined in any sum not less than twenty-five dollars nor more than two hundred dollars, or be imprisoned in the county jail for a period of not less than thirty days nor more than ninety days, or may be punished by both such fine and imprisonment.

Failure to Maintain Sluice in Dam.

Sec. 39. Each and every month that any person or persons, company or corporation, shall neglect or refuse to keep up and maintain a sufficient sluice or fish way as prescribed by Section 37 [38] of this Chapter, shall constitute a separate offense.

Exchange of Game Animals and Birds.—Appropriation.

Sec. 40. The state game commission may authorize the capture of any of the game animals of this state and permit the same to be trans-

ported out of the state in exchange for such game animals or birds as in its judgment shall be adapted to the climate and conditions of this State, and it shall have power to expend annually, from the general fund of the state, the sum of four thousand dollars, or so much thereof as is necessary to pay the expenses of transporting the animals and birds as contemplated in this Section and Sections 5 and 9 of Chapter 66 of the Session Laws of Wyoming, 1911.

Catching Small Fish Prohibited.

Sec. 41. That Section 29 of Chapter 121 of the Session Laws of 1913 be and the same is hereby amended and re-enacted so as to read as follows:

"Section 29. That Section 2814 of the Compiled Statutes of Wyoming, 1910, be, and the same is hereby amended and re-enacted so as to read as follows:

"Section 2814. It shall be unlawful to kill or destroy, or have in possession for any purpose at any time, any trout or black bass less than six inches in length, taken from the waters of this state, and the possession shall be prima facie evidence of the violation of the provisions of this Section; and any person violating the provisions of this Section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than five dollars and not more than twenty-five dollars and cost of prosecution or shall be imprisoned for a period of not more than thirty days or by both."

Repeal.

Sec. 42. Sections 2741, 2742, 2749, 2761, 2767, 2768, 2783, 2784, 2787, 2808, 2809, and 2811 of the Compiled Statutes of Wyoming, 1910, and Sections 6, 21, 22 and 24 of Chapter 66, Session Laws of Wyoming, 1911, and Sections 4, 5, 6, 7, 9, 10, 11, 15, 16, 17, 18, 20, 21, 22, 24, 25, 26, 27, 28, 31, 32, 33, 34, 35, 36, 37, 38 and 42 of Chapter 121, Session Laws of Wyoming, 1913, are hereby repealed. And all acts and parts of acts in conflict herewith are hereby repealed.

Sec. 43. This Act shall take effect and be in force from and after its passage.

Approved February 25, 1915.

CHAPTER 92.

Senate File No. 81.

RELATING TO PUBLIC IMPROVEMENTS IN CHEYENNE.

AN ACT entitled "An Act to Amend and Re-enact Subdivision Thirty-seventh of Section 1379, Wyoming Compiled Statutes, 1910, relating to the powers and duties of the city council of the City of Cheyenne in awarding contracts, providing for estimates and appropriating money."

Be It Enacted by the Legislature of the State of Wyoming:

Section 1. That Subdivision Thirty-seventh of Section 1379 Wyoming Compiled Statutes 1910, be, and the same hereby is amended and re-enacted to read as follows:



DATE DOWNLOADED: Tue Feb 20 15:35:09 2024

SOURCE: Content Downloaded from [HeinOnline](#)

Citations:

Please note: citations are provided as a general guideline. Users should consult their preferred citation format's style manual for proper citation formatting.

Bluebook 21st ed.
1917 727 .

ALWD 7th ed.
, , 1917 727 .

Chicago 17th ed.
" New Hampshire - January Session : 727-730

AGLC 4th ed.
" New Hampshire - January Session 727

OSCOLA 4th ed.
" 1917 727 Please note: citations are provided as a general guideline.
Users should consult their preferred citation format's style manual for proper
citation formatting.

-- Your use of this HeinOnline PDF indicates your acceptance of HeinOnline's Terms and
Conditions of the license agreement available at

<https://heinonline.org/HOL/License>

-- The search text of this PDF is generated from uncorrected OCR text.

1917]

CHAPTER 185.

727

this state. (b) Any violation of this act shall be punished by a months prohibited. Penalty.
fine not exceeding one hundred dollars.

SECT. 33. All acts and parts of acts inconsistent with this act Repealing clause;
are hereby repealed, and this act shall take effect upon its passage. takes effect on
passage.

[Approved April 19, 1917.]

CHAPTER 185.

AN ACT FOR THE REGULATION OF THE SALE AND USE OF EXPLOSIVES AND FIREARMS.

SECTION

1. Dealers in firearms and explosives to be licensed by selectmen of towns, and chief of police in cities, and county commissioners in unorganized townships. License to specify the building where business is to be done.
2. Sale of firearms and explosives to aliens regulated.
3. Dealers to keep record of sales; open to inspection by public authorities. High explosives sold to be labeled.
4. Purchaser of high explosive to secure permit to buy same. Application to state use, etc. Issued by whom.

SECTION

5. Penalties.
6. Aliens not to have firearms without permit. How obtained.
7. Penalty.
8. License or permit to expire, when. Non-transferable. Revoked for what.
9. Enforcement by police of cities, selectmen of towns, and county commissioners in unorganized towns. Secretary of state to furnish blanks.
10. Act not to apply to sales to military or naval forces.
11. Takes effect on passage.

*Be it enacted by the Senate and House of Representatives in
General Court convened:*

SECTION 1. No person shall manufacture, sell, or deal in fire-Dealers in
arms or in gunpowder, dynamite, nitro-glycerine or other form of firearms and ex-
high explosive, unless he shall first obtain, from the selectmen of plosives to be
the town or the chief of police of the city where such business is to licensed by select-
be conducted, a written license therefor, and no person shall con- men of towns,
duct such business within the state but outside the limits of any and chief of police
organized town or city, unless he shall first obtain such license from in cities, and
the county commissioners of the county in which such business is county commis-
to be conducted; which license shall specify the building where such sioners, in unor-
business is to be carried on or material deposited or used. ganized town-
ships. License to
specify the
building where
business is to be
done.

SECT. 2. No such licensed person shall sell or deliver firearms Sale of firearms
to any person not a citizen of the United States, unless he shall have and explosives to
legally declared his intention of becoming such citizen, or any such aliens regulated.
explosive material or compound to any person, except upon pres-
entation of a permit such as is hereinafter provided for, nor unless
satisfied that the same is to be used for a lawful purpose.

Dealers to keep record of sales; open to inspection by public authorities. High explosives sold to be labeled.

SECT. 3. Every person so licensed shall keep, on blanks to be furnished by the secretary of state, a record of the names and residences of all persons to whom he shall sell or deliver firearms or any such explosive material or compound, the purpose for which the same is to be used, the date of sale, the amount paid, the date of the purchaser's permit, the name and title of the person by whom the permit was issued, and, within five days after every such sale or delivery, shall file such record thereof with the clerk of the city or town wherein the sale or delivery was made, or with the county commissioners in case of sales or deliveries within the state, but outside the limits of any organized city or town. The records thus filed shall at all times be open to the inspection of the police departments, or other public authorities. He shall also affix to the receptacle containing such explosive material or compound a label with the name of the compound, his own name and the date of sale.

Purchaser of high explosive to secure permit to buy same. Application to state use, etc. Issued by whom.

SECT. 4. No person shall procure, transport, use or have in his possession any gunpowder, dynamite, nitro-glycerine or other form of high explosive without first obtaining a written permit to do so, from the chief of police of the city or selectmen of the town in which he resides, or from the county commissioners of the county in which he resides, if he resides within the state but outside the limits of any organized city or town, or from the chief of police of the city, or selectmen of the town or county commissioners of the county in which such explosive is to be procured, transported or used if he is not a resident of the state. Any person desiring such permit shall make written application therefor, stating the purpose for which the explosive material or compound is to be used and the kind and quantity desired, together with his full name, occupation and place of residence including the street and number, if any. If the officer or officers to whom the application is made are satisfied that the applicant intends to use the explosive in a lawful manner, and as set forth in his application, such permit, signed by such officer or officers, shall be issued to such applicant. No person shall have in his possession any such explosive material or compound unless he shall have such license or permit.

Penalties.

SECT. 5. If any person, firm or corporation shall manufacture or sell or deliver to any other person any firearms or any such explosive material or compound without first obtaining such license, or having such license shall fail to make and file such record of any such sale or delivery, or if any person, firm or corporation shall violate any other provision of this or any of the preceding sections of this act, he shall be punished by a fine not exceeding two hundred dollars or by imprisonment not exceeding two years, or both.

Aliens not to have firearms without permit. How obtained.

SECT. 6. No person not a citizen of the United States or one who has legally declared his intention of becoming such a citizen shall have in his possession any firearm or firearms of whatsoever

1917]

CHAPTER 185.

729

kind or description unless he has a written permit to have such possession issued and signed as hereinafter provided. Any such person desiring to possess a firearm or firearms for any lawful purpose shall first make written application to the chief of police or selectmen of the town wherein he resides, or to the county commissioners if he resides within the state but outside the limits of any organized city or town, stating the purposes for which the possession of the firearm or firearms is desired and a description of the firearm or firearms. The applicant shall also state his full name, occupation, place of residence, and if in a city the street and number. If such chief of police or selectmen or county commissioners are satisfied that the applicant intends to use the firearm or firearms in a lawful manner and as set forth in his application, a permit shall be issued, signed by the chief of police of the city, or selectmen of the town, or county commissioners, as the case may be, giving to the applicant the right to have in his possession such firearm or firearms. The holder of any such permit shall keep the permit on his person at all times when he has possession of the firearm or firearms as authority for such possession and shall exhibit the same when so requested by any person.

SECT. 7. Any person not a citizen of the United States or one who has legally declared his intention of becoming such a citizen, who shall procure or have in his possession any firearm or firearms of any kind without having first obtained a permit as provided in section 6, or after such permit has been revoked, as hereinafter provided, shall be punished by a fine not exceeding two hundred dollars, or by imprisonment not exceeding two years, or both.

SECT. 8. Such license or permit may be issued for a stated time, or for a single transaction. In the discretion of the officer or officers by whom it is issued, but no license or permit shall be issued to cover a longer period than one year or a transaction to be completed more than one year after the date of the license. If any person to whom such license or permit has been issued shall use, or permit any other person to use, or connive at the use of any such firearm, explosive material or compound for any unlawful purpose, such license or permit may be revoked by the officer or officers by whom it was issued or by any justice of the superior court upon petition of any citizen.

SECT. 9. It shall be the duty of the police department of cities and of selectmen of towns to enforce the provisions of this act within their several cities and towns and of the county commissioners to enforce the same in the territory included in the several counties but not within any organized city or town, and to keep a record of all permits issued. The secretary of state shall on application of any dealer in gunpowder, or other high explosive, furnish the blanks herein provided for.

License or permit to expire, when.
Non-transferable.
Revoked for what.
Enforcement by police of cities, selectmen of towns, and county commissioners in unorganized towns.
Secretary of state to furnish blanks.

730

CHAPTER 186.

[1917

Act not to apply
to sales to mili-
tary or naval
forces.

SECT. 10. The provisions of this act shall in no way apply to sales to the military or naval forces of the United States or to the public or military authorities of the state.

Takes effect on
passage.

SECT. 11. This act shall take effect upon its passage.

[Approved April 19, 1917.]

CHAPTER 186.

AN ACT IN AMENDMENT OF SECTIONS 10, 11, 12 AND 13 OF CHAPTER 195 OF THE PUBLIC STATUTES, AS AMENDED BY CHAPTER 113, LAWS OF 1901, CHAPTER 14, LAWS OF 1905, AND CHAPTER 31, LAWS OF 1915, RELATING TO THE RIGHTS OF THE HUSBAND OR WIFE, SURVIVING, IN THE ESTATE OF THE DECEASED HUSBAND OR WIFE.

