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11 IN THE UNITED STATES DISTRICT COURT
12 FOR THE CENTRAL DISTRICT OF CALIFORNIA
13 WESTERN DIVISION
14

15 **STEVEN RUPP; STEVEN**
16 **DEMBER; CHERYL JOHNSON;**
17 **MICHAEL JONES;**
18 **CHRISTOPHER SEIFERT;**
19 **ALFONSO VALENCIA; TROY**
20 **WILLIS; and CALIFORNIA RIFLE**
21 **& PISTOL ASSOCIATION,**
22 **INCORPORATED,**

23 Plaintiffs,

24 v.

25 **ROB BONTA, in his official capacity**
26 **as Attorney General of the State of**
27 **California; and DOES 1-10,**

28 Defendants.

Case No. 8:17-cv-00746-JLS-JDE

**COMPENDIUM OF HISTORICAL
LAWS**

VOLUME 2 OF 7

Courtroom: 8A
Judge: Hon. Josephine L. Staton
Action Filed: April 24, 2017

INDEX

Appendix 1 No.	Year of Enactment	Historical Laws	Compendium Page
DANGEROUS WEAPONS LAWS			
1	1383	7 Rich. 2, ch. 13 (1383)	2
2	1396	20 Rich. 2, ch. 1 (1396)	3
3	1541	33 Hen. 8, ch. 6 §§ 1, 2, 18 (1541)	4-7
4	1606	4 Jac. 1, ch. 1 (1606)	8
5	1686	<i>The Grants, Concessions, and Original Constitutions of The Province of New Jersey</i> 289–90 (1881) (1686)	9-11
6	1689	English Bill of Rights of 1689, 1 Wm. & Mary 2d Sess., ch. 2, § 6	12-15
7	1730	William Livingston (Editor), <i>The Laws of New York</i> 199 (1752), ch. 560, § 20	16-23
8	1750	1750 Mass. Acts 544, ch. 17, § 1	24-27
9	1765	1 William Blackstone, <i>Commentaries</i> 139, ch. 1 (1765)	34-43
10	1771	1763–1775 N.J. Laws 346, ch. 539, § 10	28-33
11	1771	<i>Acts and Laws of His Majesty’s Province of New-Hampshire</i> 9–10 (1771), ch. 6, § 2	44-48
12	1786	1786 Mass. Acts 87, ch. 38	49-53
13	1788	1788–1801 Ohio Laws 20, ch. 6	54-60
14	1792	<i>Collection of All Such Acts of the General Assembly of Virginia, of a Public and Permanent Nature, as are Now in Force</i>	61-63

1			187 (1803), ch. 103, §§ 8–9	
2	15	1797	1 Del. Laws 104 (1797), ch. 43, § 6	64-68
3	16	1798	1798 Ky. Acts 106, ch. 54, § 5.	69-71
4	17	1799	1799–1800 Miss. Laws 44	72-73
5	18	1799	Charles Nettleton (Editor), <i>Laws of the State of New Jersey</i> 474 (1821), § 2	74-77
6	19	1801	1801 Tenn. Laws 259–60, ch. 22, § 6	78-81
7	20	1804	J. Steele (Editor), <i>Laws of the Arkansas Territory</i> 521 (1835), § 3 [Slaves]	82-84
8	21	1804	1804 Ind. Acts 108, § 4	85-87
9	22	1804	1804 Miss. Laws 90, § 4	88-91
10	23	1805	1805 Mass. Acts 111–13, ch. 81	92-96
11	24	1809	Virgil Maxcy (Editor), <i>Laws of Maryland, with the Charter, the Bill Of Rights, the Constitution of the State, and Its Alterations, the Declaration of Independence, and the Constitution of the United States, and Its Amendments</i> 465 (Vol 3, 1811), § 4	97-99
12	25	1812	William Littell (Editor), <i>Statute Law of Kentucky; with Notes, Praelections, and Observations on the Public Acts</i> 64 (1812–1816), ch. 89	100-101
13	26	1813	1812 La. Acts 172, 174, § 1	102-105
14	27	1814	1814 Mass. Acts. 464, ch. 192, §§ 1–2	106-108
15	28	1816	Lucius Q.C. Lamar, editor, <i>A Compilation of the Laws of the State of Georgia, Passed</i>	109-111
16				
17				
18				
19				
20				
21				
22				
23				
24				
25				
26				
27				
28				

		<i>by the Legislature since the Year 1810 to the Year 1819, Inclusive. Comprising all the Laws Passed within those Periods, Arranged under Appropriate Heads, with Notes of Reference to those Laws, or Parts of Laws, which are Amended or Repealed to which are Added such Concurred and Approved Resolutions, as are Either of General, Local, or Private Moment. Concluding with a Copious Index to the Laws, a Separate one to the Resolutions</i> 599 (1821), div. 10, § 19	
29	1818	Henry S. Geyer, Editor, <i>A Digest of the Laws of Missouri Territory</i> 374 (1818) § 3 [Slaves]	112-113
30	1820	1820 Ind. Acts 39, ch. 23, § 1	114-116
31	1821	Revised Statutes of the State of Maine 683 (1840), tit. 12, ch. 159, § 5	117-118
32	1821	Revised Statutes of the State of Maine 709 (1840), tit. 12, ch. 169, § 16	119-122
33	1831	1831 Ind. Rev. Stat. 192, ch. 26, § 58	123-126
34	1835	John P. Duval (Editor), <i>Compilation of the Public Acts of the Legislative Council of the Territory of Florida, Passed Prior to 1840</i> 423 (1839), ch. 860	127-129
35	1835	Theron Metcalf (Editor), <i>Revised Statutes of the Commonwealth of Massachusetts Passed November 4, 1835 to which are Subjoined, as Act in Amendment Thereof, and an Act Expressly to Repeal the Acts Which are Consolidated Therein, both Passed in February 1836</i> 750 (1836) ch. 134, § 16	130-133

1	36	1837	1837 Ala. Laws 7, No. 11, §§ 1, 2	134-135
2	37	1837	William McK. Ball (Editor), <i>Revised Statutes of the State of Arkansas, Adopted at the October Session of the General Assembly of Said State, A.O. 1837</i> 280 (1838), ch. 44, div. 8, art. 1, § 13	136-139
3	38	1837	1837 Ga. Laws 90–91, §§ 1–5	140-142
4	39	1837	1837 Miss. Laws 290–92, § 6	143-147
5	40	1837	1837 Miss. Laws 294, § 5	148-151
6	41	1837	1837–1838 Tenn. Pub. Acts 200, ch. 137, § 1	152
7	42	1837	1837–1838 Tenn. Pub. Acts 200–201, ch. 137, § 2	152-154
8	43	1837	1837–1838 Tenn. Pub. Acts 201, ch. 137, § 4	154
9	44	1838	1838 Fl. Acts 36, No. 24, § 1	155-156
10	45	1838	1838 Va. Acts 76–77, ch. 101, § 1	157-169
11	46	1839	1838 Ala. Acts 67, § 1	160-162
12	47	1839	1839 Miss. Laws 385–86, ch. 168, § 5	163-168
13	48	1840	1840 Miss. Laws 180–81, ch. 111, § 5	169-174
14	49	1841	1841 Ala. Laws 148–49, ch. 7, § 4	175-178
15	50	1841	1841 Miss. Laws 51–52, ch. 1, § 1	179-181
16	51	1842	Henry A. Bullard & Thomas Curry (Editors), 1 <i>A New Digest of the Statute Laws of the State of Louisiana, from the Change of Government to the Year 1841</i>	182-183

		252 (1842), § 59	
52	1845	Mason Brayman (Editor), <i>Revised Statutes of the State of Illinois: Adopted by the General Assembly of Said State, at Its Regular Session, Held in the Years A.D. 1844–45</i> , 176 (1845), § 139 [Criminal Jurisprudence]	185-186
53	1847	<i>The Revised Statutes of the State of Maine, Passed October 22, 1840</i> , 709 (1847), tit. 12, ch. 169, § 16	187-189
54	1847	1846–1847 N.C. Sess. Laws 107, ch. 42	190-192
55	1849	1849 Cal. Stat. 245, div. 11, § 127	193-195
56	1850	S. Garfielde (Editor), <i>Compiled Laws of the State of California: Containing All the Acts of the Legislature of a Public and General Nature, Now in Force, Passed at the Sessions of 1850–51–52–53</i> , 643–44 (1853), ch. 125, div. 4, §§ 40–41	196-198
57	1850	S. Garfielde (Editor), <i>Compiled Laws of the State of California: Containing All the Acts of the Legislature of a Public and General Nature, Now in Force, Passed at the Sessions of 1850–51–52–53</i> , 663–64 (1853), ch. 125, div. 11, § 127	199-202
58	1850	William A. Richardson (Editor), <i>General Statutes of the Commonwealth of Massachusetts: Enacted December 28, 1859, to Take Effect June 1, 1860</i> , 816 (1873), ch. 164, § 10	203-206
59	1850	1850 Mass. Gen. Law, ch. 194, § 1, as codified in Mass. Gen. Stat. 816 (1873), ch. 164, § 10	207

1	60	1850	1850 Mass. Gen. Law, ch. 194, § 2 as codified in Mass. Gen. Stat. 816 (1873), ch. 164 § 11	207
2				
3				
4	61	1850	1850 Miss. Laws 43, ch. 1, § 1	208-211
5	62	1851	1851 Pa. Laws 382, No. 239, § 4	212-214
6				
7	63	1852	1851–1852 Ala. Laws 3, ch. 1, § 1	215-219
8	64	1852	1852 Haw. Sess. Laws 19, § 1	220-221
9	65	1852	1852 N.M. Laws 67, § 1	222-223
10				
11	66	1854	1853 Ky. Acts 186, ch. 1020, §§ 1, 2	224-225
12	67	1854	1854 Miss. Laws 49–50, ch. 1, § 1	226-228
13	68	1854	1854 Wash. Sess. Law 80, ch. 2, § 30	229-230
14				
15	69	1855	1855 Cal. Stat. 152–53, ch. 127, §§ 1–3	231-232
16	70	1855	William H. R. Wood (Editor), <i>Digest of the Laws of California: Containing All Laws of a General Character Which were in Force on the First Day of January, 1858,</i> 334 (1861), art. 1904	233-235
17				
18				
19				
20	71	1855	1855 Ind. Acts 153, ch. 79, §§ 1–2	236-239
21	72	1855	1855 La. Acts 148, ch. 120, § 115	240-241
22				
23	73	1856	1856–1857 Miss. Laws 35 – 36, § 3, art. 10	242-245
24	74	1856	1855–56 Tenn. Pub. Acts 92, ch. 81. §§ 1–2	246-247
25	75	1856	Tex. Penal Code ch. 14, arts. 611–12 (1857)	248-249
26	76	1858	1858 Neb. Laws 69, ch. 1, § 135	250-251
27				
28	77	1859	1859 Ind. Acts 129, ch. 78, § 1.	252-253