SECTION

1. Widow's share in personal estate of deceased husband.
2. Widow's share in real estate of deceased husband.
3. Husband's share in personal estate of deceased wife.

SECTION

4. Husband's share in real estate of deceased wife.
5. Repealing clause; takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

Widow's share in
personal estate of
deceased husband.

SECTION 1. Amend section 10, chapter 195, of the Public Statutes, as amended by section 1, chapter 113, Laws of 1901, and section 1, chapter 14, Laws of 1905, and section 1, chapter 31, Laws of 1915, by striking out all of said section, as amended, after the word "administration" and inserting in place thereof the following: I. One-third part thereof, if he leaves issue surviving him. II. One-half thereof, if he leaves no issue surviving him. *Provided, however,* that if such remainder of his personal estate does not exceed in value the sum of five thousand dollars, then she shall be entitled to the whole thereof; but if such remainder of his personal estate shall exceed in value the sum of five thousand dollars, she shall be entitled to the sum of five thousand dollars of the value thereof, and also one-half in value of the remainder of his personal estate above said five thousand dollars, so that said section 10, as amended, shall read as follows: SECT. 10. The widow of a person deceased, testate or intestate, by waiving the provisions of his will in her favor, if any, shall be entitled, in addition to her dower and homestead right, as her distributive share, to the following portion of his personal estate, remaining after the payment of debts and expenses of administration: I. One-third part thereof, if he leaves



DATE DOWNLOADED: Tue Feb 20 15:29:45 2024

SOURCE: Content Downloaded from [HeinOnline](#)

Citations:

Please note: citations are provided as a general guideline. Users should consult their preferred citation format's style manual for proper citation formatting.

Bluebook 21st ed.
1918 6 .

ALWD 7th ed.
, , 1918 6 .

Chicago 17th ed.
" Montana - 15th Legislative Assembly, Extraordinary Session : 6-9

AGLC 4th ed.
" Montana - 15th Legislative Assembly, Extraordinary Session 6

OSCOLA 4th ed.
" 1918 6 Please note: citations are provided as a general guideline.
Users should consult their preferred citation format's style manual for proper
citation formatting.

-- Your use of this HeinOnline PDF indicates your acceptance of HeinOnline's Terms and
Conditions of the license agreement available at

<https://heinonline.org/HOL/License>

-- The search text of this PDF is generated from uncorrected OCR text.

CHAPTER 2

EXTRAORDINARY SESSION LAWS

CHAPTER 2.

An Act Entitled: "An Act providing for the Registration of All Fire Arms and Weapons and Regulating the Sale Thereof and Defining the Duties of Certain County Officers and Providing Penalties for a Violation of the Provisions of This Act."

Be it enacted by the Legislative Assembly of the State of Montana:

Registration of
all firearms re-
quired.

Duty upon sale
or transfer.

Form of report.

Section 1. Within thirty days from the passage and approval of this Act, every person within the State of Montana, who owns or has in his possession any fire arms or weapons, shall make a full, true, and complete verified report upon the form hereinafter provided to the sheriff of the County in which such person lives, of all fire arms and weapons which are owned or possessed by him or her or are in his or her control, and on sale or transfer into the possession of any other person such person shall immediately forward to the sheriff of the County in which such person lives the name and address of that purchaser and person into whose possession or control such fire arm or weapon was delivered.

Section 2. Such report shall be in the following form:

County of.....
No.....
State of Montana }
County of..... } ss.

....., being first duly sworn
on oath deposes and says:

1. That he is a citizen of....., and that his
address is.....Street, City or Town of.....,
County of.....

2. That he is the owner (has in his possession or
control) the following fire arms and weapons. Manu-
facturer's name....., Manufacturer's No.....,
calibre, and where possible date and Manufacturer's
series.

3. That he was born at....., on the
.....day of....., A. D. 18.....,
and that his occupation is.....

4. Description: Height..... inches, color.....,
skin....., eyes....., hair.....,

Dated at....., Montana, this.....day
of.....1918.

Subscribed and sworn to before me this.....day
of.....A. D., 1918.

FIFTEENTH LEGISLATIVE ASSEMBLY

CHAPTER 2

Section 3. Any person signing a fictitious name or address or giving any false information in such report shall be guilty of a misdemeanor, and any person failing to file such report as in this Act provided, shall be guilty of a misdemeanor. Such report may be verified before any person authorized by the laws of this state to administer oaths, or before any sheriff, under-sheriff, or deputy sheriff. It shall be unlawful for any person to purchase, borrow or otherwise acquire possession of any firearm or weapon as in this Act defined, from any person, firm or corporation outside of the State of Montana, without first obtaining a permit from the sheriff of the County in which such person lives. And no sheriff shall give any such permit without first procuring from such person an affidavit in substantially the same form as herein provided in Section 2, setting forth the description of the firm arm or weapon in Paragraph 2, which such person desires to purchase. No permit shall be given by the sheriff until he is satisfied that the person applying for such permit is of good moral character and does not desire such fire arm or weapon for any unlawful purpose.

Signing a fictitious name or address or failing to report, a misdemeanor.

Verification before whom.

Permit to purchase or borrow weapon must be first obtained.

Sheriff shall first require what.

It shall be unlawful for any person, Railroad Company, Express Company or Transportation Company to deliver to any person without a permit from the sheriff of the County within which such delivery is made, any gun, fire arm or ammunition.

Common carrier shall not deliver any such weapon until when.

Section 4. It shall be the duty of the Board of County Commissioners of each County in this State to forthwith furnish the sheriff of such County with sufficient blanks for carrying out the purposes of this Act.

County Commissioners to furnish blanks.

Section 5. That within thirty days from the passage and approval of this Act, every person engaged in the business of selling, leasing or otherwise transferring any fire arm or weapon, whether such seller is a retail dealer, pawn broker or otherwise, shall obtain a register from the County Clerk, in which shall be entered at the time of sale, the date of sale, full description of fire arm or weapon sold, name of purchaser, permanent residence, temporary residence, age, occupation, height, color of skin, color of eyes, color of hair, and the signature of such purchaser. Any purchaser of a fire arm or weapon shall be required to sign his name in the aforesaid register in the space provided for the same. Any person signing a fictitious name or address shall be guilty of a mis-

Dealers and lessors shall obtain register.

Register shall contain what.

False registration.

CHAPTER 2

EXTRAORDINARY SESSION LAWS

Failing to keep register.

demeanor. Any person who shall fail to keep a register and to enter therein all facts required by this Act shall be guilty of a misdemeanor. Such register shall be open at all reasonable hours for the inspection of any peace office.

County Clerk to print and furnish registers at cost.

Section 6. The County Clerk of each County shall forthwith cause to be printed a sufficient number of such registers for the purpose of carrying out the provisions of this Act and shall dispose of the same at the actual cost thereof. The leaves of such register shall be in duplicate and shall be in the following form:

County of

No.

ORIGINAL.

Form of register.

DEALERS RECORD OR SALE OF FIRE ARM OR WEAPON.

STATE OF MONTANA.

NOTICE TO DEALERS: This original is for your files. If spoiled in making out do not destroy; keep in book.

Carbon duplicate must be mailed on the date of sale to the sheriff of the County. Violation of this law is a misdemeanor. Use indelible pencil.

Sold by....., Salesman....., City or Town of.....

Description of fire arm or weapon.....

Maker....., number....., calibre.....

Name of purchaser....., age....., permanent

residence....., Street, City or Town of.....,

County of....., Temporary residence.....

Street, City or Town of....., County of.....

Height....., feet....., inches; occupation.....,

color..... skin....., eyes....., hair.....

Date of Sale.....

Witness:

.....
Salesman.

(signing a fictitious name or making false report is a misdemeanor.)

County of.....

No.

FIFTEENTH LEGISLATIVE ASSEMBLY

CHAPTER 2

DUPLICATE.

DEALERS RECORD OF SALE OF FIRE ARM OR
WEAPON.

STATE OF MONTANA.

NOTICE TO DEALERS: This carbon duplicate must
be mailed on the date of sale to the sheriff of the County.
Violation of this law is a misdemeanor.

Sold by....., Salesman....., City or Town of.....
Description of fire arm or weapon.....

.....
Maker....., number....., calibre.....
Name of purchaser....., age....., permanent
residence..... Street, City or Town of.....,
County of....., temporary residence..... Street,
City or Town of....., County of.....
Height..... feet inches; Occupation.....,
color....., skin..... eyes....., hair.....
Date of sale.....

Witness:

.....
Salesman.

Section 7. Any person or corporation violating any
of the provisions of this Act or any person or corporation
who receives by parcel post or otherwise any fire arms
or ammunition without first having a permit as in this
Act provided, shall be deemed guilty of a misdemeanor
and upon conviction thereof shall be punished by a fine
of not less than Fifty Dollars (\$50.00) nor more than
Five Hundred Dollars (\$500.00) or shall be imprisoned in
the county jail for not less than ten days nor more than
six months, or be punished by both such fine and impris-
onment.

Violation of Act
a misdemeanor.

Penalty.

Section 8. For the purposes of this Act a fire arm
or weapon shall be deemed to be any revolver, pistol,
shot gun, rifle, dirk, dagger or sword.

Fire arm de-
fined.

Section 9. All Acts and parts of Acts in conflict here-
with are hereby repealed.

Section 10. This Act shall be in full force and effect
from and after its passage and approval.

Approved February 20, 1918.



DATE DOWNLOADED: Fri Feb 16 20:30:20 2024

SOURCE: Content Downloaded from [HeinOnline](#)

Citations:

Please note: citations are provided as a general guideline. Users should consult their preferred citation format's style manual for proper citation formatting.

Bluebook 21st ed.
1923 695 .

ALWD 7th ed.
, , 1923 695 .

Chicago 17th ed.
** California - 45th Regular Session : 695-702

AGLC 4th ed.
" California - 45th Regular Session 695

OSCOLA 4th ed.
" 1923 695 Please note: citations are provided as a general guideline.
Users should consult their preferred citation format's style manual for proper
citation formatting.

-- Your use of this HeinOnline PDF indicates your acceptance of HeinOnline's Terms and
Conditions of the license agreement available at

<https://heinonline.org/HOL/License>

-- The search text of this PDF is generated from uncorrected OCR text.

treasurer or the inheritance tax appraiser of the county of the superior court having jurisdiction as provided in section fifteen of this act.

(6) This act shall become effective and in force contemporaneously with the taking effect of amendments to sections one thousand four hundred one and one thousand four hundred two of the Civil Code, which amendments were enacted at the forty-fifth session of the legislature of the State of California and known as chapter eighteen of the statutes of 1923, and not otherwise.

Act takes effect.

CHAPTER 338.

An act to add a new section to the Civil Code to be numbered three thousand fifty-one a, fixing a limit on the amount of a lien on property held under the provisions of section three thousand fifty-one of said code.

[Approved June 13, 1923.]

The people of the State of California do enact as follows:

SECTION 1. A new section is hereby added to the Civil Code to be numbered three thousand fifty-one a and to read as follows:

3051a. That portion of any lien, as provided for in the next preceding section, in excess of one hundred dollars, for any work, services, care, or safekeeping rendered or performed at the request of any person other than the holder of the legal title, shall be invalid, unless prior to commencing any such work, service, care, or safekeeping, the person claiming such lien shall give actual notice in writing either by personal service or by registered letter addressed to the holder of the legal title to such property, if known. In the case of automobiles, the person named as legal owner in the registration certificate, shall be deemed for the purpose of this section, as the holder of the legal title.

Limitation on amount recoverable where written notice not given.

CHAPTER 339.

An act to control and regulate the possession, sale and use of pistols, revolvers and other firearms capable of being concealed upon the person; to prohibit the manufacture, sale, possession or carrying of certain other dangerous weapons within this state; to provide for registering all sales of pistols, revolvers or other firearms capable of being concealed upon the person; to prohibit the carrying of concealed firearms except by lawfully authorized persons; to provide for the confiscation and destruction of such weapons in certain cases; to prohibit the ownership, use, or possession of any of such weapons by certain classes of persons; to prescribe penalties for violations of this act and increased penalties for repeated violations hereof; to

authorize, in proper cases, the granting of licenses or permits to carry firearms concealed upon the person; to provide for licensing retail dealers in such firearms and regulating sales thereunder; and to repeal chapter one hundred forty-five of California statutes of 1917, relating to the same subject.