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

78	1859	1859 Ky. Acts 245, ch. 33, § 23	254-265
79	1859	1859 N.M. Laws 94–96, §§ 1–5	256-260
80	1859	1859 Ohio Laws 452, § 210	261-264
81	1859	1859 Wash. Sess. Laws 109, ch. 2, § 30	265-266
82	1860	1860 Ga. Laws 56, No. 63, § 1	267-269
83	1861	1861 Nev. Stat. 61, § 35	270-271
84	1862	1862 Colo. Sess. Laws 56, § 1 [Concealed weapons]	272-273
85	1863	C. B. Pierce, <i>Charter and Ordinances of the City of Leavenworth, with an Appendix</i> 45 (1863), § 23	274
86	1863	William H. Bridges (Editor), <i>Digest of the Charters and Ordinances of the City of Memphis, Together with the Acts of the Legislature Relating to the City, with an Appendix</i> 190 (1863), art. 3, § 3	275-278
87	1864	Theodore H. Hittell (Editor), <i>The General Laws of the State of California, from 1850 to 1864, Inclusive</i> 261 (1872), § 1585 [§ 1]	279-280
88	1865	1864 Mont. Laws 355, § 1 [Deadly weapons]	281-282
89	1865	Henry McEwan (Editor), <i>Acts, Resolutions and Memorials Passed at the Several Annual Sessions of the Legislative Assembly of the Territory of Utah</i> 59 (1866), ch. 22, tit. 8, § 102	283-284
90	1866	Montgomery H. Throop (Editor), <i>Revised Statutes of the State of New York, Vol. 3</i> , at	285-286

1			2512 (1882), ch. 716, §§ 1–2	
2	91	1866	1866 N.C. Sess. Laws 30 & 33–34, ch. 21, § 1, sched. A(11)	287-292
3				
4	92	1867	1866–1867 Ala. Laws 260 & 263, ch. 2, § 2(10)	293-297
5				
6	93	1867	1867 Colo. Sess. Laws 229, § 149	298-299
7				
8	94	1867	William H. Bridges (Editor), <i>Digest of the Charters and Ordinances of the City of Memphis, from 1826 to 1867, Inclusive, Together with the Acts of the Legislature Relating to the City, with an Appendix</i> , 44 (1867), §§ 4746, 4747, 4753, 4757	300-302
9				
10				
11				
12	95	1867	William H. Bridges (Editor), <i>Digest of the Charters and Ordinances of the City of Memphis, from 1826 to 1867, Inclusive, Together with the Acts of the Legislature Relating to the City, with an Appendix</i> , 50 (1867), § 4864	303-305
13				
14				
15				
16				
17	96	1868	Wade Keyes & Fern Wood (Editors), <i>Code of Alabama</i> 883 (1876), ch. 3, § 4111	306-308
18				
19	97	1868	W. A. Blount et al. (Editors), <i>The Revised Statutes of the State of Florida</i> 782–83 (1892), tit. 2, art. 5, § 2423	309-310
20				
21				
22	98	1868	W. A. Blount et al. (Editors), <i>The Revised Statutes of the State of Florida</i> 782–83 (1892), tit. 2, art. 5, § 2425	309-310
23				
24	99	1868	1868 Fla. Laws 95, ch. 7, § 10	311-314
25				
26	100	1868	James F McClellan (Editor), <i>A Digest of the Laws of the State of Florida: From the Year One Thousand Eight Hundred and Twenty-Two, to the Eleventh Day of</i>	315-317
27				
28				

1			<i>March, One Thousand Eight Hundred and</i>	
2			<i>Eighty-One, Inclusive 403 (1881), § 13</i>	
3	101	1869	1869 Minn. Laws 50–51, ch. 39, §§ 1–3	318-320
4	102	1869	1868–69 N.M. Session Laws 72–73, ch. 32,	321-327
5			§§ 1–3	
6	103	1869	1869–70 Tenn. Pub. Acts 23–24, ch. 22, § 2	328-333
7				
8	104	1869	1869 Wash. Sess. Laws 203–04, ch. 2, § 32	332-335
9	105	1870	1870 Ga. Laws 421, tit. 16, ch. 285, §§ 1–3	336-339
10	106	1870	1870 La. Acts 159–60, § 73	340-343
11	107	1870	1869–1870 Tenn. Pub. Acts 28, ch. 13, § 1	344-346
12				
13	108	1870	1870 Tex. Gen. Laws 63, ch. 46, § 1	347-350
14	109	1871	John H. Cherry (Editor), <i>Digest of the Laws</i>	352
15			<i>and Ordinances of the City of Little Rock</i>	
16			168 (1882), §399	
17	110	1871	1871–1872 D.C. Laws, Part II, 33, ch. 25	354
18	111	1871	1871 Miss. Laws 819–20, ch. 33, art. 3, § 1	357
19	112	1871	Everett W. Pattinson (Editor), <i>Revised</i>	362
20			<i>Ordinance of the City of St. Louis 491</i>	
21			(1871), art. 2, § 9	
22	113	1871	<i>Order of the Board of Aldermen. Ordinances</i>	364-366
23			<i>of Jersey City, Passed By The Board Of</i>	
24			<i>Aldermen since May 1, 1871, under the</i>	
25			<i>Act Entitled “An Act to Re-organize the</i>	
26			<i>Local Government of Jersey City,” Passed</i>	
27			<i>March 31, 1871, and the Supplements</i>	
28			<i>Thereto 41 (1874), §§ 1–4</i>	
	114	1871	1871 Tex. Laws 25, ch. 34, § 1	367-370

1	115	1871	1871 Tex. Laws 25, ch. 34, § 3	367-370
2	116	1872	1872 Md. Laws 57, ch. 42, § 246	371-373
3	117	1872	Gilbert B. Scolfield (Editor), <i>Laws, Ordinances and Rules of Nebraska City, Otoe County, Nebraska</i> , 36 (1872), No. 7, § 1	374
4	118	1873	Wade Keyes & Fern Wood (Editors), <i>Code of Alabama, 1876</i> , 883 (1877), ch. 3, § 4110	375-377
5	119	1873	A.H. Bissell (Editor), <i>Statutes at Large of the State of Minnesota</i> 993 (Vol. 2, 1873), ch. 54, §§ 64–65	378-380
6	120	1873	M.S. Bonnifield & T.W. Healy (Editors), <i>Compiled Laws of the State of Nevada. Embracing Statutes of 1861 to 1873, Inclusive</i> , 563 (Vol. 1, 1873), §§ 35–36	381-383
7	121	1873	Seymour D. Thompson & Thomas M. Steger (Editors), <i>Compilation of the Statute Laws of the State of Tennessee</i> , 125 (Vol. 2, 1873), ch. 9, art. 2, § 4864	384-386
8	122	1874	1874–1875 Ala. Laws 41, § 102, pt. 27	387-389
9	123	1874	Harvey Bostwick Hurd (Editor), <i>Revised Statutes of the State of Illinois. A.D. 1874</i> , 360 (1874), ch. 38, § 56	390-392
10	124	1874	1874–1875 Va. Acts 282–83, ch. 239, § 6, sched. B(18)	393-396
11	125	1875	1875–1876 Ala. Acts 46, Rev. Code, ch. 1, § 1(5)	397-400
12	126	1875	1875–1876 Ala. Acts 82, Rev. Code, ch. 9,	401-404

1		§ 7(15)	
2	127	1875	1874–1875 Ark. Acts 156, § 1
3			405-408
4	128	1875	<i>Compiled and Revised Laws of the Territory of Idaho</i> , 354 (1875), § 133
5			409-410
6	129	1875	1875 Ind. Acts 62, ch. 17, § 1
7			411-413
8	130	1875	1875 Mich. Pub. Acts 136, ch. 97, § 1
9			414-416
10	131	1875	1875 Pa. Laws 33, ch. 38, § 1
11			417-419
12	132	1876	1876–77 Ala. Code 882, § 4109
13			420-422
14	133	1876	Wade Keyes (Editor), <i>Code of Alabama</i> 1876 882 (1877), ch. 3, § 4109
15			423-426
16	134	1876	Wade Keyes (Editor), <i>Code of Alabama</i> 1876 901 (1877), ch. 6, § 4230
17			427-430
18	135	1876	1876 Colo. Sess. Laws 304, § 154
19			431-432
20	136	1876	1876 Ga. L. 112, ch. 128, § 1
21			433-435
22	137	1876	Consider H. Willett, <i>Laws and Ordinances Governing the Village of Hyde Park [Illinois] Together with Its Charter and General Laws Affecting Municipal Corporations; Special Ordinances and Charters under Which Corporations Have Vested Rights in the Village. Also, Summary of Decisions of the Supreme Court Relating to Municipal Corporations, Taxation and Assessments</i> , 64 (1876), § 39
23			436-437
24	138	1876	John W. Blake et al. (Editors), <i>Revised Statutes of Wyoming in Force January 1, 1887</i> , 306 (1887), § 1027
25			438-440
26	139	1877	Edward O. Wolcott (Editor), <i>Ordinances of</i>
27			441
28			

		<i>Georgetown [Colorado] Passed June 7th, A.D. 1877, 100 (1877), § 9</i>	
140	1877	<i>Revision of the Statutes of New Jersey: Published under the Authority of the Legislature; by Virtue of an Act Approved April 4, 1871, 304 (1877), § 2</i>	442-443
141	1877	G.C. Moody (Editor), <i>Revised Codes, 1903, State of South Dakota</i> 1150 (1903), §§ 470–471.	444-446
142	1877	<i>Revised Ordinances Of Provo City [Utah], Containing All The Ordinances In Force On the First Day of February, A.D. 1877, and the Rules and Order of Business of Provo City Council</i> 106–07 (1877), ch. 6, § 182	447-450
143	1878	1878–1879 Ala. Laws 437, ch. 314, § 14	451-459
144	1878	1878 Miss. Laws 175, ch. 46, § 1	460-463
145	1879	William S. Thorington (Editor), <i>Code of Ordinances of the City Council of Montgomery [Alabama]</i> 225 (1888), Pen. Code, Ch. 43, § 5188	464-465
146	1879	<i>Charter and Revised Ordinances of Boise City, Idaho, in Effect April 12, 1894, 118–19 (1894), § 36</i>	466
147	1879	La. Const. of 1879, art. III	467-468
148	1879	1879 Mont. Laws 359, div. 4, § 23	469-471
149	1879	1879 N.C. Sess. Laws 231, ch. 127, §§ 1–5	472-474
150	1879	1879 Tenn. Pub. Acts 135–36, ch. 46, §§ 1–6	475-477

1	151	1879	W.A. Milliken and John J. Vertrees (Editors), <i>Code of Tennessee, Being a Compilation of the Statute Laws of the State of Tennessee, of a General Nature, in Force June 1, 1884</i> , 1060–61 (1884), § 5533	478-481
2	152	1880	Michael A. Daugherty, et al. (Editors), <i>Revised Statutes and Other Acts of a General Nature of the State of Ohio: In Force January 1, 1880</i> , 1633 (Vol. 2, 1879), tit. 1, ch. 5, § 6892	482-484
3	153	1880	1880 S.C. Acts 447–48, No. 362, § 1	485-488
4	154	1881	1880–1881 Ala. Laws 38–39, ch. 44, § 1	489-494
5	155	1881	1881 Ark. Acts 191–92, ch. 96, §§ 1–2	493-495
6	156	1881	1881 Colo. Sess. Laws 74, § 1	496-498
7	157	1881	1881 Del. Laws 716, ch. 548, § 1	499-502
8	158	1881	1881 Ill. Laws 73, §§ 1, 4	503-505
9	159	1881	1881 Ill. Laws 73, § 2	503-505
10	160	1881	1881 Ind. Acts 191, ch. 37, § 81	508-509
11	161	1881	1881 Ind. Acts 191, ch. 37, § 82	508-509
12	162	1881	<i>Revised Statues of the State of Indiana, Embracing the Revision of 1881 and All General Laws Enacted Subsequent to That Revision</i> 366 (1881), § 1957	506-507
13	163	1881	J. H. Johnston (Editor), <i>Revised Charter and Ordinances of the City of Boonville, Mo.</i> 91 (1881), No. 17, art. 1, § 6	510-513

1	164	1881	Guy A. Brown (Editor), <i>Compiled Statutes of the State of Nebraska, Comprising All Laws of a General Nature in Force July 1, 1881</i> , 666 (1881), ch. 5, § 25	514-515
2	165	1881	David E. Baily & John D. Hammond (Editors), <i>General Statutes of the State of Nevada. In Force. From 1861 to 1885, Inclusive, With Citations of the Decisions of the Supreme Court Relating Thereto</i> , 1077 (1885), § 4844	516-518
3	166	1881	William K. McAlister (Editor), <i>Ordinances of the City of Nashville, to Which are Prefixed the State Laws Chartering and Relating to the City, with an Appendix</i> , 340–41 (1881), ch. 108, § 1	519-521
4	167	1881	<i>Code of Washington, Containing All Acts of a General Nature, Revised and Amended by the Legislative Assembly of the Territory of Washington, During the Eighth Biennial Session, and the Extra Session, Ending December 7, 1881, the Constitution of the United States, and the Amendments Thereto, the Acts of Congress Applicable to the Territory of Washington, and the Naturalization Laws</i> 181 (1881), ch. 73, § 929	523-525
5	168	1881	Richard A. Ballinger (Editor), <i>Ballinger's Annotated Codes and Statutes of Washington, Showing All Statutes in Force, Including the Session Laws of 1897</i> 1956 (Vol. 2, 1897), § 7082	526-529
6	169	1881	1881 Wash. Sess. Laws 76, ch. 6, § 34, pt. 15	530-532
7	170	1882	1882–1883 Ga. Laws 37, ch. 18, § 2, pt. 18	533-536

1	171	1882	S. J. Quincy (Editor), <i>Revised Ordinances of the City of Sioux City, Iowa</i> 62 (1882), Public Safety, § 4	537-539
2	172	1882	W. P. Murray (Editor), <i>Municipal Code of Saint Paul, Comprising the Laws of the State of Minnesota Relating to the City of Saint Paul, and the Ordinances of the Common Council, Revised to December 1, 1884</i> 289 (1884) art. 18, § 1	540-542
3	173	1882	1882 W. Va. Acts 421–22, ch. 135, § 1	543-545
4	174	1883	1882–1883 Ga. Laws 48–49, No. 93, § 1	548-551
5	175	1883	E. R. E. Kimbrough & W. J. Calhoun (Editors), <i>Revised Ordinances of the City of Danville, Illinois</i> 179 (1892), § 23	546-547
6	176	1883	1883 Kan. Sess. Laws 159, ch. 105, §§ 1–2	552-553
7	177	1883	1883 Mo. Laws 76, Concealed Weapons, § 1	554-556
8	178	1883	1883 Wash. Sess. Laws 302, ch. 6, § 29, pt. 15	557-559
9	179	1883	1883 Wis. Sess. Laws 713, ch. 6, § 3, pt. 56	560-563
10	180	1884	1884–1885 Ga. Laws 23, ch. 52, § 2, pt. 18	564-567
11	181	1884	<i>The Revised Statutes of the State of Maine, Passed August 29, 1883, and Taking Effect January 1, 1884</i> 928, (1884), ch. 130, § 10	568-570
12	182	1884	John Prentiss Poe (Editor), <i>The Maryland Code: Public Local Laws, Adopted by the General Assembly of Maryland March 14, 1888, Including Also the Public Local Acts of the Session of 1888 Incorporated Therein</i> 522–23 (Vol. 1, 1888), ch. 187,	571-574

1		§ 742	
2	183	1884	1884 Vt. Acts & Resolves 74, No. 74. § 1
3			575-577
4	184	1884	John W. Blakeet al. (Editors), <i>Revised Statutes of Wyoming, In Force January 1, 1887, Including the Declaration of Independence, the Articles of Confederation, the Constitution of the United States, the Organic Act of Wyoming, and All Laws of Congress Affecting the Territorial Government</i> 297 (1887), § 983
5			578-580
6			
7			
8			
9			
10	185	1885	W. A. Blount et al. (Editors), <i>The Revised Statutes of the State of Florida</i> 782 (1892), tit. 2, art. 5, § 2421
11			581-583
12			
13	186	1885	1885 Mont. Laws 74–75, § 1
14			584-587
15	187	1885	George R. Donnan (Editor), <i>Annotated Code of Criminal Procedure and Penal Code of the State of New York as Amended 1882–85</i> 172 (1885), § 410
16			588-589
17			
18	188	1885	<i>Charter and Ordinances of the City of Syracuse, as Revised in 1885, and as Amended from 1885 to 1893 Inclusive, Together With Special Legislative Enactments Affecting the City of Syracuse</i> 331 (1894), ch. 27, § 5
19			590-593
20			
21			
22	189	1885	1885 Or. Laws 33, §§ 1–2
23			594-596
24	190	1886	1886 Ala. Laws 36, No. 4, § 5, pt. 17
25			597-606
26	191	1886	Isham White (Editor), <i>Laws and Ordinances of the City of Denver, Colorado</i> 369 (1886), § 10
27			607
28	192	1886	1886 Ga. Laws 17, tit. 2, § 2, pt. 18
			608-609

1	193	1886	1886 Md. Laws 602, ch. 375, § 1	610-612
2	194	1886	John Prentiss Poe (Editor), <i>Maryland Code: Public Local Laws, Adopted by the General Assembly of Maryland March 14, 1888, Including Also the Public Local Acts of the Session of 1888 Incorporated Therein</i> 468–69 (Vol. 1, 1888), art. 27, ch. 375, § 30	613-615
3	195	1886	1886 Md. Laws 315, ch 189, § 1	616-619
4	196	1887	A. S. Hazelton & Frank J. Capell (Editors), <i>Compiled Ordinances of the City of Council Bluffs Iowa</i> 203–04 (1920), § 75	620-622
5	197	1887	O. P. Ergenbright (Editor), <i>Revised Ordinances of the City of Independence, Kansas, Together with the Amended Laws Governing Cities of the Second Class and Standing Rules of the City Council</i> 162 (1887), § 27	623-629
6	198	1887	<i>Laws of the State of Michigan Relating to the Public Health in Force in the Year 1890</i> 145 (1889), § 1	630-631
7	199	1887	1887 Mont. Laws 549, § 174	632-634
8	200	1887	<i>Acts of the Legislative Assembly of the Territory of New Mexico, Twenty-Seventh Session</i> 55 (1887), ch. 30, § 1	635-639
9	201	1887	<i>The Code of Virginia: With the Declaration of Independence and the Constitution of the United States, and the Constitution of Virginia</i> 897 (1887), § 3780	640-642
10	202	1888	1888 Ga. Laws 22, ch. 123, § 2, pt. 17	643-655

203	1888	John Prentiss Poe, <i>The Baltimore City Code, Containing the Public Local Laws of Maryland Relating to the City of Baltimore, and the Ordinances of the Mayor and City Council, in Force on the First Day of November, 1891, With a Supplement, Containing the Public Local Laws Relating to the City of Baltimore, Passed at the Session of 1892 of the General Assembly, and Also the Ordinances of the Mayor and City Council, Passed at the Session of 1891–92, and of 1892–1893, Up To the Summer Recess of 1893</i> 522–23 (Vol. 1, 1888), § 742	656-659
204	1888	John Prentiss Poe (Editor), <i>The Maryland Code: Public Local Laws, Adopted by the General Assembly of Maryland March 14, 1888, Including Also the Public Local Acts of the Session of 1888 Incorporated Therein</i> 1457 (Vol. 2, 1888), § 99	660-662
205	1888	George Brooks Young (Editor), <i>General Statutes of the State of Minnesota in Force January 1, 1889</i> 1006 (Vol. 2, 1888), §§ 333–34	663-665
206	1888	Joseph Lippman (Editor), <i>The Revised Ordinances Of Salt Lake City, Utah, Embracing All Ordinances of a General Nature in Force December 20, 1892, Together With the Charter of Salt Lake City, the Amendments Thereto, and Territorial Laws of a General Nature Applicable to Salt Lake City, and the Constitution of the United States</i> 283 (1893), § 14	666-667
207	1889	1889 Ariz. Sess. Laws 16, No. 13, § 1	668-670

1	208	1889	1888–1889 Idaho Sess. Laws 23, § 1	671-672
2	209	1889	George Brooks Young (Editor), <i>General Statutes of the State of Minnesota in Force January 1, 1889</i> 1006 (Vol. 2, 1888), § 334	673-674
3	210	1889	<i>Laws of the City of Johnstown, Pa., Embracing City Charter, Act of Assembly of May 23, 1889, for the Government of Cities of the Third Class, General and Special Ordinances, Rules of Select and Common Councils and Joint Sessions</i> 86 (1897), No. 2, § 12	675-679
4	211	1890	<i>Charter and Ordinances of the City of New Haven, Together With Legislative Acts Affecting Said City</i> 164 (1890), § 192	680-682
5	212	1890	1890 Ga. Laws 38, ch. 131, § 2, pt. 16	683-685
6	213	1890	890 La. Acts 39, ch. 46	686-688
7	214	1890	John Prentiss Poe (Editor), <i>The Baltimore City Code, Containing the Public Local Laws of Maryland Relating to the City of Baltimore, and the Ordinances of the Mayor and City Council, in Force on the First Day of November, 1891, With a Supplement, Containing the Public Local Laws Relating to the City of Baltimore, Passed at the Session of 1892 of the General Assembly, and Also the Ordinances of the Mayor and City Council, Passed at the Session of 1891–92, and of 1892–1893, Up To the Summer Recess of 1893</i> 297–98 (1893), § 742A	689
8	215	1890	W. J. Connell (Editor), <i>The Revised Ordinances of the City of Omaha, Nebraska, Embracing All Ordinances of a</i>	690-692

1		<i>General Nature in Force April 1, 1890,</i>	
2		<i>Together With the Charter for</i>	
3		<i>Metropolitan Cities, the Constitution of the</i>	
4		<i>United States and the Constitution of the</i>	
		<i>State of Nebraska 344–45 (1890), § 10</i>	
5	216	1890	Will T. Little et al. (Editors), <i>The Statutes of</i>
6			<i>Oklahoma, 1890, 475–76 (1891), §§ 18–</i>
7			<i>19</i>
8	217	1890	Will T. Little et al. (Editors), <i>The Statutes of</i>
9			<i>Oklahoma, 1890, 495–96 (1891), art. 47,</i>
10			<i>§§ 1–2, 10</i>
11	218	1890	<i>General Laws Relating to Incorporated</i>
12			<i>Towns of Indian Territory 49 (1890), No.</i>
13			<i>11, § 3</i>
14	219	1891	Jener W. Nielson (Editor), <i>Charter and</i>
15			<i>Ordinances of the City of Fresno,</i>
16			<i>California 52 (1916), No. 221, § 8</i>
17	220	1891	Iener W. Nielson (Editor), <i>Charter and</i>
18			<i>Ordinances of the City of Fresno,</i>
19			<i>California 58 (1916), No. 221, § 53</i>
20	221	1891	1891 Mich. Pub. Acts 408–09, No. 257, § 15
21	222	1891	1891 N.D. Laws 193–94, ch. 70, § 1
22	223	1891	John A. Warth (Editor), <i>Code of West</i>
23			<i>Virginia (Third Edition) 915–16 (1891),</i>
24			<i>ch. 148, § 7</i>
25	224	1892	1892 Ala. Laws 183, No. 95
26	225	1892	1892 Ga. Laws 25, ch. 133, § 2, pt. 16
27	226	1892	Albert R. Heilig (Editor), <i>Ordinances of the</i>
28			<i>City of Tacoma, Washington 333–34</i>
			<i>(1892), No. 134</i>