[Approved June 13, 1923.]

The people of the State of California do enact as follows:

Manufacture,
sale, carry-
ing, etc.,
certain
dangerous
weapons
prohibited.

SECTION 1. On and after the date upon which this act takes effect, every person who within the State of California manufactures or causes to be manufactured, or who imports into the state, or who keeps for sale, or offers or exposes for sale, or who gives, lends, or possesses any instrument or weapon of the kind commonly known as a blackjack, slung-shot, billy, sandclub, sandbag, or metal knuckles, or who carries concealed upon his person any explosive substance, other than fixed ammunition, or who carries concealed upon his person any dirk or dagger, shall be guilty of a felony and upon a conviction thereof shall be punishable by imprisonment in a state prison for not less than one year nor for more than five years.

Aliens and
felons must
not possess
certain
firearms.

SEC. 2. On and after the date upon which this act takes effect, no unnaturalized foreign born person and no person who has been convicted of a felony against the person or property of another or against the government of the United States or of the State of California or of any political subdivision thereof shall own or have in his possession or under his custody or control any pistol, revolver or other firearm capable of being concealed upon the person. The terms "pistol," "revolver," and "firearms capable of being concealed upon the person" as used in this act shall be construed to apply to and include all firearms having a barrel less than twelve inches in length. Any person who shall violate the provisions of this section shall be guilty of a felony and upon conviction thereof shall be punishable by imprisonment in a state prison for not less than one year nor for more than five years.

Committing
felony while
carrying
dangerous
weapon.

SEC. 3. If any person shall commit or attempt to commit any felony within this state while armed with any of the weapons mentioned in section one hereof or while armed with any pistol, revolver or other firearm capable of being concealed upon the person, without having a license or permit to carry such firearm as hereinafter provided, upon conviction of such felony or of an attempt to commit such felony, he shall in addition to the punishment prescribed for the crime of which he has been convicted, be punishable by imprisonment in a state prison for not less than five nor for more than ten years. Such additional period of imprisonment shall commence upon the expiration or other termination of the sentence imposed for the crime of which he stands convicted and shall not run concurrently with such sentence. Upon a second conviction under like circumstances such additional period of impris-

onment shall be for not less than ten years nor for more than fifteen years, and upon a third conviction under like circumstances such additional period of imprisonment shall be for not less than fifteen nor for more than twenty-five years, such terms of additional imprisonment to run consecutively as before. Upon a fourth or subsequent conviction under like circumstances the person so convicted may be imprisoned for life or for a term of years not less than twenty-five years, within the discretion of the court wherein such fourth or subsequent conviction was had.

In the trial of a person charged with committing or attempting to commit a felony against the person of another while armed with any of the weapons mentioned in section one hereof, or while armed with any pistol, revolver or other firearm capable of being concealed upon the person, without having a license or permit to carry such firearm as hereinafter provided, the fact that he was so armed shall be prima facie evidence of his intent to commit such felony. Evidence.

SEC. 4. In no case shall any person punishable under the preceding sections of this act be granted probation by the trial court, nor shall the execution of the sentence imposed upon such person be suspended by the court. No probation or suspension of sentence

SEC. 5. Except as otherwise provided in this act, it shall be unlawful for any person within this state to carry concealed upon his person or within any vehicle which is under his control or direction any pistol, revolver or other firearm capable of being concealed upon the person without having a license to carry such firearm as hereinafter provided in section eight hereof. Any person who violates the provisions of this section shall be guilty of a misdemeanor, and if he has been convicted previously of any felony, or of any crime made punishable by this act, he is guilty of a felony. Carrying certain firearms without license.

This section shall not be construed to prohibit any citizen of the United States, over the age of eighteen years, who resides or is temporarily sojourning within this state, and who is not within the excepted classes prescribed by section two hereof, from owning, possessing or keeping within his place of residence or place of business any pistol, revolver or other firearm capable of being concealed upon the person, and no permit or license to purchase, own, possess or keep any such firearm at his place of residence or place of business shall be required of any such citizen. Firearms carried openly in belt holsters shall not be deemed to be concealed within the meaning of this section, nor shall knives which are carried openly in sheaths suspended from the waist of the wearer. Exceptions.

SEC. 6. Nothing in the preceding section shall be construed to apply to or affect sheriffs, constables, marshals, policemen, whether active or honorably retired, or other duly appointed peace officers, nor to any person summoned by any such officers to assist in making arrests or preserving the peace while said person so summoned is actually engaged in assisting such officer; nor to the possession or transportation by any merchant of unloaded firearms as merchandise; nor to members of Police officers, soldiers, etc., excepted.

the army, navy, or marine corps of the United States, or the national guard, when on duty, or to organizations which are by law authorized to purchase or receive such weapons from the United States, or from this state; nor to duly authorized military or civil organizations while parading, nor to the members thereof when going to and from the places of meeting of their respective organizations; nor to members of any club or organization now existing, or hereafter organized, for the purpose of practicing shooting at targets upon the established target ranges, whether public or private, while such members are using any of the firearms referred to in this act upon such target ranges, or while going to and from such ranges; or to licensed hunters or fishermen while engaged in hunting or fishing, or while going to or returning from such hunting or fishing expedition.

Nuisances.

SEC. 7. The unlawful concealed carrying upon the person or within the vehicle of the carrier of any dirk, dagger, pistol, revolver, or other firearm capable of being concealed upon the person, is a nuisance. Any such weapons taken from the person or vehicle of any person unlawfully carrying the same are hereby declared to be nuisances, and shall be surrendered to the magistrate before whom said person shall be taken, except that in any city, city and county, town or other municipal corporation the same shall be surrendered to the head of the police force or police department thereof. The officers to whom the same may be so surrendered, except upon the certificate of a judge of a court of record, or of the district attorney of the county, that the preservation thereof is necessary or proper to the ends of justice, shall annually, between the first and tenth days of July, in each year, destroy or cause to be destroyed such weapons to such extent that the same shall become and be wholly and entirely ineffective and useless for the purpose for which it was manufactured; *provided, however*, that in the event any such weapon has been stolen and is thereafter recovered from the thief or his transferee, the same shall not be destroyed but shall be restored to the lawful owner thereof, so soon as its use as evidence has been served, upon his identification of the weapon and proof of ownership thereof. Blackjacks, slungshots, billys, sandclubs, sandbags and metal knuckles are hereby declared to be nuisances and shall be subject to confiscation and summary destruction whenever found within the state; *provided*, that upon the certificate of a judge or of the district attorney that the ends of justice will be subserved thereby, such weapon shall be preserved until the necessity for its use ceases.

Destruction of weapons.

Licenses to carry firearms.

SEC. 8. It shall be lawful for the sheriff of a county, and the board of police commissioners, chief of police, city marshal, town marshal, or other head of the police department of any city, city and county, town, or other municipal corporation of this state, upon proof before said board, chief, marshal or other police head, that the person applying therefor is of good moral character, and that good cause exists for the issuance thereof, to issue to such person a license to carry con-

cealed a pistol, revolver or other firearm for a period of one year from the date of such license. All applications for such licenses shall be filed in writing, signed by the applicant, and shall state the name, occupation, residence and business address of the applicant, his age, height, weight, color of eyes and hair, and reason for desiring a license to carry such weapon. Any license issued upon such application shall set forth the foregoing data and shall, in addition, contain a description of the weapon authorized to be carried, giving the name of the manufacturer, the serial number and the caliber thereof. When such licenses are issued by a sheriff a record thereof shall be kept in the office of the county clerk; when issued by police authority such record shall be maintained in the office of the authority by whom issued. Such applications and licenses shall be uniform throughout the state, upon forms to be prescribed by the attorney general.

Applications.

Record.

SEC. 9. Every person in the business of selling, leasing or otherwise transferring a pistol, revolver or other firearm, of a size capable of being concealed upon the person, whether such seller, lessor or transferrer is a retail dealer, pawnbroker or otherwise, except as hereinafter provided, shall keep a register in which shall be entered the time of sale, the date of sale, the name of the salesman making the sale, the place where sold, the make, model, manufacturer's number, caliber or other marks of identification on such pistol, revolver or other firearm. Such register shall be prepared by and obtained from the state printer and shall be furnished by the state printer to said dealers on application at a cost of three dollars per one hundred leaves in duplicate and shall be in the form hereinafter provided. The purchaser of any firearm, capable of being concealed upon the person shall sign, and the dealer shall require him to sign his name and affix his address to said register in duplicate and the salesman shall affix his signature in duplicate as a witness to the signatures of the purchaser. Any person signing a fictitious name or address is guilty of a misdemeanor. The duplicate sheet of such register shall on the evening of the day of sale, be placed in the mail, postage prepaid and properly addressed to the board of police commissioners, chief of police, city marshal, town marshal or other head of the police department of the city, city and county, town or other municipal corporation wherein the sale was made: *provided*, that where the sale is made in a district where there is no municipal police department, said duplicate sheet shall be mailed to the county clerk of the county wherein the sale is made. A violation of any of the provisions of this section by any person engaged in the business of selling, leasing or otherwise transferring such firearm is a misdemeanor. This section shall not apply to wholesale dealers in their business intercourse with retail dealers, nor to wholesale or retail dealers in the regular or ordinary transportation of unloaded firearms as merchandise by mail, express or other mode of shipment, to points outside of the city, city and county, town or municipal corporation wherein

Dealers registers.

Cost.

Signatures.

Disposition of duplicate sheets.

Penalty.

700

STATUTES OF CALIFORNIA.

[Ch. 339

Form of
register.

they are situated. The register provided for in this act shall be substantially in the following form:

Form of Register.

Series No.-----

Sheet No.-----

ORIGINAL.

Dealers' Record of Sale of Revolver or Pistol.

State of California.

Notice to dealers: This original is for your files. If spoiled in making out, do not destroy. Keep in books. Fill out in duplicate.

Carbon duplicate must be mailed on the evening of the day of sale, to head of police commissioners, chief of police, city marshal, town marshal or other head of the police department of the municipal corporations wherein the sale is made, or to the county clerk of your county if the sale is made in a district where there is no municipal police department. Violation of this law is a misdemeanor. Use carbon paper for duplicate. Use indelible pencil.

Sold by----- Salesman-----
City, town or township -----
Description of arm (state whether revolver or pistol)-----
Maker----- Number----- Caliber-----
Name of purchaser -----age-----years.
Permanent residence (state name of city, town or township,
street and number of dwelling)-----
Height -----feet-----inches. Occupation-----
Color -----skin-----eyes-----hair-----
If traveling or in locality temporarily, give local address

Signature of purchaser-----
(Signing a fictitious name or address is a misdemeanor.) (To
be signed in duplicate.)

Witness-----, salesman.
(To be signed in duplicate.)

Series No.-----

Sheet No.-----

DUPLICATE.

Dealers' Record of Sale of Revolver or Pistol.

State of California.

Notice to dealers: This carbon duplicate must be mailed on the evening of the day of sale as set forth in the original of this register page. Violation of this law is a misdemeanor.

Sold by ----- Salesman-----
City, town or township -----
Description of arm (state whether revolver or pistol)-----
Maker -----number-----caliber-----

Ch. 339]

FORTY-FIFTH SESSION.

701

Name of purchaser _____ age _____ years.
Permanent address (state name of city, town or township,
street and number of dwelling) _____

Height _____ feet _____ inches. Occupation _____
Color _____ skin _____ eyes _____ hair _____
If traveling or in locality temporarily, give local address _____

Signature of purchaser _____
(Signing a fictitious name or address is a misdemeanor.) (To
be signed in duplicate.)