1	227	1893	1893 Ariz. Sess. Laws 3, § 1	732-735
2	228	1893	<i>Revised Statutes of the State of Delaware, of Eight Hundred and Fifty-Two, As They Have Since Been Amended, Together with the Additional Laws of a Public and General Nature, Which Have Been Enacted Since the Publication of the Revised Code of Eighteen Fifty-Two, to the Year of Our Lord One Thousand Eight Hundred and Ninety-Three, to Which Are Added the Constitutions of the United States and of this State, the Declaration of Independence, and Appendix 987 (1893), ch. 548</i>	736-738
3	229	1893	1893 N.C. L. 468–69, ch. 514	739-742
4	230	1893	1893 R.I. Pub. Laws 231, ch. 1180, § 1	743-746
5	231	1893	Claude Waller (Editor), <i>Digest of the Ordinances of the City of Nashville, to Which are Prefixed the State Laws Incorporating, and Relating to, the City, With an Appendix Containing Various Grants and Franchises 364–65 (1893), § 738</i>	747-749
6	232	1893	A. McMicken (Editor), <i>The Revised Ordinances of the City of Rawlins, Carbon County, Wyoming 131–32 (1893), § 1</i>	750
7	233	1895	<i>The Revised Codes of the State of North Dakota, 1895, Together with the Constitution of the United States and of the State of North Dakota With the Amendments Thereto 1259 (1895), § 7094</i>	751-753
8	234	1895	<i>The Revised Codes of the State of North Dakota, 1895, Together with the Constitution of the United States and of the</i>	754-756

		<i>State of North Dakota With the Amendments Thereto</i> 1293 (1895), §§ 7312–13	
235	1895	<i>Charter and Ordinances of the City of Barre, Vermont</i> 53 (1904), ch. 16, § 18	757-758
236	1896	<i>Penal Laws of the Hawaiian Islands, 1897, Compiled From the Penal Code of 1869 and the Session Laws of 1870 to 1896 Inclusive</i> 251 (1897), ch. 54	759-761
237	1896	1896 Miss. L. 109–10, ch. 104	762-765
238	1896	<i>General Laws of the State of Rhode Island and Providence Plantations to Which Are Prefixed the Constitutions of the United States and of the State</i> 1010–11 (1896), ch. 282, §§ 23–24, 26	766-769
239	1896	Rose M. Denny (Editor), <i>The Municipal Code of the City of Spokane, Washington, Comprising the Ordinances of the City (Excepting Ordinances Establishing Street Grades) Revised to October 22, 1896</i> 309–10 (1896), No. A544, § 1	770-772
240	1897	William L. Martin (Editor), <i>The Code of Alabama, Adopted by Act of the General Assembly of the State of Alabama, Approved February 16, 1897</i> 1137 (Vol. 1 1897), § 27	773-776
241	1897	Charles S. Shepherd (Editor), <i>The General Ordinances of the City of Saint Joseph (A City of the Second Class) Embracing All Ordinances of General Interest In Force July 15, 1897, Together With the Laws of the State of Missouri of a General Nature Applicable to the City of St. Joseph</i> 508 (1897), § 7	781-782

1	242	1897	1897 Tex. Gen. Laws 221–22, ch. 155	787-790
2	243	1897	Richard A. Ballinger (Editor), <i>Ballinger's Annotated Codes and Statutes of Washington, Showing All Statutes in Force, Including the Session Laws of 1897</i> 1956–57 (Vol. 2, 1897), § 7084	783-786
3	244	1898	1898 Ga. Laws 60, No. 106	795-797
4	245	1898	<i>The Charter of Oregon City, Oregon, Together with the Ordinances and Rules of Order</i> 259 (1898), § 2	798
5	246	1899	Fred F. Barker (Editor), <i>Compilation of the Acts of Congress and Treaties Relating to Alaska From March 30, 1867, to March 3, 1905</i> 139, ch. 6, § 117	800
6	247	1899	<i>Compiled Ordinances of the City of Fairfield, Clay County, Nebraska</i> 34 (1899), No. 20, § 1	789
7	248	1899	Theodore Harris (Editor), <i>Charter and Ordinances of the City of San Antonio. Comprising All Ordinances of a General Character in Force August 7th</i> 220 (1899), ch. 22, § 4	803
8	249	1900	William H. Baily (Editor), <i>The Revised Ordinances of Nineteen Hundred of the City of Des Moines, Iowa</i> 89–90 (1900), § 209	804-806
9	250	1900	1900 N.Y. Laws 458–59, ch. 222, § 1	807-810
10	251	1901	1901 Ariz. Sess. Laws 1251–53, §§ 381, 385, 390	811-815
11	252	1901	1901 Utah Laws 97–98, ch. 96, §§ 1–3	816-818

1	253	1903	W. F. Wilson (Editor), <i>Wilson's Revised & Annotated Statutes of Oklahoma</i> 643 (1903), ch. 25, art. 45, § 583	819-821
2	254	1903	G. C. Moody et al. (Editors), <i>The Revised Codes, State of South Dakota</i> 1150 (1903) §§ 470, 471	822-825
3	255	1905	1905 Ind. Acts 677, ch. 169, § 410	826-828
4	256	1905	1905 Ind. Acts 687, ch. 169, § 448	829-832
5	257	1905	1905 Ind. Acts 687–88, ch. 169, § 449	829-832
6	258	1905	1905 N.J. Laws 324–25, ch. 172, § 1	833-836
7	259	1908	1908 N.Y. Laws 242, ch. 93, § 1	837-840
8	260	1908	1908 R.I. Pub. Laws 145, ch. 1572, § 1	841-843
9	261	1909	1909 Idaho Sess. Laws 6, No. 62, § 1	844-846
10	262	1909	1909 S.D. Sess. Laws 450, ch. 240, §§ 21–22	847-849
11	263	1909	1909 Wash. Sess. Laws 972–73, ch. 249, § 265	850-853
12	264	1909	1909 Wash. Sess. Laws 973, ch. 249, § 266	850-853
13	265	1911	1911 N.Y. Laws 442, ch. 195, § 1	854-859
14	266	1911	1911 N.Y. Laws 442–43, ch. 195, § 1	854-859
15	267	1912	1912 Vt. Acts & Resolves 261, No. 201, § 17	860-863
16	268	1913	1913 Fla. Laws 117, ch. 6621, § 8	864-866
17	269	1913	1913 Haw. Sess. Laws 25, Act 22	867-868
18				
19				
20				
21				
22				
23				
24				
25				
26				
27				
28				

1	270	1913	1913 Iowa Acts 307, ch. 297, §§ 1, 2	869-873
2	271	1913	1913 N.Y. Laws 1627–30, ch. 608, § 1	874-879
3	272	1915	1915 N.H. Laws 180–81, ch. 133, pt. 2, § 18	880-883
4	273	1915	1915 N.D. Laws 96, ch. 83, §§ 1–3, 5	884-886
5	274	1917	1917 Cal. Stat. 221, ch. 145, § 1	887-892
6	275	1917	1917 Cal. Stat. 221, ch. 145, § 2	887-892
7	276	1917	1917 Cal. Stat. 222, ch. 145, § 5	887-892
8	277	1917	Hugh McIndoe, Editor, <i>Joplin Code of 1917</i> 550 (1917), art. 67, § 1201	895-896
9	278	1917	1917 N.C. Sess. Laws 309, ch. 209, § 1	897-898
10	279	1917	1917 Or. Sess. Laws 807-08, ch. 377, § 7	899-905
11	280	1920	1920 N.J. Laws 67, ch. 31, § 9	906-916
12	281	1923	1923 Cal. Stat. 696, ch. 339, § 1	917-925
13	282	1923	1923 Mo. Laws 241–42, § 17	926-929
14	283	1923	1923 S.C. Acts 221	930-932
15	284	1923	1923 Vt. Acts & Resolves 127, No. 130, § 1	933-934
16	285	1925	1925 Nev. Stat., ch. 47, § 1	935-937
17	286	1925	1925 Or. Laws 42, ch. 31, §§ 1–2	938-940
18	287	1925	1925 W. Va. Acts 25–30, ch. 3, § 7, pt. a	941-951
19	288	1925	1925 W. Va. Acts 30–31, ch. 3, § 7, pt. b	941-951
20	289	1925	1925 W. Va. Acts 30–31, ch. 3, § 7, pt. b	941-951
21				
22				
23				
24				
25				
26				
27				
28				

1	290	1927	1927 Cal. Stat. 938, ch. 552, §§ 1–2	952-954
2	291	1927	1927 Ga. Laws 83, No. 398, § 2, ¶ 86	955-957
3	292	1927	1927 Ind. Acts 469, ch. 156, § 1	958-961
4	293	1927	1927 Ind. Acts 469, ch. 156, § 2	958-961
5	294	1927	1927 Iowa Acts 201, §§ 1–2	961-964
6	295	1927	1927 Md. Laws 156, ch. 117, § 388-B	965-967
7	296	1927	1927 Mass. Acts 416, ch. 326, § 5	968-972
8	297	1927	1927 Mass. Acts 413, ch. 326, §§ 1–2	968-972
9	298	1927	1927 Mich. Pub. Acts 888–89, No. 372, § 3	973-980
10	299	1927	1927 Mich. Pub. Acts 888–89, No. 372, § 3	973-980
11	300	1927	1927 N.J. Laws 180–81, ch. 95, §§ 1–2	981-984
12	301	1927	1927 N.J. Laws 742, ch. 321, § 1	985-995
13	302	1927	1927 N.J. Laws 743, ch. 321, § 2	985-95
14	303	1927	1927 R.I. Pub. Laws 256, ch. 1052, §§ 1, 4, 5, 6	996-1003
15	304	1927	1927 R. I. Pub. Laws 256, ch. 1052, §§ 1, 4, 7, 8	996-1003
16	305	1927	1927 R.I. Pub. Laws 256, ch. 1052, §§ 1, 3	996-1003
17	306	1929	1929 Ind. Acts 139, ch. 55, § 1	1004-1006
18	307	1929	1929 Mich. Pub. Acts 529, No. 206	1007-1010
19	308	1929	1929 Mich. Pub. Acts 529, No. 206	1007-1010
20	309	1929	1929 Mo. Laws 170	1011-1012
21				
22				
23				
24				
25				
26				
27				
28				

1	310	1929	1929 Neb. Laws 673–74, ch. 190, §§ 1–2	1013-1016
2	311	1929	1929 Pa. Laws 777–78, No. 329, §§ 1, 4	1017-1019
3	312	1929	1929 Pa. Laws 777–78, No. 329, § 3	1017-1019
4	313	1929	1928–1929 Wis. Sess. Laws 157, ch. 132, § 1	1020-1024
5	314	1931	1931 Del. Laws 813, ch. 249, § 1	1025-1027
6	315	1931	1931 Ill. Laws 452–53, Machine Guns, §§ 1–2	1028-1031
7	316	1931	1931 Ill. Laws 454, Machine Guns, § 7	1028-1031
8	317	1931	1931 Mich. Pub. Acts 671, ch. 37, § 236	1032-1035
9	318	1931	1931 N.Y. Laws 1033, ch. 435, § 1	1036-1038
10	319	1931	1931 N.D. Laws 305-06, ch. 178, §§ 1–2	1039-1042
11	320	1931	1931 S.C. Acts 78, No. 58, § 1	1043-1046
12	321	1932	An Act To Control The Possession, Sale, Transfer And Use Of Pistols And Other Dangerous Weapons In The District Of Columbia, To Provide Penalties, To Prescribe Rules Of Evidence, And For Other Purposes, 47 Stat. 650 (1932), ch. 465, §§ 1, 8	1047-1052
13	322	1932	1932 La. Acts 337–38, No. 79, §§ 1–2	1053-1057
14	323	1933	1933 Cal. Stat. 1170, ch. 450, § 2	1058-1061
15	324	1933	1933 Fla. Laws 623, ch. 16111, § 1	1062-1065
16	325	1933	1933 Haw. Sess. Laws 117, No. 120, § 2	1066-1069
17	326	1933	1933 Kan. Sess. Laws 76, ch. 62, §§ 1–3	1070-1074