Witness _____, salesman.
(To be signed in duplicate.)

SEC. 10. No person shall sell, deliver or otherwise transfer any pistol, revolver or other firearm capable of being concealed upon the person to any person whom he has cause to believe to be within any of the classes prohibited by section two hereof from owning or possessing such firearms, nor to any minor under the age of eighteen years. In no event shall any such firearm be delivered to the purchaser upon the day of the application for the purchase thereof, and when delivered such firearm shall be securely wrapped and shall be unloaded. Where neither party to the transaction holds a dealer's license, no person shall sell or otherwise transfer any such firearm to any other person within this state who is not personally known to the vendor. Any violation of the provisions of this section shall be a misdemeanor. Restrictions on transfer of certain firearms.

SEC. 11. The duly constituted licensing authorities of any county, city and county, city, town or other municipality within this state, may grant licenses in form prescribed by the attorney general, effective for not more than one year from date of issue, permitting the licensee to sell at retail within the said county, city and county, city, town or other municipality pistols, revolvers, and other firearms capable of being concealed upon the person, subject to the following conditions, for breach of any of which the license shall be subject to forfeiture: Local licenses for sale of certain firearms.

1. The business shall be carried on only in the building designated in the license.

2. The license or a copy thereof, certified by the issuing authority, shall be displayed on the premises where it can easily be read.

3. No pistol or revolver shall be delivered

(a) On the day of the application for the purchase, and when delivered shall be unloaded and securely wrapped; nor

(b) Unless the purchaser either is personally known to the seller or shall present clear evidence of his identity.

4. No pistol or revolver, or imitation thereof, or placard advertising the sale or other transfer thereof, shall be displayed in any part of said premises where it can readily be seen from the outside.

Penalty for
dealing in
certain fire-
arms without
license.

SEC. 12. Any person who, without being licensed as above provided, engages in the business of selling or otherwise transferring, or who advertises for sale, or offers or exposes for sale or transfer, any pistol, revolver or other firearm capable of being concealed upon the person is guilty of a misdemeanor.

Tampering
with marks
on certain
firearms.

SEC. 13. No person shall change, alter, remove, or obliterate the name of the maker, model, manufacturer's number, or other mark of identification on any pistol or revolver. Possession of any such firearm upon which the same shall have been changed, altered, removed, or obliterated, shall be presumptive evidence that such possessor has changed, altered, removed, or obliterated the same. Violations of this section shall be punished by imprisonment in the state prison for not less than one year nor more than five years.

Penalty.

Expiration
of current
licenses.

SEC. 14. All licenses heretofore issued within this state permitting the carrying of pistols or revolvers concealed upon the person shall expire at midnight of December 31, 1924.

Antique
pistols, etc.

SEC. 15. This act shall not apply to antique pistols or revolvers incapable of use as such.

Constitution-
ality.

SEC. 16. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional such decision shall not affect the validity of the remaining portions of this act. The legislature hereby declares that it would have passed this act and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more other sections, subsections, sentences, clauses or phrases be declared unconstitutional.

Stats. 1917,
p. 221,
repealed.

SEC. 17. That certain act entitled, "An act relating to and regulating the carrying, possession, sale or other disposition of firearms capable of being concealed upon the person; prohibiting the possession, carrying, manufacturing and sale of certain other dangerous weapons and the giving, transferring and disposition thereof to other persons within this state; providing for the registering of the sales of firearms; prohibiting the carrying or possession of concealed weapons in municipal corporations; providing for the destruction of certain dangerous weapons as nuisances and making it a felony to use or attempt to use certain dangerous weapons against another," approved May 4, 1917, is hereby repealed.

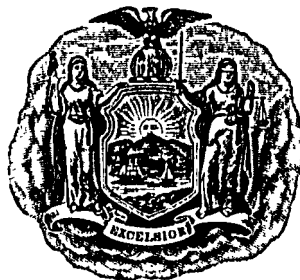
LAWS
OF THE
STATE OF NEW YORK
PASSED AT THE
ONE HUNDRED AND FORTY-SIXTH SESSION
OF THE
LEGISLATURE

BEGUN JANUARY THIRD, 1923, AND ENDED MAY
FOURTH, 1923

ALSO CHAPTERS 673 AND 674, PASSED AT THE
EXTRAORDINARY SESSION, BEGUN AUGUST
TWENTY-EIGHTH, 1922, AND ENDED AUGUST
TWENTY-NINTH, 1922
(SEE PAGE 1743)

AT THE CITY OF ALBANY
AND ALSO OTHER MATTERS REQUIRED BY LAW TO
BE PUBLISHED WITH THE SESSION LAWS

VOL. I



ALBANY
J. B. LYON COMPANY, STATE PRINTERS
1923

Restoration
to active
duty.

sions provided for herein shall be annual and payable in equal monthly installments. On and after the first day of July, nineteen hundred and twenty-three, officers and employees retired, or who may hereafter be retired, under the provisions of this act, shall not be restored to active duty, except as hereinbefore provided. The action of the council hereunder shall be deemed final and conclusive.

In effect
July 1,
1923.

§ 2. This act shall take effect July first, nineteen hundred and twenty-three.

CHAPTER 109

AN ACT to amend the conservation law, in relation to penalties for removing trees from the forest preserve.

Became a law March 30, 1923, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

L. 1911,
ch. 647,
§ 63,
subd. 5,
as added
by L. 1916,
ch. 451,
amended.

Section 1. Subdivision five of section sixty-three of article four of chapter six hundred and forty-seven of the laws of nineteen hundred and eleven, entitled "An act relating to conservation of land, forests, waters, parks, hydraulic power, fish and game, and constituting chapter sixty-five of the consolidated laws," as added by chapter four hundred and fifty-one of the laws of nineteen hundred and sixteen, is hereby amended to read as follows:

5. Any person who cuts or causes to be cut any tree or trees upon the forest preserve, or who removes or causes to be removed any tree or trees therefrom,¹ shall be liable to a penalty of ten dollars per tree or treble damages or both.

§ 2. This act shall take effect immediately.

CHAPTER 110

AN ACT to amend the conservation law, in relation to aliens.

Became a law March 30, 1923, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

L. 1911,
ch. 647,
§ 170,
subd. 2,
as added
by L. 1922,
ch. 381,
amended.

Section 1. Subdivision two of section one hundred and seventy-six of chapter six hundred and forty-seven of the laws of nineteen hundred and eleven, entitled "An act relating to conservation of land, forests, waters, parks, hydraulic power, fish and game, constituting chapter sixty-five of the consolidated laws," as added by chapter three hundred and eighty-one of the laws of nineteen hundred and twenty-two, is hereby amended to read as follows:

2. It shall be unlawful for any unnaturalized foreign born per-

Restric-
tions on
aliens.

¹ Words "or who removes or causes to be removed any tree or trees therefrom," new.

son¹ to hunt for, or capture or kill, in this state any wild bird or animal, either game or otherwise, of any description except in defense of person or property or² except under a special license issued directly by the conservation commission; and to that end it shall be unlawful for any unnaturalized foreign born person¹ within this state, to own or be possessed of a shotgun or rifle of any make, unless he possess such special license.³

§ 2. Section one hundred and eighty-one of such chapter as last amended by chapter three hundred and eighty-one of the laws of nineteen hundred and twenty-two,⁴ is hereby amended to read as follows:

§ 181, as amended by L. 1922, ch. 381, amended.

§ 181. **Presumptive evidence.** Possession of quadrupeds, birds or fish or of parts thereof, during the time when the taking of the same in this state is prohibited, or when the possession of the same after the close of the open season is not permitted, shall be presumptive evidence that the same was unlawfully taken by the possessor.

Quadrupeds, birds or fish, lawfully taken and possessed in one part of the state, may be transported by the taker as provided by section one hundred and seventy-eight of this chapter and may be possessed by the taker in any part of the state for the same period of time during which they may be lawfully possessed at the place where taken.

The presence of a shotgun or rifle in a room or house, or building or tent, or camp of any description, within this state, occupied or controlled by an unnaturalized foreign born person¹ shall be prima facie evidence that such gun is owned or controlled by the person occupying or controlling the property in which such gun is found, and shall render such person liable to the penalty imposed for a violation of section one hundred and seventy-six, subdivision two, of this chapter.

§ 3. Section one hundred and eighty-four of such chapter as added by chapter three hundred and eighty-one of the laws of nineteen hundred and twenty-two, is hereby amended to read as follows:

§ 184, as added by L. 1922, ch. 381, amended.

§ 184. **Forfeiture of firearms.** In addition to the penalties provided by section one hundred and eighty-two of this chapter, all shotguns and rifles found in the possession or under the control of an unnaturalized foreign born person⁵ or taken by means of a search warrant as provided by law, shall, upon the conviction of such unnaturalized foreign born person, be immediately delivered to the court or justice having jurisdiction of the case and shall be deemed forfeited to the state of New York.

§ 4. Subdivision two of section one hundred and eighty-five of such chapter as last amended by chapter three hundred and eighty-

§ 185, subd. 2, as amended by L. 1922, ch. 381, amended.

¹ Words "resident in the United States" omitted.

² Word "or" substituted for word "and."

³ Words "unless he possesses such special license" new.

⁴ Added by L. 1912, ch. 318; previously amended by L. 1913, ch. 508; L. 1914, ch. 92.

⁵ Words "resident in the United States" omitted.

one of the laws of nineteen hundred and twenty-two,⁶ is hereby amended to read as follows:

2. Application; penalties. Said license shall be procured from the county, city or town clerk of the county, city or town, in the following manner, to wit: The applicant shall fill out a blank application to be furnished by the commission through the clerk of each county, city or town, stating his name, age, occupation, place of birth, place of residence, post-office address, whether a citizen of the United States or an alien and such other facts or descriptions as may be required by the commission; and if such applicant is a foreign born person he shall submit to the clerk to whom the application is made his naturalization papers,⁷ or if such applicant was naturalized through the naturalization of another person, he shall submit the naturalization papers of the person through whom he claimed to be naturalized with proof by affidavit of his relationship to such person, or if such applicant was naturalized by marriage to a citizen of the United States the fact of such marriage shall be established by affidavit. Said application shall be subscribed and sworn to by the applicant before any officer authorized to administer oaths in the state of New York. Where the application is made to a town or city clerk, it may be sworn to before such clerk, who is hereby authorized to administer an oath for that purpose. Any false statement contained in such application shall render the license null and void. Any person who shall make any false statement in an application for a license, shall be deemed guilty of perjury, and, on conviction thereof, shall be subject to the penalties provided for the commission of perjury.

§ 185,
subd. 5, as
amended by
L. 1922,
ch. 381,
amended.

§ 5. Subdivision five of section one hundred and eighty-five of this chapter, as last amended by chapter three hundred and eighty-one of the laws of nineteen hundred and twenty-two,⁸ is hereby amended to read as follows:

5. Contents and power under. Said license shall be issued in the name of the commission, and be sealed with the seal of the county, city or town in which the same is issued and be countersigned by the clerk issuing the same. Every license issued shall be signed by the licensee in ink on the face thereof. It shall entitle the person to whom issued to hunt, pursue and kill game animals, fowl and birds and trap fur bearing animals within the state at any time, when or place where it shall be lawful to hunt, pursue, kill and take such game animals, fowl and birds in this state.

The license shall not entitle the holder to hunt, pursue, kill or take such game animals, fowl and birds upon an Indian reservation unless the licensee be an Indian residing on such reservation. No such license shall be issued to any unnaturalized foreign born person,⁹ except by special license issued directly by the conservation commission.

§ 6. This act shall take effect immediately.

⁶ Added by L. 1912, ch. 318; previously amended by L. 1913, ch. 508, L. 1917, ch. 81.

⁷ Remainder of sentence new.

⁸ Added by L. 1912, ch. 318.

⁹ Words "resident in the United States" omitted.