1	327	1933	1933 Minn. Laws 231–33, ch. 190, §§ 1–3	1075-1078
2	328	1933	1933 N.Y. Laws 1638–39, ch. 805, §§ 1, 3	1079-1082
3	329	1933	1933 Ohio Laws 189–90, No. 64, § 1	1083-1087
4	330	1933	1933 Or. Laws 489, ch. 315, §§ 3–4	1088-1091
5	331	1933	1933 Or. Laws 488, ch. 315, § 2	1088-1091
6	332	1933	1933 S.D. Sess. Laws 245–47, ch. 206, §§ 1–8	1092-1095
7	333	1933	1933 Tex. Gen. Laws 219–20, ch. 82, §§ 1–4, 6	1096-1098
8	334	1933	1933 Wash. Sess. Laws 335–36, ch. 64, §§ 1–5	1099-1101
9	335	1933	1931–1933 Wis. Sess. Laws 245–47, ch. 76, § 1, pts. 164.01–164.06	1102-1106
10	336	1933	1931–1933 Wis. Sess. Laws 778, ch. 359, § 1	1107-1110
11	337	1934	National Firearms Act of 1934, 48 Stat. 1236 (1934)	1111-1116
12	338	1934	1934 N.J. Laws 394–95, ch. 155, §§ 1–5	1117-1120
13	339	1934	1934 S.C. Acts 1288, No. 731, §§ 1–6	1121-1124
14	340	1934	1934 Va. Acts 137–39, ch. 96, §§ 1–7	1125-1129
15	GUNPOWDER STORAGE LAWS			
16	341	1783	1782–1783 Mass. Acts 120, ch. 46	1131-1133
17	342	1784	1784 N.Y. Laws 627, ch. 28	1134-1138
18	343	1792	Thomas Greenleaf (Editor), <i>Laws of the</i>	1139-1142

		<i>State of New York, Comprising the Constitution, and the Acts of the Legislature, since the Revolution, from the First to the Fifteenth Session, Inclusive 191–92 (1792)</i>	
344	1821	1821 Me. Laws 98, ch. 25, § 1	1143-1146
345	1823	<i>The Act of Incorporation, and the Ordinances and Regulations of the Town of Marietta, Washington County, Ohio 17–18 (1837)</i>	1147
346	1836	1836 Conn. Acts 105, ch. 1, § 20	1148-1153
347	1851	Joseph E. Gary (Editor), <i>Laws and Ordinances Governing the City of Chicago</i> 239 (1866), ch. 11, § 1	1154-1155
348	1858	Henry John Horn (Editor), <i>The Charter and Ordinances of the City of St. Paul, Together with Legislative Acts Relating to the City, and the State Constitution, in an Appendix</i> 113 (1858), ch. 21, §§ 1–5	1156-1159
349	1881	1881 Wash. Sess. Laws 76, ch. 6, § 34, pt. 15	1160-1163
350	1917	An Act To Prohibit the Manufacture, Distribution, Storage, Use, and Possession in Time of War of Explosives, Proving Regulations for the Safe Manufacture, Distribution, Storage, Use, and Possession of the Same, and for Other Purposes, 40 Stat. 385 (1917), ch. 83	1164-1170

DANGEROUS WEAPONS LAWS

Illinois laws, statutes, etc. to be revised
132
845
REVISED STATUTES *of 1845*
OF THE *25*

STATE OF ILLINOIS,

ADOPTED BY

THE GENERAL ASSEMBLY OF SAID STATE, AT ITS REGULAR
SESSION, HELD IN THE YEARS, A. D., 1844-'5.

TOGETHER WITH

AN APPENDIX,

CONTAINING

ACTS PASSED AT THE SAME AND PREVIOUS SESSIONS, NOT INCORPORATED
IN THE REVISED STATUTES, BUT WHICH
REMAIN IN FORCE.

REVISED AND PREPARED FOR PUBLICATION, WITH NOTES.
INDEX, &c. BY M. BRAYMAN.

PUBLISHED BY AUTHORITY OF THE GENERAL ASSEMBLY.

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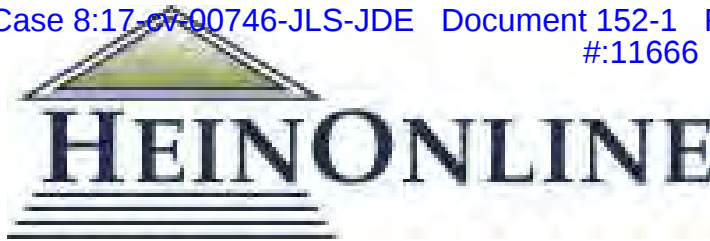
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1845.

whether the person be a vagrant or not, shall make out a warrant under their hands and seals, authorizing and requiring the officer having him in charge or custody, to hire out such vagrant, within twenty-four hours to the best bidder, by public outcry, or on a notice given, as they shall direct, for the highest price that can be had, for any term not exceeding four months: and such vagrant shall be subject to, and governed by, all the provisions of the act regulating apprentices, during the time for which he has been so hired. The money received for his hire shall, after deducting the costs, be, if he be without a family, paid into the county treasury; but if he have a family, the same shall be appropriated for their use and benefit: *Provided*, That any such vagrant, when arrested, and before judgment, may release himself by giving to said justices a bond, with good security, conditioned that he will for the next twelve months be of good behavior, and betake himself to some honest employment for support, and that he shall not, nor his family, become a county charge, through, or by reason of his idleness, immorality or profligacy.

SEC. 139. If any person shall be found, having upon him or her, any pick-lock, crow, key, bit or other instrument or tool, with intent feloniously to break and enter into any dwelling house, store, warehouse, shop or other building containing valuable property, or shall be found in any of the aforesaid buildings with intent to steal any goods and chattels, every such person so offending, shall, on conviction, be deemed a vagrant, and punished by confinement in the penitentiary, for any term not exceeding two years. And if any person shall have upon him any pistol, gun, knife, dirk, bludgeon or other offensive weapon, with intent to assault any person, every such person, on conviction, shall be fined, in a sum not exceeding one hundred dollars, or imprisoned, not exceeding three months.

SEC. 140. Every male person above eighteen years of age, who shall neglect or refuse to join the *posse comitatus*, or power of the county, by neglecting or refusing to aid and assist in taking or arresting any person or persons against whom there may have issued any civil or criminal process, or by neglecting or refusing to aid and assist in retaking any person or persons, who after having been arrested or confined, may have escaped from such arrest or imprisonment, or by neglecting or refusing to aid and assist in preventing any breach of the peace, or the commission of any criminal offence, being thereto lawfully required by any sheriff, deputy sheriff, coroner, constable, judge or justice of the peace, or other officer concerned in the administration of justice, shall, upon conviction, be fined, in a sum not less than ten dollars, nor more than fifty dollars.

SEC. 141. If any person or persons shall open the grave or tomb where the body or bodies of any deceased person or persons shall have been deposited, and shall remove the body or bodies, or remains of any deceased person or persons from the grave or place of sepulture, for the purpose of dissection, or any surgical or anatomical experiment, or for any other purpose, without the knowledge and consent of the near relations of the deceased, or shall in any way aid, assist, counsel or procure the same to be done, every such person or persons so offending, shall, on conviction, be fined, not less than one hundred dollars nor more than five hundred dollars: *Provided*, That this section shall not extend to the dissection of any criminal where the same shall be directed to be delivered up for that purpose by competent authority: *And provided also*, That this section shall not be construed to prevent any person from removing the body or bodies of their deceased relations or intimate friends, to any other place of sepulture that he or she may think proper.



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THE
REVISED STATUTES

OF THE
STATE OF MAINE,

PASSED OCTOBER 22, 1840;

TO WHICH ARE PREFIXED
THE CONSTITUTIONS

OF THE
United States and of the State of Maine,

AND TO WHICH ARE SUBJOINED THE OTHER
PUBLIC LAWS OF 1840 AND 1841,

WITH AN
BY
APPENDIX.

PRINTED AND PUBLISHED IN COMPLIANCE WITH A RESOLVE OF OCTOBER 22, 1840.

Augusta:
PUBLISHED BY WILLIAM R. SMITH & Co., PRINTERS TO THE STATE,
.....
1841.

refusing to recognize, as required by the court or magistrate, may be discharged by any judge or justice of the peace, on giving such security, as was required.

CHAP. 169.

may be taken after commitment.

SECT. 14. Every recognizance, taken pursuant to the foregoing provisions, shall be transmitted to the district court, on or before the first day of the next ensuing term, and shall there be filed by the clerk, as of record.

Return of such recognizance.

SECT. 15. Whoever, in the presence of any magistrate, mentioned in the second section of this chapter, or before any court of record, shall make any affray or threaten to kill or beat another, or commit any violence against his person or property, or shall contend, with hot and angry words, to the disturbance of the peace, may be ordered, without process or any other proof, to recognize for keeping the peace, or being of the good behavior for a term, not exceeding three months, and, in case of refusal, may be committed to prison as before directed.

When magistrate may require sureties, without a formal complaint, &c.

SECT. 16. Any person, going armed with any dirk, dagger, sword, pistol, or other offensive and dangerous weapon, without a reasonable cause to fear an assault on himself, or any of his family or property, may, on the complaint of any person having cause to fear an injury or breach of the peace, be required to find sureties for keeping the peace for a term, not exceeding one year, with the right of appeal as before provided.

Persons going armed, without reasonable cause. 1821, 76, § 1.

SECT. 17. In a suit, on such recognizance taken in a criminal case, if a forfeiture is found or confessed, the court, on petition, may remit the penalty, or such part of it as they may think proper, on such terms as they may think right.

Power of court, to remit the penalty of a recognizance. 1821, 50, § 4.

SECT. 18. Any surety in a recognizance may surrender the principal in the same manner, as if he had been his bail in a civil cause, and, on such surrender, shall be discharged from all liability for any act of the principal after such surrender, which would be a breach of the recognizance; and, upon such surrender, the principal may recognize anew with sufficient surety or sureties for the residue of the term, before any justice of the peace, and shall thereupon be discharged.

Sureties on recognizances may surrender their principals as in case of bail in civil actions.

CHAPTER 170.

OF THE POWER AND PROCEEDINGS OF JUSTICES OF THE PEACE IN CRIMINAL CASES.

- | | |
|--|--|
| <p>SECT. 1. Justices may require aid, on view, without a warrant.</p> <p>2. Their jurisdiction.</p> <p>3. When a justice shall issue his warrant.</p> <p>4. Examination, on trial, of the party accused.</p> <p>5. Of commitment or binding over to a higher court.</p> | <p>SECT. 6. Duty of justices, as to arrests, and examinations into treasons, felonies, &c.</p> <p>7. Trial and sentence within their jurisdiction.</p> <p>8. Respondent may appeal; but required to recognize.</p> <p>9. To carry up copies of the case.</p> |
|--|--|



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LAWS

OF THE

State of North Carolina,

PASSED BY THE GENERAL ASSEMBLY,

AT THE

SESSION OF 1846-47.