DATE DOWNLOADED: Fri Feb 16 20:19:01 2024

SOURCE: Content Downloaded from [HeinOnline](#)

Citations:

Please note: citations are provided as a general guideline. Users should consult their preferred citation format's style manual for proper citation formatting.

Bluebook 21st ed.
1925 54 .

ALWD 7th ed.
, , 1925 54 .

Chicago 17th ed.
" Nevada - 32nd Session : 54-54

AGLC 4th ed.
" Nevada - 32nd Session 54

OSCOLA 4th ed.
" 1925 54 Please note: citations are provided as a general guideline.
Users should consult their preferred citation format's style manual for proper
citation formatting.

-- Your use of this HeinOnline PDF indicates your acceptance of HeinOnline's Terms and
Conditions of the license agreement available at

<https://heinonline.org/HOL/License>

-- The search text of this PDF is generated from uncorrected OCR text.

[Senate Bill No. 35—Senator Scott]

CHAP. 47—*An Act to control and regulate the manufacture, sale, possession, use, and carrying of firearms and weapons, and other matters properly relating thereto.*

[Approved March 5, 1925]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

MANUFACTURE OR POSSESSION OF CERTAIN FIREARMS OR WEAPONS A FELONY

SECTION 1. On and after the date upon which this act takes effect every person who within the State of Nevada manufactures or causes to be manufactured, or who imports into the state, or who keeps for sale, or offers or exposes for sale, or who gives, lends, or possesses any instrument or weapon of the kind commonly known as a blackjack, slung-shot, billy, sandclub, sandbag, or metal knuckles, or who carries concealed upon his person any explosive substance, other than fixed ammunition, or who carries concealed upon his person any dirk or dagger, shall be guilty of a felony and upon a conviction thereof shall be punishable by imprisonment in a state prison for not less than one year nor for more than five years.

UNNATURALIZED FOREIGN-BORN PERSON MUST NOT POSSESS FIREARMS

SEC. 2. On and after the date upon which this act takes effect no unnaturalized foreign-born person, and no person who has been convicted of a felony in the State of Nevada or in any one of the states of the United States of America, or in any political subdivision thereof, shall own or have in his possession or under his custody or control any pistol, revolver, or other firearm capable of being concealed upon the person. The terms "pistol," "revolver," and "firearm capable of being concealed upon the person," as used in this act shall be construed to apply to and include all firearms having a barrel less than twelve inches in length. Any person who shall violate the provisions of this section shall be guilty of a felony, and upon conviction thereof shall be punishable by imprisonment in a state prison for not less than one year nor for more than five years.

PROVISIO

SEC. 3. Nothing in the preceding sections shall be construed to apply to or affect sheriffs, constables, marshals, policemen, whether active or honorably retired, or other duly appointed police officers, nor to any person summoned by any such officers to assist in making arrests or preserving the peace while said person so summoned is actually engaged in assisting such officer, nor to the members of the army, navy, or marine corps of the United States when on duty.

PUBLIC ACTS
OF
THE LEGISLATURE
OF THE
STATE OF MICHIGAN

PASSED AT THE
REGULAR SESSION OF 1927

CONTAINING JOINT RESOLUTIONS AND AMENDMENTS
TO THE CONSTITUTION



COMPILED BY
JOHN S. HAGGERTY
SECRETARY OF STATE

LANSING, MICHIGAN.
ROBERT SMITH CO., STATE PRINTERS,
1927.

NOTE.—The words and sentences inclosed in brackets in the following acts and resolutions were in the bills and resolutions as passed by the legislature, but not in the enrolled copy as approved by the governor. It should, however, be borne in mind that under a decision of the supreme court, 57 Mich. 128, "Bracketed words, which were not in the law as approved by the governor, have no proper place in the statute."

other purpose. Such persons shall hold office during the term of their employment by the state highway department but the authority herein vested shall cease upon the termination of such employment. The persons so appointed shall by reason of such appointment be members of the department of public safety during the terms of such appointment but shall serve without pay as members thereof.

Approved June 2, 1927.

[No. 372.]

AN ACT to regulate and license the selling, purchasing, possessing and carrying of certain firearms; to prohibit the buying, selling or carrying of certain firearms without a license therefor; to prohibit the possession of certain weapons and attachments; to prohibit the pawning of certain firearms; to prohibit the sale, offering for sale, or possession for the purpose of sale of written or printed matter containing any offer to sell or deliver certain firearms or devices within this state; to provide penalties for the violations of this act, and to repeal act number two hundred seventy-four of the public acts of nineteen hundred eleven, being sections fifteen thousand two hundred thirty-six, fifteen thousand two hundred thirty-seven, fifteen thousand two hundred thirty-eight, fifteen thousand two hundred thirty-nine, fifteen thousand two hundred forty, fifteen thousand two hundred forty-one, fifteen thousand two hundred forty-two, fifteen thousand two hundred forty-three, fifteen thousand two hundred forty-four, fifteen thousand two hundred forty-five and fifteen thousand two hundred forty-six of the compiled laws of nineteen hundred fifteen; act number three hundred thirteen of the public acts of nineteen hundred twenty-five; and section sixteen of chapter one hundred sixty-two of the revised statutes of eighteen hundred forty-six, being section fifteen thousand six hundred forty-one of the compiled laws of nineteen hundred fifteen.

The People of the State of Michigan enact:

SECTION 1. The word "pistol" as used in this act shall mean any firearm, loaded or unloaded, thirty inches or less in length. The word "purchaser" shall mean any person who receives a pistol from another by purchase, gift or loan. The word "seller" shall mean any person who sells, furnishes, loans or gives a pistol to another. Words defined.

SEC. 2. No person shall purchase a pistol as defined in this act without first having obtained a license therefor as License before purchase.

To whom granted.	prescribed herein. The commissioner or chief of police, or his duly authorized deputy, in incorporated cities or in incorporated villages having an organized department of police, and the sheriff, or his authorized deputy, in parts of the respective counties not included within incorporated cities or villages, are hereby authorized to issue licenses to purchase pistols to applicants residing within the respective territories herein mentioned. No such license shall be granted to any person except he be nineteen years of age or over, and has resided in this state six months or more, and in no event shall such a license be issued to a person who has been convicted of a felony or adjudged insane in this state or elsewhere. Applications for such licenses shall be signed by the applicant under oath upon forms provided by the commissioner of public safety. Licenses to purchase pistols shall be executed in duplicate upon forms provided by the commissioner of public safety and shall be signed by the licensing authority. One copy of such license shall be delivered to the applicant and the duplicate of such license shall be retained by such licensing authority as a permanent official record for a period of six years. Such license shall be void unless used within ten days after the date of its issue. Any person who shall sell to another any pistol as defined in this act without complying with the requirements of this section shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than one hundred dollars or imprisonment in the county jail not more than ninety days, or both such fine and imprisonment in the discretion of the court. Such license shall be signed in ink by the holder thereof in the presence of the person selling, loaning or giving a pistol to such licensee and shall thereupon be taken up by such person, signed by him in ink and shall be delivered or sent by registered mail within forty-eight hours to the commissioner of public safety. The seller shall certify upon said license in the space provided therefor the name of the person to whom such pistol was delivered, the make, style, calibre and number of such pistol, and shall further certify that such purchaser signed his name on said license in the presence of the seller. The provisions of this section shall not apply to the purchase of pistols from wholesalers by dealers regularly engaged in the business of selling pistols at retail, nor to the sale, barter or exchange of pistols kept solely as relics, souvenirs or curios.
Executed in duplicate.	
Misdemeanor; penalty.	
Unlawful to manufacture, etc., certain firearms, etc.	SEC. 3. It shall be unlawful within this state to manufacture, sell, offer for sale, or possess any machine gun or firearm which can be fired more than sixteen times without reloading, or any muffler, silencer or device for deadening or muffling the sound of a discharged firearm, or any bomb or bombshell, or any blackjack, slung shot, billy, metallic knuckles, sandclub, sandbag or bludgeon. Any person convicted of a violation of this section shall be guilty of a felony and shall be punished by a fine not exceeding one thousand
Penalty for violation.	

dollars or imprisonment in the state prison not more than five years, or by both such fine and imprisonment in the discretion of the court. The provisions of this section shall not apply, however, to any person, firm or corporation manufacturing firearms, explosives or munitions of war by virtue of any contracts with any department of the government of the United States, or with any foreign government, state, municipality or any subdivision thereof.

SEC. 4. Any person who, with intent to use the same unlawfully against the person of another, goes armed with a pistol or other firearm or dagger, dirk, razor, stiletto, or knife having a blade over three inches in length, or any other dangerous or deadly weapon or instrument, shall be guilty of a felony and on conviction thereof shall be punished by a fine not exceeding one thousand dollars or imprisonment in the state prison for not more than five years, or by both such fine and imprisonment in the discretion of the court.

Felony,
what
deemed.

Penalty.

SEC. 5. No person shall carry a dagger, dirk, stiletto or other dangerous weapon except hunting knives adapted and carried as such, concealed on or about his person, or whether concealed or otherwise in any vehicle operated or occupied by him, except in his dwelling house or place of business or on other land possessed by him. No person shall carry a pistol concealed on or about his person, or, whether concealed or otherwise, in any vehicle operated or occupied by him, except in his dwelling house or place of business or on other land possessed by him, without a license therefor as herein provided. Any person violating the provisions of this section shall be guilty of a felony and upon conviction thereof shall be punished by a fine not exceeding one thousand dollars or imprisonment in the state prison for not more than five years, or by both such fine and imprisonment in the discretion of the court.

Unlawful to
carry, etc.,
dagger, etc.

SEC. 6. The prosecuting attorney, the commissioner or chief of police and the commissioner of public safety or their respective authorized deputies in incorporated cities or in incorporated villages having an organized department of police, and the prosecuting attorney, the commissioner of public safety or their authorized deputies, and the sheriff, under-sheriff or chief deputy sheriff in parts of the respective counties not included within incorporated cities or villages shall constitute boards exclusively authorized to issue licenses to carry pistols concealed on the person to applicants residing within the respective territories herein mentioned. The county clerk of each county shall be clerk of such licensing boards, which boards shall be known in law as "The Concealed Weapon Licensing Board." No such license to carry a pistol concealed on the person shall be granted to any person except he be nineteen years of age or over and has resided in this state six months or over, and in no event shall such license be issued unless it appears that the applicant has good reason to fear injury to his person or property, or has

Concealed
weapon
licensing
board.

To whom
license
granted.

Chairman
of board.

other proper reasons, and that he is a suitable person to be so licensed, and in no event to a person who has been convicted of a felony or adjudged insane in this state or elsewhere. The prosecuting attorney shall be the chairman of the said board, which shall convene at least once in each calendar month and at such other times as they shall be called to convene by the chairman. Such licenses shall be issued only upon written application signed by the applicant and on his oath and upon forms provided by the commissioner of public safety. Such licenses shall issue only with the approval of a majority of said board and shall be executed in triplicate upon forms provided by the commissioner of public safety and shall be signed in the name of the concealed weapon licensing board by the county clerk and the seal of the circuit court affixed thereto. One copy of such license shall be delivered to the applicant, the duplicate of said license shall be retained by the county clerk as a permanent official record for a period of six years, and the triplicate of such license shall be forwarded to the commissioner of public safety who shall file and index licenses so received by him and keep the same as a permanent official record for a period of six years. Each license shall be issued for a definite period of not more than one year, to be stated in the license, and no renewal of such license shall be granted except upon the filing of a new application. Every license issued hereunder shall bear the imprint of the right thumb of the licensee, or, if that be not possible, of the left thumb or some other finger of such licensee. Such licensee shall carry such license upon his person at all times when he may be carrying a pistol concealed upon his person and shall display such license upon the request of any peace officer.

Duration
of license.

When license
to expire.

Sec. 7. All licenses heretofore issued in this state permitting a person to carry a pistol concealed upon his person shall expire at midnight, December thirty-one, nineteen hundred twenty-seven.