Published agreeably to the ninety-fifth chapter of the
Revised Statutes.

RALEIGH:

THOMAS J. LEMAY, PRINTER.

1847.

MISCELLANEOUS.

1846-47

107

CHAPTER XLII.

An Act to amend the 75th section, chapter 34, of the Revised Statutes, entitled "Crimes and Punishments."

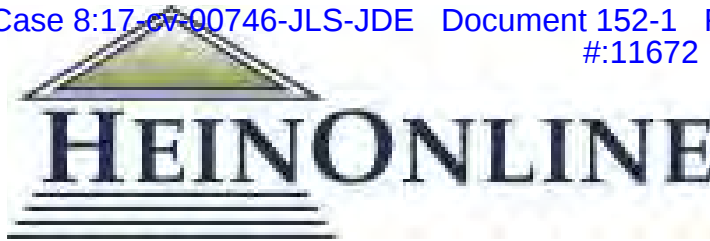
Be it enacted by General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, ^{Articles} *That it shall not be lawful for any person or persons to sell or* ^{not to be} *barter and deliver, to any slave, or slaves, any gun cotton, fire* ^{sold to} *arms, swords, dirks or other side arms, unless those articles be* ^{slaves,} *for the owner or employer, and by the written order of the owner or employer of such slave or slaves, under the penalty of one hundred dollars for each offence, to be recovered, by warrant, before any justice of the peace, and applied, one half to the use of the party suing for the same, and the other half to the wardens of the poor of the county; and, moreover, may be indicted in the county or superior courts of law; and the defendant, on conviction, shall be fined or imprisoned at the discretion of the court; the fine, however, not to exceed fifty dollars, or the imprisonment three months.*

[Ratified 18th January, 1847.]

CHAPTER XLIII.

An Act concerning Orphans and persons *non compos mentis*.

Sec. 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That whenever any orphan, having any estate, has been, or shall hereafter be, presented by a grand jury, in pursuance of the nineteenth section of the 54th, chapter of the Revised Statutes, and for which orphans no suitable person will act as guardian; and whenever any person has been, or shall hereafter be, declared lunatic or *non compos mentis*, according to the regular course of the law, and for whom no suitable person will act as guardian, then it shall be the duty of the court of equity to proceed to secure the estate of such orphan or lunatic, or person *non compos mentis*, according to the provisions of the act of



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Libel defined,
and punishment
therefor.

§ 120. A libel is a malicious defamation, expressed either by printing or by signs or pictures or the like, tending to blacken the memory of one who is dead, or to impeach the honesty, integrity, virtue, or reputation, or publish the natural defects of one who is alive, and thereby to expose him or her to public hatred, contempt, or ridicule: every person, whether the writer or the publisher, convicted of the offence, shall be fined in a sum not exceeding five thousand dollars, or imprisonment in the county jail not exceeding one year. In all prosecutions for libel, the truth may be given in evidence to the jury, and if it shall appear to the jury that the matter charged as libellous is true, and was published with good motives, and for justifiable ends, the party shall be acquitted, and the jury shall have the right to determine the law and the fact.

Truth of libel
may be given in
evidence.

ELEVENTH DIVISION.

OFFENCES AGAINST PUBLIC MORALITY, HEALTH, AND POLICE.

Bigamy defined,
and punishment
therefor pre-
scribed.

§ 121. Bigamy consists in the having of two wives or two husbands at one and the same time, knowing that the former husband or wife is still alive. If any person or persons within this State, being married, or who shall hereafter marry, do at any time marry any person or persons, the former husband or wife being alive, the person so offending shall, on conviction thereof, be punished by fine not exceeding one thousand dollars, and be imprisoned in the County Jail not more than two years. It shall not be necessary to prove either of the said marriages by the register or certificate thereof, or other record evidence, but the same may be proved by such evidence as is admissible to prove a marriage in other cases, and when such second marriage shall have taken place without this State, cohabitation in this State, after such second marriage, shall be deemed the commission of the crime of bigamy. Nothing herein contained shall extend to any person or persons whose husband or wife shall have been continually absent from such person or persons for the space of five years together, prior to the said second marriage, and he or she not knowing such husband or wife to be living within that time. Also, nothing herein contained shall extend to any person that is, or shall be at the time of such second marriage, divorced by lawful authority from the bonds of such former marriage, or to any person where the former marriage hath been, by lawful authority, declared void.

To what cases
not to apply.

Knowingly mar-
rying a married
person.

§ 122. If any man or woman, being unmarried, shall knowingly marry the husband or wife of another, such man or woman shall, on conviction, be fined not less than one thousand dollars, or imprisoned in the County Jail not more than two years.

Incestuous
marriage or
adultery.

§ 123. Persons being within the degrees of consanguinity, within which marriages are declared by law to be incestuous and void, who shall intermarry with each other, or who shall commit fornication or adultery with each other, shall, on conviction, be punished by imprisonment in the State Prison not exceeding ten years.

Obstructing or
injuring public
highway or
navigable
stream.

§ 124. If any person shall obstruct or injure, or cause or procure to be obstructed or injured, any public road or highway, or common street or alley of any city, town, or village, or any public bridge or causeway, or public river or stream declared navigable by law, or shall continue such obstruction so as to render the same inconvenient or dangerous to pass, or shall erect or establish any offensive trade, manufacture, or business, or continue the same after it has been erected or established, or shall in any wise pollute or obstruct any water course, lake, pond, marsh, or common sewer, or continue such obstruction or pollution so as to render the same offensive or unwholesome to the county, city, town, village, or neighborhood thereabouts: every person so offending shall, upon conviction, be fined not exceeding one thousand dollars; and every such nuisance may, by order of the Court before whom the conviction may take place, or of the District Court, be removed and abated by the Sheriff of the County.

Selling unwhole-
some provisions.

§ 125. If any person or persons shall knowingly sell any flesh of any diseased animal, or other unwholesome provisions, or any poisonous or adulterated drink or liquors, every person so offending shall be fined not more than five hundred dollars, or imprisoned in the County Jail not more than six months.

FIRST SESSION.

245

§ 126. If any person shall intentionally deface, obliterate, tear down or destroy, in whole or in part, any copy or transcript, or extract from or of any law of the United States, or of this State, or any proclamation, advertisement, or notification, set up at any place in this State by authority of any law of the United States or of this State, or by order of any Court, such person, on conviction, shall be fined not more than one hundred dollars nor less than twenty dollars, or be imprisoned in the County Jail not more than one month: *Provided*, that this section shall not extend to defacing, tearing down, obliterating, or destroying any law, proclamation, publication, notification, advertisement, or order, after the time for which the same was by law to remain set up shall have expired.

Defacing or tearing down any proclamation, &c.

§ 127. If any person shall be found having upon him or her any picklock, crow, key, bitt, or other instrument or tool, with intent feloniously to break and enter into any dwelling house, store, shop, warehouse, or other building containing valuable property, or shall be found in any of the aforesaid buildings with intent to steal any money, goods, and chattels, every person so offending shall, on conviction thereof, be imprisoned in the County Jail not more than two years; and if any person shall have upon him any pistol, gun, knife, dirk, bludgeon, or other offensive weapon, with intent to assault any person, every such person, on conviction, shall be fined not more than one hundred dollars or imprisoned in the County Jail not more than three months.

Having possession of any instrument with intent to commit a burglary, &c.

§ 128. Every male person above eighteen years of age who shall neglect or refuse to join the *posse comitatus* or power of the county, by neglecting or refusing to aid and assist in taking or arresting any person or persons against whom there may be issued any process, or by neglecting to aid and assist in retaking any person or persons who, after being arrested or confined, may have escaped from such arrest or imprisonment, or by neglecting or refusing to aid and assist in preventing any breach of the peace, or the commission of any criminal offence, being thereto lawfully required by any Sheriff, Deputy Sheriff, Coroner, Constable, Judge, or Justice of the Peace, or other officer concerned in the administration of justice, shall, upon conviction, be fined in any sum not less than fifty nor more than one thousand dollars.

Refusing to join the *posse comitatus*, &c.

TWELFTH DIVISION.

OFFENCES COMMITTED BY CHEATS, SWINDLERS, AND OTHER FRAUDULENT PERSONS.

§ 129. All and every person who shall be a party to any fraudulent conveyance of any lands, tenements or hereditaments, goods or chattels, or any right or interest issuing out of the same, or to any bond, suit, judgment or execution, contract or conveyance had, made, or contrived with intent to deceive and defraud others, or to defeat, hinder, or delay creditors or others of their just debts, damages, or demands; or who, being parties as aforesaid, at any time shall wittingly and willingly put in, use, avow, maintain, justify, or defend the same or any of them as true and done, had or made in good faith, or upon good consideration, or shall alien, assign, or sell any of the lands, tenements, hereditaments, goods, chattels, or other things before mentioned, to him, her, or them conveyed as aforesaid, or any part thereof, he, she, or they so offending shall, on conviction, be fined in any sum not exceeding one thousand dollars.

Fraudulent conveyances to hinder or defraud creditors.

§ 130. If any person, by false representations of his own wealth or mercantile correspondence and connexions, shall obtain a credit thereby, and defraud any person or persons of money, goods, chattels, or any valuable thing; or if any person shall cause or procure others to report falsely of his wealth or mercantile character, and by thus imposing upon any person or persons obtain credit and thereby fraudulently get into the possession of goods, wares, or merchandise, or other valuable thing, every such offender shall be deemed a swindler, and on conviction, shall be sentenced to return the property so fraudulently obtained, if it can be done, and shall be fined not exceeding one thousand dollars and imprisoned in the County Jail not more than six months.

Obtaining credit or defrauding by false representations.

§ 131. If any person or persons shall knowingly and designedly, by any false pretence or pretences, obtain from any other person or persons any chose in action, money, goods, wares, chattels, effects, or other valuable thing, with intent to cheat or defraud any such person or persons of the same, every person

Obtaining money or goods, &c., by false pretences.



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COMPILED LAWS OF CALIFORNIA.

643

venture, for the act of correction is lawful ; but if a parent or master exceed the bounds of moderation, or the officer the sentence under which he acts, either in the manner, the instrument, or quantity of punishment, and death ensue, it will be manslaughter or murder, according to the circumstances of the case.

SEC. 35. All other instances which stand upon the same footing of reason and justice as those enumerated, shall be considered justifiable or excusable homicide. Further definition.

SEC. 36. The homicide appearing to be justifiable or excusable, the person indicted shall, upon his trial, be fully acquitted and discharged. When accused to be acquitted.

SEC. 37. The killing being proved, the burden of proving circumstances of mitigation, or that justify or excuse the homicide, will devolve on the accused, unless the proof on the part of the prosecution sufficiently manifests that the crime committed only amounts to manslaughter, or that the accused was justified or excused in committing the homicide. Mitigating circumstances to be proved by accused.

SEC. 38. If any woman shall endeavor, privately, either by herself or the procurement of others, to conceal the death of any issue of her body, male or female, which, if born alive, would be a bastard, so that it may not come to light, whether it shall have been murdered or not ; every such mother being convicted thereof shall suffer imprisonment in the county jail for a term not exceeding one year : Provided, however, that nothing herein contained shall be so construed as to prevent such mother from being indicted and punished for the murder of such bastard child. Woman concealing death of bastard child.