When license
revoked.

Sec. 8. The licensing board herein created by section six may revoke any license issued by it upon receiving a certificate of any magistrate showing that such licensee has been convicted of violating any of the provisions of this act, or has been convicted of a felony. Such license may also be revoked whenever in the judgment of said board the reason for granting such license shall have ceased to exist, or whenever said board shall for any reasonable cause determine said licensee to be an unfit person to carry a pistol concealed upon his person. No such license shall be revoked except upon written complaint and then only after a hearing by said board, of which at least seven days' notice shall be given to the licensee either by personal service or by registered mail to his last known address. The clerk of said licensing board is hereby authorized to administer an oath to any person testifying before such board at any such hearing.

SEC. 9. On or before the first day of November, nineteen hundred twenty-seven, any person within this state who owns or has in his possession a pistol as defined in this act, shall, if he reside in an incorporated city or an incorporated village having an organized police department, present such weapon for safety inspection to the commissioner or chief of police of such city or village; if such person reside in a part of the county not included within the corporate limits of such city or village he shall so present such pistol for safety inspection to the sheriff of such county. Any person owning or coming into possession of a pistol after the first day of November, nineteen hundred twenty-seven, shall forthwith present such pistol for safety inspection in the manner provided in this section. A certificate of inspection shall thereupon be issued in triplicate on a form provided by the commissioner of public safety, containing the name, age, address, description and signature of the person presenting such pistol for inspection, together with a full description thereof; the original of such certificate shall be delivered to the registrant; the duplicate thereof shall be mailed to the commissioner of public safety and filed and indexed by him and kept as a permanent official record for a period of six years, and the triplicate of such certificate shall be retained and filed in the office of said sheriff, or commissioner or chief of police, as the case may be. The provisions of this section shall not apply to wholesale or retail dealers in firearms or to collections of pistols kept solely for the purpose of display, as relics, souvenirs, curios or antiques, nor to weapons heretofore registered under the provisions of section eleven of act number three hundred thirteen of the public acts of nineteen hundred twenty-five. Any person who fails to comply with the provision of this section shall be guilty of a misdemeanor and shall be punished by a fine not exceeding one hundred dollars or imprisonment in the county jail not exceeding ninety days, or by both such fine and imprisonment in the discretion of the court.

Safety inspection of weapons.

Certificate issued.

SEC. 10. No pawnbroker shall accept a pistol in pawn. Any person violating this section of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than one hundred dollars or imprisonment in the county jail for not more than ninety days or by both such fine and imprisonment in the discretion of the court.

Pistol not accepted in pawn.

SEC. 11. No person shall wilfully alter, remove or obliterate the name of the maker, model, manufacturer's number or other mark of identity of any pistol. Possession of any such firearm upon which the number shall have been altered, removed or obliterated, shall be presumptive evidence that such possessor has altered, removed or obliterated the same. Any person convicted under this section shall be punished by a fine not to exceed five hundred dollars or by imprisonment

Alteration of pistol unlawful.

in the state prison not to exceed two years or by both such fine and imprisonment in the discretion of the court.

Exceptions
to act.

SEC. 12. The provisions of section two, three, five and nine shall not apply to any peace officer of the state or any subdivision thereof who is regularly employed and paid by the state or such subdivision, or to any member of the army, navy or marine corps of the United States, or of organizations authorized by law to purchase or receive weapons from the United States or from this state, nor to the national guard or other duly authorized military organizations when on duty or drill, nor to the members thereof in going to or returning from their customary places of assembly or practice, nor to a person licensed to carry a pistol concealed upon his person issued by another state, nor to the regular and ordinary transportation of pistols as merchandise, or to any person while carrying a pistol unloaded in a wrapper from the place of purchase to his home or place of business or to a place of repair or back to his home or place of business, or in moving goods from one place of abode or business to another.

When un-
lawfully
possessed.

SEC. 13. When complaint shall be made on oath to any magistrate authorized to issue warrants in criminal cases that any pistol or other weapon or device mentioned in this act is unlawfully possessed or carried by any person, such magistrate shall, if he be satisfied that there is reasonable cause to believe the matters in said complaint be true, issue his warrant directed to any peace officer, commanding him to search the person or place described in such complaint, and if such pistol, weapon or device be there found; to seize and hold the same as evidence of a violation of this act.

Forfeited to
state.

SEC. 14. All pistols, weapons or devices carried or possessed contrary to this act are hereby declared forfeited to the state.

Certain
books, etc.,
unlawful to
sell, etc.

SEC. 15. It shall be unlawful to sell or deliver within this state, or to offer or expose for sale, or to have in possession for the purpose of sale, any book, pamphlet, circular, magazine, newspaper or other form of written or printed matter offering to sell or deliver, or containing an offer to sell or deliver to any person within this state from any place without this state any pistol or any weapon or device mentioned in section three hereof. The provisions of this section shall not apply to sales of or offers to sell pistols at wholesale to persons regularly engaged in the business of selling such pistols at wholesale or retail, nor to sales or offers to sell such pistols made or authorized by the United States government or any department or agency thereof.

Penalty for
violation.

SEC. 16. Any person violating the provisions of section fifteen of this act shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine not to exceed one hundred dollars or by imprisonment in the county jail not to exceed ninety days, or by both such fine and imprisonment in the discretion of the court.

Sec. 17. Act number two hundred seventy-four of the public acts of nineteen hundred eleven, being sections fifteen thousand two hundred thirty-six, fifteen thousand two hundred thirty-seven, fifteen thousand two hundred thirty-eight, fifteen thousand two hundred thirty-nine, fifteen thousand two hundred forty, fifteen thousand two hundred forty-one, fifteen thousand two hundred forty-two, fifteen thousand two hundred forty-three, fifteen thousand two hundred forty-four, fifteen thousand two hundred forty-five and fifteen thousand two hundred forty-six of the compiled laws of nineteen hundred fifteen; act number three hundred thirteen of the public acts of nineteen hundred twenty-five; and section sixteen of chapter one hundred sixty-two of the revised statutes of eighteen hundred forty-six, being section fifteen thousand six hundred forty-one of the compiled laws of nineteen hundred fifteen, are hereby repealed: *Provided, however,* That any proceedings pending under any of said sections herein repealed shall not be affected hereby but shall be concluded in accordance with the law of such repealed section or sections.

Acts repealed.

Proviso.

Sec. 18. This act is declared to be severable, and should any section hereof be hereafter declared unconstitutional or otherwise invalid, the remainder of the act shall not be affected thereby.

Saving clause.

Approved June 2, 1927.

[No. 373.]

AN ACT to amend section twenty-five of chapter thirty of act number three hundred fourteen of the public acts of nineteen hundred fifteen, entitled "An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of such courts, and of the judges and other officers thereof; the forms of civil actions; the time within which civil actions and proceedings may be brought in said courts; pleading, evidence, practice and procedure in civil actions and proceedings in said courts; to provide remedies and penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with, or contravening any of the provisions of this act," being section thirteen thousand two hundred fifty-three of the compiled laws of nineteen hundred fifteen, as amended by act number two hundred forty-three of the public acts of nineteen hundred seventeen, and to add a new section there-to to stand as section thirty-one.

The People of the State of Michigan enact:

SECTION 1. Section twenty-five of chapter thirty of act number three hundred fourteen of the public acts of nineteen

Section amended.

ACTS

OF THE

One Hundred and Fifty-first Legislature

OF THE

STATE OF NEW JERSEY

AND

Eighty-third Under the New Constitution



1927

MacCrellish & Quibley Co
Printers
Trenton, New Jersey

The following laws, passed by the One Hundred and Fifty-first Legislature, are published in accordance with "An act for the publication of laws," passed June 13th, 1895, and "A supplement to the act entitled 'An act relative to statutes,' " approved March twenty-seventh, eighteen hundred and seventy-four, which supplement was approved February 4th, 1896.

The proclamations of the Governor follow. An index of all the laws, compiled in accordance with the act of 1895, completes the work.

JOSEPH F. S. FITZPATRICK,

Secretary of State.

VII. MISCELLANEOUS.

- Repealer. 25. All acts and parts of acts inconsistent with the provisions hereof are repealed in so far as applicable to the matters which are the subject of this act; *provided*, that nothing herein contained shall affect the practice and procedure prescribed under the State Motor Vehicle and Traffic acts.
- Proviso.
- As to constitutionality of act. 26. In case for any reason any section, part of section or provision of this act shall be questioned in any court, or determined to be unconstitutional or invalid, the same shall not in anywise affect any other section, part of section or provision of this act; *provided*, that in cities bordering on the Atlantic ocean having a population in excess of fifty thousand the salary shall not exceed six thousand dollars.
- Proviso. 27. This act shall take effect immediately.
Approved March 30, 1927.

CHAPTER 321.

A Further Supplement to an act entitled "An act for the punishment of crimes" (Revision of 1898), approved June fourteenth, one thousand eight hundred and ninety-eight.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*:

- Pawnbrokers not to deal in weapons. 1. No pawnbroker shall hereafter sell or have in his possession for sale or to loan or give away, any machine gun, automatic rifle, revolver, pistol, or other firearm, or other instrument of any kind known as a blackjack, slungshot, billy, sandclub, sandbag, bludgeon, metal knuckles, dagger, dirk, dangerous knife, stiletto, bomb or other high explosive. Any pawnbroker violating the provisions of this act shall be guilty of a high misdemeanor and punished accordingly.
- Penalty.

CHAPTER 321, LAWS OF 1927.

743

2. Any person who shall commit or attempt to commit any assault, robbery, larceny, burglary, or breaking and entering, when armed with, or having in his possession, any revolver, pistol, or other firearm, or other instrument of any kind known as a blackjack, slungshot, billy, sandclub, sandbag, bludgeon, metal knuckles, dagger, dirk, dangerous knife, stiletto, bomb or other high explosive, shall, in addition to the punishment provided for the crime, be punished on a first conviction by imprisonment for not more than five years; upon a second conviction for a period of not more than ten years; upon a third conviction by imprisonment for a period of not more than fifteen years; upon a fourth or subsequent conviction, by imprisonment for life, or for an additional period of not more than twenty years, in the discretion of the court; *provided, however*, the indictment or allegation shall aver that the person was armed with or had in his possession any such instrument and conviction is had thereon.

Additional Sentence for Armed Criminals.

Proviso.

3. In the trial of a person for committing or attempting to commit any crime enumerated in section two hereof, the fact that he was armed with or had in his possession any of the firearms or instruments enumerated in section one hereof without a license to carry the same, shall be prima facie evidence of his intention to commit said crime of violence.

Arms as evidence of intent.

The presence of a firearm in a vehicle is presumptive evidence of possession by all persons occupying or using the vehicle at the time.

Firearms in vehicle.

4. No person who shall have been convicted in this State or elsewhere of any of the crimes enumerated in section two hereof shall purchase, own, or have in his possession or under his control any of the firearms or instruments enumerated in section one hereof. Violation of this section shall be punished by imprisonment for not more than five years.

Convicted person not to have weapons.

Penalty.

5. Every person who manufactures, or who sells at wholesale, any of the firearms or instruments enumerated in section one hereof, shall be registered with the Secretary of State and shall furnish to the Secretary of State such particulars as may be prescribed by law for such registration; *provided*, that if the Secretary

Manufacturers of weapons registered.

Proviso.

CHAPTER 321, LAWS OF 1927.

of State is satisfied that any applicant for such registration cannot be permitted to carry on business as a manufacturer or wholesale dealer in the firearms or instruments enumerated in section one herof without danger to the public safety, he may refuse to register that person.

Certificate furnished.

The Secretary of State shall furnish to every person who is registered under this section, a certificate of registration.

Removal of name from registration list.