SEC. 39. The distinction between petit treason and murder is abolished. Any person who might have been indicted for petit treason, shall hereafter be indicted for murder, and, if convicted, punished accordingly. Distinction between petit treason and murder abolished.

SEC. 40. If any person shall, by previous appointment or agreement, fight a duel, and in so doing shall kill his antagonist or any person or persons, or shall inflict such wound as that the party injured shall die thereof within one year thereafter, every such offender, his second, as well as the second of the person killed, and all aiders, abettors, and counsellors, being thereof duly convicted, shall be punished by imprisonment in the state prison for any term not exceeding five years nor less than one year. Punishment for duelling where death ensues.

SEC. 41. If any person shall hereafter challenge another to fight a duel with any deadly weapon, or in any manner whatever, the probable issue of which might result in the death of either ; or if any person shall accept a challenge or agree to fight a duel, every person so offending shall, upon conviction thereof, be punished by imprisonment Challenging to fight a duel.

in the state prison for any term not exceeding three years nor less than one year, and be fined in a sum not exceeding one thousand dollars.

Delivering a challenge or being present at a duel.

SEC. 42. If any person shall willingly and knowingly carry or deliver any written challenge, or verbally deliver any message intended as or purporting to be a challenge, or shall be present at the fighting of any duel as aforesaid as a second, or aid or give countenance thereto, such person being duly convicted thereof, shall be punished by imprisonment in the state prison for any term not exceeding three years nor less than one year, and be fined in a sum not exceeding one thousand dollars.

Posting for not fighting a duel.

SEC. 43. If any person shall post another, or in writing or print shall use any reproachful or contemptuous language to or concerning another for not fighting a duel, or for not sending or accepting a challenge, he shall be imprisoned in the county jail for a term not exceeding six months, and fined in any sum not exceeding one thousand dollars.

Fighting for reward without deadly weapons.

SEC. 44. If any persons shall, without deadly weapons, upon previous concert and agreement, upon any wager, or for money or any other reward, fight one with another, upon conviction thereof, they or either or any of them, and all persons present aiding and abetting, shall be punished by imprisonment in the state prison for a term not exceeding two years. Should death ensue to any person in such fight, the person or persons causing such death shall be punished by imprisonment in the state prison for a term not more than ten nor less than three years.

Where death ensues.

Administering poison with intent to kill.

SEC. 45. Every person who shall wilfully and maliciously administer or cause to be administered to or taken by any person, any poison or other noxious or destructive substance or liquid, with the intention to cause the death of such person, and being thereof duly convicted, shall be punished by imprisonment in the state prison for a term not less than ten years, and which may extend to life. And every person who shall administer or cause to be administered or taken, any medicinal substances, or shall use or cause to be used any instruments whatever, with the intention to procure the miscarriage of any woman then being with child, and shall be thereof duly convicted, shall be punished by imprisonment in the state prison for a term not less than two years, nor more than five years: Provided, that no physician shall be affected by the last clause of this section, who, in the discharge of his professional duties, deems it necessary to produce the miscarriage of any woman in order to save her life.

With intent to produce abortion.

Physicians not affected.

Mayhem defined.

SEC. 46. Mayhem consists in unlawfully depriving a human being



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COMPILED LAWS OF CALIFORNIA.

exertions to
prevent duel.

tion on the part of any two persons to fight with any deadly weapon or weapons, and such officer shall not use and exert his official authority to arrest the parties and prevent the duel, every such officer shall be fined in a sum not exceeding one thousand dollars.

Libel defined,
and punishment
therefor.

SEC. 120. A libel is a malicious defamation, expressed either by printing or by signs or pictures or the like, tending to blacken the memory of one who is dead, or to impeach the honesty, integrity, virtue, or reputation, or publish the natural defects of one who is alive, and thereby to expose him or her to public hatred, contempt, or ridicule: every person, whether the writer or publisher, convicted of the offence, shall be fined in a sum not exceeding five thousand dollars, or imprisonment in the county jail not exceeding one year. In all prosecutions for libel, the truth may be given in evidence to the jury, and if it shall appear to the jury that the matter charged as libellous is true, and was published with good motives, and for justifiable ends, the party shall be acquitted, and the jury shall have the right to determine the law and the fact.

Truth of libel
may be given
in evidence.

ELEVENTH DIVISION.

OFFENCES AGAINST PUBLIC MORALITY, HEALTH, AND POLICE.

Bigamy defined,
and punishment
therefor
prescribed.

SECTION 121. Bigamy consists in the having of two wives or two husbands at one and the same time, knowing that the former husband or wife is still alive. If any person or persons within this state, being married, or who shall hereafter marry, do at any time marry any person or persons, the former husband or wife being alive, the person so offending shall, on conviction thereof, be punished by fine not exceeding one thousand dollars, and be imprisoned in the county jail not more than two years. It shall not be necessary to prove either of the said marriages by the register or certificate thereof, or other record evidence, but the same may be proved by such evidence as is admissible to prove a marriage in other cases, and when such second marriage shall have taken place without this state, cohabitation in this state, after such second marriage, shall be deemed the commission of the crime of bigamy. Nothing herein contained shall extend to any person or persons whose husband or wife shall have been continually absent from such person or persons for the space of five years together, prior to the said second marriage, and he or she not knowing such husband or wife to be living within that time. Also, nothing herein contained shall extend to any person that is, or shall be at the time of such second marriage, divorced by lawful authority from the bonds of such former marriage, or to any person where the former marriage hath been, by lawful authority, declared void.

To what cases
not to apply.

COMPILED LAWS OF CALIFORNIA.

663

SEC. 122. If any man or woman, being unmarried, shall knowingly- Knowingly marrying a married person.
ly marry the husband or wife of another, such man or woman shall,
on conviction, be fined not less than one thousand dollars, or imprisoned in the county jail not more than two years.

SEC. 123. Persons being within the degrees of consanguinity, Incestuous marriage or adultery.
within which marriages are declared by law to be incestuous and void,
who shall intermarry with each other, or who shall commit fornication or adultery with each other, shall, on conviction, be punished by imprisonment in the state prison not exceeding ten years.

SEC. 124. If any person shall obstruct or injure, or cause or procure to be obstructed or injured, any public road or highway, or common street or alley of any city, town, or village, or any public bridge or causeway, or public river or stream declared navigable by law, or shall continue such obstruction so as to render the same inconvenient or dangerous to pass, or shall erect or establish any offensive trade, manufacture, or business, or continue the same after it has been erected or established, or shall in any wise pollute or obstruct any water course, lake, pond, marsh, or common sewer, or continue such obstruction or pollution so as to render the same offensive or unwholesome to the county, city, town, village, or neighborhood thereof: every person so offending shall, upon conviction, be fined not exceeding one thousand dollars; and every such nuisance may, by order of the court before whom the conviction may take place, or of the district court, be removed and abated by the sheriff of the county. Obstructing or injuring public highway or navigable stream.

SEC. 125. If any person or persons shall knowingly sell any flesh Selling unwholesome provisions.
of any diseased animal, or other unwholesome provisions, or any poisonous or adulterated drink or liquors, every person so offending shall be fined not more than five hundred dollars, or imprisoned in the county jail not more than six months.

SEC. 126. If any person shall intentionally deface, obliterate, tear down or destroy, in whole or in part, any copy or transcript, or extract from or of any law of the United States, or of this state, or any proclamation, advertisement, or notification, set up at any place in this state by authority of any law of the United States or of this state, or by order of any court, such person, on conviction, shall be fined not more than one hundred dollars nor less than twenty dollars, or be imprisoned in the county jail not more than one month: Provided, that this section shall not extend to defacing, tearing down, obliterating or destroying any law, proclamation, publication, notification, advertisement, or order, after the time for which the same was by law to remain set up, shall have expired. Defacing or tearing down any proclamation, etc.

SEC. 127. If any person shall be found having upon him or her any Having posses

sion of any
instrument with
intent to commit
a burglary, etc.

picklock, crow, key, bitt, or other instrument or tool, with intent feloniously to break and enter into any dwelling house, store, shop, warehouse, or other building containing valuable property, or shall be found in any of the aforesaid buildings with intent to steal any money, goods, and chattels, every person so offending shall, on conviction thereof, be imprisoned in the county jail not more than two years; and if any person shall have upon him any pistol, gun, knife, dirk, bludgeon, or other offensive weapon, with intent to assault any person, every such person, on conviction, shall be fined not more than one hundred dollars or imprisoned in the county jail not more than three months.

Refusing to join
the *posse comitatus*, etc.

SEC. 128. Every male person above eighteen years of age who shall neglect or refuse to join the *posse comitatus* or power of the county, by neglecting or refusing to aid and assist in taking or arresting any person or persons against whom there may be issued any process, or by neglecting to aid and assist in retaking any person or persons, who, after being arrested or confined, may have escaped from such arrest or imprisonment, or by neglecting or refusing to aid and assist in preventing any breach of the peace, or the commission of any criminal offence, being thereto lawfully required by any sheriff, deputy sheriff, coroner, constable, judge, or justice of the peace or other officer concerned in the administration of justice, shall, upon conviction, be fined in any sum not less than fifty nor more than one thousand dollars.

TWELFTH DIVISION.

OFFENCES COMMITTED BY CHEATS, SWINDLERS, AND OTHER FRAUDULENT PERSONS.

Fraudulent
conveyances to
hinder or
defraud creditors.

SECTION 129. All and every person who shall be a party to any fraudulent conveyance of any lands, tenements or hereditaments, goods or chattels, or any right or interest issuing out of the same, or to any bond, suit, judgment or execution, contract or conveyance had, made or contrived with intent to deceive and defraud others, or to defeat, hinder, or delay creditors or others of their just debts, damages, or demands; or who, being parties as aforesaid, at any time shall wittingly and willingly put in, use, avow, maintain, justify, or defend the same or any of them as true and done, had or made in good faith, or upon good consideration, or shall alien, assign, or sell any of the lands, tenements, hereditaments, goods, chattels, or other things before mentioned, to him, her, or them conveyed as aforesaid, or any part thereof, he, she, or they so offending shall, on conviction, be fined in any sum not exceeding one thousand dollars.



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THE
GENERAL STATUTES
OF THE
COMMONWEALTH OF MASSACHUSETTS:

ENACTED DECEMBER 28, 1859, TO TAKE EFFECT JUNE 1, 1860.

WITH
THE CONSTITUTIONS OF THE STATE AND THE UNITED STATES,
A GLOSSARY, LIST OF ACTS PREVIOUSLY REPEALED,
AND INDEX.

SECOND EDITION, 1873,
WITH REFERENCES TO SUBSEQUENT LEGISLATION AND JUDICIAL DECISIONS.

EDITED BY
WILLIAM A. RICHARDSON
AND
GEORGE P. SANGER.



BOSTON:
PUBLISHED BY THE COMMONWEALTH.
WRIGHT AND POTTER, STATE PRINTERS.
1873.

CHAPTER 164.

OF OFFENCES AGAINST THE PUBLIC PEACE.

SECTION

1. Unlawful assemblies, how suppressed.
2. Refusing assistance, when required; or to disperse, when commanded.
3. Neglect of mayor or other officer to suppress, &c.
4. Officers may quell unlawful assemblies, by force, &c.
5. Armed force, if called out, to obey orders of governor, judge, &c.
6. Officers, &c., to be held guiltless, though death is caused. Rioters, &c., responsible.

SECTION

7. Riotously destroying dwelling-house, &c.
8. Towns, &c., to pay three-fourths of value of property destroyed or injured;
9. may recover from offenders.
10. Carrying slung shot.
11. Manufacturing, &c., slung shot.
12. Making bonfire within ten rods of a building.
13. False alarm of fire.