If any person desires to have his name removed from registration, or if the Secretary of State is satisfied that any person whose name is registered is no longer carrying on business as such manufacturer or wholesale dealer, or has ceased to have a place of business within the State, or cannot longer be permitted to carry on business as such manufacturer or wholesale dealer without danger to the public safety, he shall, after giving reasonable notice to such manufacturer or wholesale dealer and hearing thereon, cause the name of such person to be removed from registration. Any person aggrieved by the refusal of such State official to register him as such manufacturer or wholesale dealer, or by the removal of his name from registration, shall have a right of appeal to the Supreme Court of the State.

Appeal may be taken.

Record of sales.

Every manufacturer and wholesale dealer shall keep a detailed record of each firearm or instrument sold by him. Such record shall include date of sale, name of purchaser, description of arm, and serial number thereof. The information contained in such record shall be available to police and other public officials in the performance of their official duties.

Retail dealers licensed.

6. No retail dealer shall sell or expose for sale, or have in his possession with intent to sell, any of the firearms or instruments enumerated in section one hereof without being licensed as hereafter provided.

Licenses granted by Common Pleas judge.

The Common Pleas judge of any court of this State, may, in his discretion, grant licenses in form prescribed by the Secretary of State, effective for not more than one year from date of issue, permitting the licensee to sell at retail within the said city or town or political subdivision, pistols or revolvers, subject to the follow-

CHAPTER 321, LAWS OF 1927.

745

ing conditions, for breach of any of which the license shall be subject to forfeiture:

1. The business shall be carried on only in the building or buildings designated in the license.

Place;

2. The license or a copy thereof certified by the issuing authority shall be displayed in a conspicuous place on the premises where it can be easily read.

License displayed;

3. No pistol or revolver, or imitation thereof, or placard advertising the sale thereof, shall be placed in any window or in any part of said premises where it can be readily seen from the outside.

No advertising;

4. No pistol or revolver shall be delivered (a) unless the purchaser shall have obtained a permit to purchase under the provisions of section nine; (b) until seven days shall have elapsed after the application for the permit; (c) unless the purchaser either is personally known to the seller or shall present evidence of his identity; (d) unless the pistol or revolver shall be unloaded and securely wrapped; *provided, however*, a permit to cover a pistol or revolver shall, for the purposes of this section and of section nine of this act, be equivalent to a permit to purchase a pistol or revolver.

Delivery to purchaser;

Proviso.

5. A true record of every pistol or revolver sold shall be made in a book kept for the purpose, the form of which shall be prescribed by the Secretary of State and shall be personally signed by the person effecting the sale, and shall contain the date of the sale, the calibre, make, model, and manufacturer's number of the weapon, and the name, address and permit number of the purchaser.

Record kept by retailer;

No license to sell at retail shall be granted except as provided in this section.

Licensing;

Violation of any of the provisions of this section (viz. section six) shall be a misdemeanor.

Penalty.

7. Any person who shall knowingly sell any of the firearms or instruments enumerated in section one hereof to a minor under the age of eighteen years, or to a person not of sound mind, or to a drug addict, or to a person who has been convicted of committing or attempting to commit any of the crimes enumerated in section two hereof when armed with any of the firearms or instruments enumerated in section one hereof, shall be guilty of misdemeanor.

Sale to minors, etc., illegal.

Penalty for
loaning on
firearms.

8. Any person who loans money secured by mortgage, deposit or pledge of a pistol or revolver shall be punished by a fine of not more than five hundred dollars or by imprisonment for not more than one year, or both.

Purchaser
must have
permit.

9. No person shall sell a pistol or revolver to another person unless the purchaser has first secured a permit to purchase or carry a pistol or revolver. No person of good character and who is of good repute in the community in which he lives, and who is not subject to any of the disabilities set forth in other sections of this act, shall be denied a permit to purchase a pistol or revolver. The judge of any court within this State (except, however, justices of the peace), the sheriff of a county or the chief of police of a city, town or municipality shall upon application issue to any person qualified under the provisions of this section a permit to purchase a pistol or revolver, and the Secretary of State shall have concurrent jurisdiction to issue such permit in any case, notwithstanding it has been refused by any other licensing official, if in his opinion the applicant is qualified.

By whom
granted.

Application
for permit.

Applications for such permits shall be in form as prescribed by the Secretary of State and shall set forth the name, residence, place of business, age, occupation, sex, color, and physical description of the applicant, and shall state whether the applicant is a citizen, and whether he has ever been convicted of any of the crimes enumerated in section two hereof as defined in this act. Such application shall be signed by the applicant and shall contain as reference the names and addresses of two reputable citizens personally acquainted with him.

Blank forms.

Application blanks shall be obtainable from the Secretary of State and from any other officers authorized to grant such permit, and may be obtained from licensed retail dealers. The application, together with a fee of fifty cents, shall be delivered or forwarded to the licensing authority who shall investigate the same, and unless good cause for the denial thereof shall appear, shall grant said permit within seven days from the date of the receipt of the application. The permit shall be in form prescribed by the Secretary of State and shall be

Fee.

Permit in
triplicate.

CHAPTER 321, LAWS OF 1927.

747

issued to the applicant in triplicate. The applicant shall deliver to the seller the permit in triplicate and the seller shall indorse on the back of each copy the make, model, calibre and serial number of the pistol or revolver, sold under the permit. One copy shall then be returned to the purchaser with the pistol or revolver, one copy shall be kept by the seller as a permanent record, and the third copy shall be forwarded by the seller within three days to the Secretary of State. If the permit is not granted, the fee shall be returned to the applicant.

Disposition of copies.

All fees for permits shall be paid into the general fund of the State if the permit be issued by the Secretary of State; to the municipality if the permit be issued by a municipal officer; in all other instances to the general fund of the county wherein the officer acts or the licensee resides or does business.

Disposition of fees.

A person shall not be restricted as to the number of pistols or revolvers he may purchase, if he applies for and obtains permits to purchase the same, but only one pistol or revolver shall be purchased or delivered on each permit.

One pistol to each permit.

10. The granting of permits to carry a revolver, pistol or other instrument, enumerated in section one hereof shall be under and according to the provisions of an act entitled "An act to amend an act entitled 'A further supplement to an act entitled "An act for the punishment of crimes" (Revision of 1898), approved June fourteenth, one thousand eight hundred and ninety-eight,' which supplementary act was approved March eleventh, nineteen hundred and twenty-four," and the supplements thereto and amendments thereof.

Act relative to granting permits.

11. No person shall, without a license therefor issued as provided in the statute referred to in the preceding section, carry a pistol or revolver in any vehicle or concealed on or about his person, except in his dwelling house or place of business or on land possessed by him; *provided, however*, that nothing in this act contained shall be construed in any way to apply to the United States marshal or his deputies, the sheriff, or the undersheriffs of any county, nor to the regularly employed members of any police department, nor to any special policemen appointed by the governing body of any

Carrying pistol without license.

Proviso—exceptions to act.

municipality of this State, nor to any prosecutor or assistant prosecutor of any county, regular fish and game wardens, constable, railway police, canal police, steamboat police, and prosecutor's detectives; nor to any member of the State Police, nor to any motor vehicle inspector; nor to any officer of the Society for the Prevention of Cruelty to Animals; nor to any prison or jail wardens or their deputies; nor to guards while in the employ of any banking or building and loan institution of this State; nor to any court attendant engaged in attending the Circuit Court, Court of Oyer and Terminer, Court of Common Pleas, or General Court of Quarter Sessions, justices of the peace; nor to the members of the Army, Navy or Marine Corps of the United States or of the National Guard when on duty; nor to duly authorized military organizations when under orders, nor to the members thereof when going to or from places of meeting of their respective organizations, carrying the weapons prescribed for such drill, exercise or parade; *and provided, further*, nothing in this act contained shall be construed to apply to any person having a written permit to carry any revolver, pistol or other firearm, when such permit has been obtained pursuant to the provisions of this act; nor to public utility corporations in the transportation of explosives; *provided, however*, that nothing herein contained shall prevent any person from keeping or carrying about his or her place of business, dwelling house or premises, any such revolver, pistol, firearm or other weapon, or from carrying the same from any place of purchase to his or her dwelling house or place of business, or from his or her dwelling house or place of business to any place where repairing is done, to have the same repaired and returned or to carry a gun, rifle or knife in the woods or fields or upon the waters of the State for the purpose of hunting or target practice.

Whenever the words "pistol" or "revolver" are used in this act such words shall include a shotgun, rifle or other firearm with over-all length less than twenty-six inches.

12. Any person who shall give or cause to be given false information in applying for a permit to purchase or a license to carry a pistol or revolver, or in purchasing

Proviso.

Proviso

Definition of pistol.

Penalty for false information.

CHAPTER 321, LAWS OF 1927.

749

or otherwise acquiring delivery of a pistol or revolver, shall be deemed to be guilty of a misdemeanor and shall be subject to the same penalty as is provided for the crime of misdemeanor in this State.

13. It shall be unlawful within this State to manufacture, sell, purchase or possess, except for military or police purposes, any muffler, silencer or device for deadening or muffling the sound of a firearm when discharged. Any violation of this section shall be a misdemeanor.

Mufflers
forbidden.

14. Any person, except a duly appointed law enforcement officer, or a member of the Army, Navy, or Marine Corps of the United States, or of the National Guard or organized reserves when on duty, who possesses, or carries on or about his person or in a vehicle, a bomb or bomb shell, except for blasting or other commercial use, or who, with intent to use the same unlawfully against the person or property of another, possesses or carries any explosive substance, or any explosive liquid, gas or like substance, shall be guilty of a high misdemeanor.

As to bombs.

15. No person shall change, alter, remove or obliterate the name of the maker, model, manufacturer's number, or other mark of identification of any pistol or revolver. Any violation of this section shall be a misdemeanor.

Not alter
maker's name
and number.

16. No property right shall exist in any firearms unlawfully possessed, carried or used, and all such firearms are hereby declared to be nuisances and forfeited to the State. When such forfeited firearms shall be taken from any person, they shall be surrendered to the sheriff of the county in which taken or to the head of the police department in cities or to the office of the prosecutor of the county. *Provided, however,* that if any such firearms shall be found to be the property of an innocent owner, it shall be returned to such owner if and when no longer needed for evidential purposes.

As to property
right in fire-
arms.

17. In the case of the conviction under this act of a person who is not a citizen of the United States, it shall be the duty of the clerk of the court in which such conviction is secured to certify the fact of such conviction to the proper officer of the United States Government having supervision of the deportation of aliens.

Proviso.

Conviction of
aliens.

750

CHAPTERS 321 & 322, LAWS OF 1927.

Antiques, or-
naments ex-
cepted.

18. This act shall not apply to antique pistols unsuit-
able for use as firearms and possessed as curiosities or
ornaments.

Expiration of
previous
licenses.

19. All licenses heretofore issued within this State
permitting the sale or purchase of pistols or revolvers
shall expire ninety days after the passage of this act.

Repealer.

20. All acts or parts of acts inconsistent herewith
are hereby repealed.

Approved March 30, 1927.

CHAPTER 322.

An Amendment amending an act entitled "An act re-
specting coroners" (Revision), approved March
twenty-seventh, one thousand eight hundred and
seventy-four.

BE IT ENACTED by the Senate and General Assembly
of the State of New Jersey:

Section 26
amended.

1. The twenty-sixth section of the act to which this
is amendatory be and the same is hereby amended to
read as follows:

Fees allowed
coroners.

26. That the following fees shall be allowed:

To coroner, or person acting in his stead, for view-
ing the body five dollars;

Mileage per mile, going and returning, ten cents, or
actual carfare;

Sitting with jury at inquest each day, three dollars.

Taking deposition of witnesses at inquest, ten cents
per folio, counting not more than two folios of manu-
script to each page;

For every witness attending such inquest, when resi-
dent in the county, fifty cents for each day, and when
from a foreign county, one dollar a day, in which shall
be included his or her going to and returning from the
same, allowing one day for every thirty miles from
and to his or her place or residence;

Jurors' fees.

Jurors' fees, twenty-five cents for each case; but in
cases of special importance the board of chosen free-

LAWS
OF THE
TERRITORY OF HAWAII
PASSED BY THE
SEVENTEENTH LEGISLATURE
SPECIAL SESSION
1933

Commenced on Monday, the Thirtieth Day of October, 1933, and
Ended on Thursday, the Eleventh Day of January, 1934.

PUBLISHED BY AUTHORITY

HONOLULU, HAWAII
HONOLULU STAR-BULLETIN, LTD.
1934

ACT 25]	RELATING TO TRUST COMPANIES.	
ACT 26]	SALE, TRANSFER, ETC., OF FIREARMS.	35

ACT 25

[H. B. No. 100]

AN ACT TO AMEND SECTION 3487 OF THE REVISED LAWS OF
HAWAII 1925, RELATING TO TRUST COMPANIES.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 3487 of the Revised Laws of Hawaii 1925, is hereby amended by adding thereto at the end thereof the following:

"Provided that the treasurer may, whether before or after making such application, permit such company to continue or resume business upon its effecting appropriate remedies within such time and upon such terms and in such manner as he shall approve, as by making good the impairment of its capital, or by reducing its capital to the extent of the impairment but not below the amount required by law or by selling all or any of its assets or capital stock to or merging with any trust company, whose capital has not been impaired, which will take over and assume its liabilities, or by making satisfactory arrangements with its creditors, or by reorganization or otherwise."

SECTION 2. This Act shall take effect upon its approval.

Approved this 2nd day of January, A. D. 1934.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 26

[H. B. No. 70]

AN ACT REGULATING THE SALE, TRANSFER AND POSSESSION OF
FIREARMS AND AMMUNITION AND REPEALING SECTIONS
2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145,
2146 AND 2147, REVISED LAWS OF HAWAII 1925, ACT 206,
SESSION LAWS OF HAWAII 1927, AND ACT 120, SESSION LAWS
OF HAWAII 1933.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Sections 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146 and 2147 of the Revised Laws of Hawaii 1925, Act 206, Session Laws of Hawaii 1927, and Act 120, Session

Laws of Hawaii 1933, and all other laws or parts of laws in conflict with the provisions of this Act, are hereby repealed.

SECTION 2. Definitions. "Firearm" as used in this Act means any weapon, the operating force of which is an explosive. This definition includes pistols, revolvers, rifles, shotguns, machine guns, automatic rifles, noxious gas projectors, mortars, bombs, cannon and sub-machine guns. The specific mention herein of certain weapons does not exclude from the definition other weapons operated by explosives.

"Crime of violence" as used in this Act means any of the following crimes, namely: murder, manslaughter, rape, kidnapping, robbery, burglary, and those certain crimes set forth in Sections 4130 and 4131 of said Revised Laws.

"Pistol" or "revolver" as used in this Act, means and includes any firearm of any shape whatsoever with barrel less than twelve inches in length and capable of discharging loaded ammunition or any noxious gas.

"Person" as used in this Act includes individuals, firms, corporations and copartnerships, and includes wholesale and retail dealers.

SECTION 3. Every person residing or doing business or temporarily sojourning within the Territory on the effective date of this Act who possesses a firearm of any description, whether usable or unusable, serviceable or unserviceable, modern or antique, not already registered in the name of the present possessor, or who possesses ammunition of any kind or description, except shotgun ammunition, shall, within ten days of said effective date, register the same with the chief of police of the city and county of Honolulu or the sheriff of the county, other than the city and county of Honolulu, wherein is his place of business, or if there be no place of business, his residence, or if there be neither place of business nor residence, his place of sojourn.

Every person arriving in the Territory after the effective date of this Act, who brings with him firearms or ammunition of the type and description set out in this section, shall register the same in similar manner within forty-eight hours after arrival.

The registration shall be on such forms as may be designated by the bureau of crime statistics and shall include a description of the class of firearm or firearms and ammunition owned by him, or in his possession, together with the name of the maker and the factory number, if known or ascertainable, and the source from which possession was obtained.

Within sixty days after the effective date of this Act, the chief of police of the city and county of Honolulu and the sheriffs of the several counties, other than the city and county of Honolulu,

Act 26] SALE, TRANSFER, ETC., OF FIREARMS.

37

shall furnish the bureau of crime statistics a record of all registrations now on file in their respective offices. Within ten days after the end of each month the chief of police of the city and county of Honolulu and the sheriffs of the several counties, other than the city and county of Honolulu, shall furnish to the bureau of crime statistics duplicate copies of all registrations made during the preceding month.

No fee shall be charged for such registration.

Any person who fails to comply with the provisions of this section shall be punished by a fine of not more than two hundred and fifty dollars (\$250.00).

SECTION 4. No person residing or doing business or temporarily sojourning within the Territory shall take possession of any firearm of any description, whether usable or unusable, serviceable or unserviceable, modern or antique, registered under prior Acts or unregistered, or of any ammunition of any kind or description, except shotgun ammunition, either through sale, gift, loan, bequest, or otherwise, whether procured in the Territory or imported by mail, express, freight, or otherwise, until he shall first have procured from the chief of police of the city and county of Honolulu or the sheriff of the county, other than the city and county of Honolulu, wherein is his place of business, or if there be no place of business, his residence, or if there be neither place of business nor residence, his place of sojourn, a permit to acquire as prescribed herein. The chief of police of the city and county of Honolulu or the sheriffs of the several counties, other than the city and county of Honolulu, are hereby authorized, within their discretion, to issue permits, within their respective jurisdictions, to acquire rifles, pistols, and revolvers to citizens of the United States, of the age of twenty years or more, and to duly accredited official representatives of foreign nations. Permits to acquire ammunition for rifles, pistols and revolvers acquired prior to the effective date of this Act and registered in accordance with the provisions hereof, may be granted persons of the age of twenty years or more irrespective of citizenship. Permits to acquire shotguns may be granted to persons of the age of sixteen years or more, irrespective of citizenship. Applications for such permits shall be signed by the applicant upon forms to be specified by the bureau of crime statistics, and shall be signed by the issuing authority. One copy of such permit shall be retained by the issuing authority, as a permanent official record. Such permit shall be void unless used within ten days after the date of issue. In all cases where possession is acquired from another person in the Territory the permit shall be signed in ink by the holder thereof and shall thereupon be delivered to and taken up by the person selling, loaning, giving or delivering the firearm or ammunition, who shall make entry thereon setting

forth in the space provided therefor the name of the person to whom the firearm or ammunition was delivered, and the make, style, caliber, and number, as applicable. He shall then sign it in ink and cause it to be delivered or sent by registered mail to the issuing authority within forty-eight hours. In case receipt of such firearms or ammunition is had by mail, express, freight, or otherwise, from sources outside the Territory, the person to whom such permit has been issued, shall make the prescribed entries thereon, sign in ink, and cause it to be delivered or sent by registered mail to the issuing authority within forty-eight hours after taking possession of the firearms or ammunition. No person shall sell, give, loan, or deliver into the possession of another any firearm or ammunition except in accordance with the provisions of this section.

Any person acquiring a firearm or ammunition under the provisions of this section shall, within five days of acquisition, register same in the manner prescribed by Section 3 of this Act.

No fee shall be charged for permits under this section.

Any person who violates any provision of this section shall be punished by a fine of not more than five hundred dollars (\$500.00) or imprisonment for not more than one year, or by both.

SECTION 5. Any person who has procured a hunting license under the provisions of Sections 2028-2032, inclusive, of the Revised Laws of Hawaii 1925, as amended, shall, while actually engaged in hunting or while going to or from the place of hunting, be authorized to carry and use any lawfully acquired rifle or shotgun and suitable ammunition therefor.

SECTION 6. The possession of all firearms and ammunition shall be confined to the possessor's place of business, residence, or sojourn, or to carriage as merchandise in a wrapper from the place of purchase to the purchaser's home, place of business or place of sojourn, or between these places and a place of repair, or upon change of place of business, abode, or sojourn, except as provided in Sections 5 and 8; provided, however, that no person who has been convicted in this Territory or elsewhere, of having committed or attempted a crime of violence, shall own or have in his possession or under his control a pistol or revolver or ammunition therefor. Any person violating any provision of this section shall be punished by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment for not more than one year, or by both.

SECTION 7. The manufacture, possession, sale, barter, trade, gift, transfer, or acquisition of any machine guns, sub-machine guns, automatic rifles, cannon, mufflers, silencers or devices for deadening or muffling the sound of discharged firearms, or any bomb or bombshell is prohibited. Any person convicted of a viola-

tion of this section shall be punished by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment for not more than one year, or by both.

SECTION 8. In an exceptional case, when the applicant shows good reason to fear injury to his person or property, the chief of police of the city and county of Honolulu or the sheriff of a county, other than the city and county of Honolulu, may grant a license to a citizen of the United States or a duly accredited official representative of a foreign nation, of the age of twenty years or more, to carry concealed on his person within the city and county or the county in which such license is granted, a pistol or revolver and ammunition therefor. Unless renewed, such license shall automatically become void at the expiration of one year from date of issue. No such license shall issue unless it appears that the applicant is a suitable person to be so licensed, and in no event to a person who has been convicted of a felony, or adjudged insane, in the Territory or elsewhere. All licenses to carry concealed weapons heretofore issued shall expire at midnight on the effective date of this Act. No person shall carry concealed on his person a pistol or revolver or ammunition therefor without being licensed so to do under the provisions of this section.

For each such license there shall be charged a fee of ten dollars (\$10.00), which shall be covered into the treasury of the city and county or the county in which such license is granted.

Any person violating this section shall be punished by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment for not more than one year, or by both.

SECTION 9. No person shall wilfully alter, remove, or obliterate the name of the make, model, manufacturer's number or other mark of identity of any firearm or ammunition. Possession of such firearm or ammunition upon which any mark of identity shall have been altered, removed, or obliterated shall be presumptive evidence that such possessor has altered, removed or obliterated the same. Any person who violates the provisions of this section shall be punished by a fine of not more than five hundred dollars (\$500.00) or by imprisonment for not more than one year, or by both.

SECTION 10. In the trial of a person for committing or attempting to commit a crime of violence, the fact that he was unlawfully armed with a firearm shall be prima facie evidence of his intent to commit said crime of violence.

SECTION 11. The provisions of Sections 6, 7 and 8 of this Act shall not apply to members of police departments, sheriffs, marshals, members of military and naval forces of the Territory and

of the United States, mail carriers, law enforcement officers, or persons employed by the Territory or subdivisions thereof or the United States whose duties require them to be armed, while such persons are in the performance of their respective duties, or while going to and from their respective places of duty, nor shall the provisions of Sections 3 and 4 of this Act apply to such firearms or ammunition as are a part of the official equipment of any Federal agency.

SECTION 12. All firearms or ammunition carried or possessed contrary to this Act shall be forfeited to the Territory, and shall be destroyed by the chief of police of the city and county of Honolulu or the sheriff of the county, other than the city and county of Honolulu, in whose jurisdiction they are forfeited.

SECTION 13. All permits and licenses provided for under this Act may be revoked, for good cause, by the issuing authority or by the judge of any court.

SECTION 14. Within ten days after the last day of each month each of the authorities herein authorized to issue or revoke permits and licenses shall make a report to the bureau of crime statistics as of the last day of the preceding month of all permits and licenses issued or revoked by him. Said report shall be in such manner and in such form as the bureau of crime statistics shall prescribe.

SECTION 15. If any person, in complying with any of the requirements of this Act, shall give false information, or offer false evidence of his identity, he shall be punished by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment for not more than one year, or by both.

SECTION 16. If any section, subsection, sentence, clause or phrase of this Act is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Act. The Legislature hereby declares that it would have approved this Act and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more other sections, subsections, sentences, clauses or phrases be declared unconstitutional.

SECTION 17. This Act shall take effect upon its approval.

Approved this 9th day of January, A. D. 1934.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.