SECTION 1. If any persons, to the number of twelve or more, being armed with clubs or other dangerous weapons, or if any persons, to the number of thirty or more, whether armed or not, are unlawfully, riotously, or tumultuously assembled in any city or town, it shall be the duty of the mayor and of each of the aldermen of such city, and of each of the selectmen of such town, and of every justice of the peace living in any such city or town, and also of the sheriff of the county and his deputies, to go among the persons so assembled, or as near to them as may be with safety, and in the name of the commonwealth to command all the persons so assembled, immediately and peaceably to disperse; and if such persons do not thereupon immediately and peaceably disperse, it shall be the duty of each of said magistrates and officers to command the assistance of all persons there present, in seizing, arresting, and securing, such persons in custody, so that they may be proceeded with for their offence, according to law.

Unlawful assemblies, how suppressed.
R. S. 129, § 1.
10 Mass. 518.

SECT. 2. If any person present, being commanded by any of the magistrates or officers mentioned in the preceding section to aid or assist in seizing and securing such rioters, or persons so unlawfully assembled, or in suppressing such riot or unlawful assembly, refuses or neglects to obey such command, or, when required by such magistrate or officer to depart from the place, refuses or neglects so to do, he shall be deemed one of the rioters, or persons unlawfully assembled, and may be prosecuted and punished accordingly.

Refusing assistance when required; or to disperse when commanded.
R. S. 129, § 2.

SECT. 3. If any mayor, alderman, selectman, justice of the peace, sheriff, or deputy-sheriff, having notice of any such riotous or tumultuous and unlawful assembly, in the city or town in which he lives, neglects or refuses immediately to proceed to the place of such assembly, or as near thereto as he can with safety, or omits or neglects to exercise the authority with which he is invested by this chapter for suppressing such assembly, and for arresting and securing the offenders, he shall be punished by fine not exceeding three hundred dollars.

Neglect of mayor or other officer to suppress, &c.
R. S. 129, § 3.

SECT. 4. If any persons who are so riotously or unlawfully assembled, and who have been commanded to disperse, as before provided, refuse or neglect to disperse without unnecessary delay, any two of the magistrates or officers before mentioned may require the aid of a sufficient number of persons, in arms or otherwise as may be necessary, and shall proceed in such manner as in their judgment is expedient, forthwith to disperse and suppress such assembly, and seize and secure the persons composing the same, so that they may be proceeded with according to law.

Officers may quell unlawful assemblies by force, &c.
R. S. 129, § 4.
98 Mass. 444.

SECT. 5. When any armed force called out in the manner provided by chapter thirteen, to suppress a tumult or riot, or to disperse any body of men acting together by force and with intent to commit a felony, or

Armed force, if called out, to obey orders of governor, judge, &c.

R. S. 129, § 5.
See Ch. 13, § 134.
Ch. 144, §§ 64,
66.

to offer violence to persons or property, or with intent by force or violence to resist or oppose the execution of the laws of this state, arrives at the place of such unlawful, riotous, or tumultuous assembly, they shall obey such orders for suppressing the riot or tumult, and for dispersing and arresting all persons who are committing any of said offences, as they have received from the governor, or any judge of a court of record, or the sheriff of the county, and also such orders as they there receive from any two of the magistrates or officers before mentioned.

Officers, &c., to
be held guilt-
less, though
death is caused.
Rioters, &c., re-
sponsible.
R. S. 129, § 6.
1830, 64, § 1.
7 Allen, 641.

SECT. 6. If, by reason of the efforts made by any two or more of said magistrates or officers, or by their direction, to disperse such assembly, or to seize and secure the persons composing the same, who have refused to disperse, though the number remaining may be less than twelve, any such person, or other person then present, is killed or wounded, the magistrates and officers, and all persons acting by their order, or under their directions, and all persons acting under the two preceding sections, shall be held guiltless and fully justified in law; and if any of said magistrates or officers, or any person acting under or by the direction of any of the officers before mentioned, is killed or wounded, all persons so assembled, and all other persons who, when commanded or required, refused to aid and assist said magistrates or officers, shall be held answerable therefor.

Riotously de-
stroying dwell-
ing-house, &c.
R. S. 129, § 7.
1852, 312.

SECT. 7. If any of the persons so unlawfully assembled demolishes, pulls down, or destroys, or begins to demolish, pull down, or destroy, any dwelling-house, or other building, or ship or vessel, he shall be punished by imprisonment in the state prison not exceeding five years, or by fine not exceeding one thousand dollars and imprisonment in the jail not exceeding two years, and shall also be answerable to any person injured, to the full amount of the damage, in an action of tort.

Towns, &c., to
pay three-
fourths of value
of property de-
stroyed or in-
jured;
1839, 64, § 2.
1852, 312.

SECT. 8. When property of the value of fifty dollars or more is destroyed, or property is injured to that amount, by any persons to the number of twelve or more, riotously, routously, or tumultuously assembled, the city or town within which the property was situated shall be liable to indemnify the owner thereof, to the amount of three-fourths of the value of the property destroyed, or of the amount of such injury thereto, to be recovered in an action of tort: *provided*, that the owner of such property uses all reasonable diligence to prevent its destruction or injury, and to procure the conviction of the offenders.

may recover
from offenders.
1830, 64, § 3.

SECT. 9. A city or town which pays any sum under the provisions of the preceding section may recover the same against any or all of the persons who destroyed or injured such property.

Carrying slung
shot, &c.
1850, 194, § 1.
1852, 296, § 1.
1859, 199.
7 Allen, 583.
103 Mass. 443.

SECT. 10. Whoever when arrested upon a warrant of a magistrate issued against him for an alleged offence against the laws of this state, and whoever when arrested by a sheriff, deputy-sheriff, constable, police officer, or watchman, while committing a criminal offence against the laws of this state, or a breach or disturbance of the public peace, is armed with, or has on his person, slung shot, metallic knuckles, billies, or other dangerous weapon, shall be punished by fine not exceeding fifty dollars, or by imprisonment in the jail not exceeding one year.

Manufacturing,
&c., slung shot,
&c.
1850, 194, § 2.

SECT. 11. Whoever manufactures, or causes to be manufactured, or sells, or exposes for sale, any instrument or weapon of the kind usually known as slung shot, or metallic knuckles, shall be punished by fine not less than fifty dollars, or by imprisonment in the jail not exceeding six months.

Making bonfire
within ten rods
of a building.
1837, 177, § 1.

SECT. 12. Whoever is concerned in causing or making a bonfire within ten rods of any house or building shall be punished by fine not exceeding twenty dollars, or imprisonment not exceeding one month.

False alarm of
fire.
1837, 177, § 2.

SECT. 13. Whoever without reasonable cause, by outcry, or the ringing of bells, or otherwise, makes or circulates, or causes to be made or circulated, a false alarm of fire, shall be punished by fine not exceeding fifty dollars.

true lines of such land or flats continued to said commissioners' line: *and provided, also*, that so much of said wharf as shall extend beyond the line of low-water mark, shall be built on piles, which piles shall not be nearer to each other than six feet in the direction of the stream, and eight feet in a transverse direction, and that this grant shall in no wise impair the legal rights of any person. [*Approved by the Governor, April 15, 1850.*]

An Act in relation to the carrying of Slung Shot.

Chap 194.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

SECT. 1. Any person arrested upon the warrant of a magistrate, issued against him for any alleged offence against the laws of this Commonwealth, and any person committing any criminal offence against the laws of this Commonwealth, or any breach or disturbance of the public peace, who may, at the time of the commission of such offence, or breach or disturbance of the public peace, be arrested by any sheriff, deputy sheriff, constable, or police officer, in this State, and who shall, at the time of such arrest, be armed with any dangerous weapon, of the kind usually called slung shot, shall be punished by a fine not exceeding fifty dollars, or imprisonment in the common jail or house of correction for a term not exceeding one year.

Penalty, fine, or imprisonment.

SECT. 2. Any person who shall, within this State, hereafter manufacture, or cause to be manufactured, or sell, or expose for sale, any instrument or weapon of the kind usually known as slung shot, shall be punished therefor by a fine not less than fifty dollars, or by imprisonment in the common jail or house of correction, for a term not exceeding six months. [*Approved by the Governor, April 15, 1850.*]

Penalty for manufacturing slung shot, or causing them to be manufactured.

An Act to incorporate the Springfield Medical School.

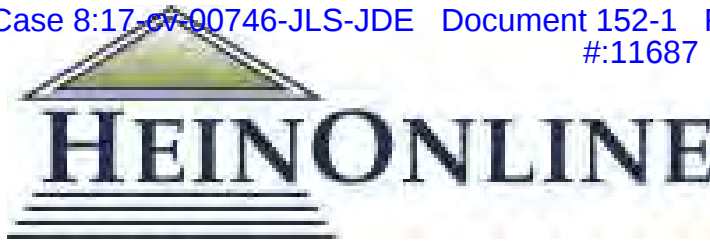
Chap 195.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

SECT. 1. William B. Calhoun, Reuben A. Chapman, James M. Smith, their associates and successors, are hereby made a corporation, by the name of the Springfield Medical School, to be established in the town of Springfield, in the county of Hampden, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the forty-fourth chapter of the Revised Statutes.

Corporators.

Powers and duties.
R. S. ch. 44.



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L A W S

OF THE

STATE OF MISSISSIPPI,

PASSED AT A REGULAR SESSION

OF THE

MISSISSIPPI, LEGISLATURE.

HELD IN THE CITY OF JACKSON

JANUARY, FEBRUARY, AND MARCH, 1850.

JACKSON:
FALL & MARSHALL, STATE PRINTERS.
1850.

L A W S

OF THE

STATE OF MISSISSIPPI.

CHAPTER 1.

AN ACT amendatory of the Revenue Laws of this State.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi,* That the following taxes shall be assessed and collected within this State, to wit: an ad valorem tax of one eighth of one per cent on all lands in this State now taxable, or which may hereafter become taxable, according to the laws of this State; an ad valorem tax of three twentieths of one per cent on all money loaned at interest by individuals, or employed by them in the purchase of notes, bonds, checks, bills of credit of any description whatever, as security for money advanced; on all goods, wares, and merchandize sold by any regular merchant; on all bank stock subscribed for in any incorporated bank in this State, which shall not have paid a bonus for its charter, or been exempted by the provisions thereof, (except stock subscribed for and owned by the State or some incorporated literary or charitable institution;) an ad valorem tax of one and one fourth per cent on all merchandize sold by an auctioneer or transient vendor of goods; an ad valorem tax of one half of one per cent on each pleasure carriage, watch and clock (except such as are kept for sale by merchants or artisans;) a tax of five dollars on each nine or ten pin, or any alley of the same kind, kept for public play; a tax of twenty-five dollars per annum on each theatre, and each race track, and fifty cents on each and every bowie knife; a tax of one half cent on each head of cattle over the number of twenty owned by any one individual; a poll tax of twenty-five cents on every free white male between the ages of twenty-one and fifty years; a tax of seventy-five cents on each and

Discription
of tax.

every free colored male between the age of twenty-one and fifty years, and of thirty cents on each and every slave under the age of sixty years; an ad valorem tax of one per cent on all gold or silver above the amount of fifty dollars manufactured otherwise than into coin, except jewelry worn about the person, and such as is kept for sale by merchants or artizans; an ad valorem tax of three twentieths of one per cent on each piano; an ad valorem tax of one half of one per cent on each race, saddle, or carriage horse, and each horse kept by livery stable keepers for hire; an ad valorem tax of one eighth of one per cent on all public toll ferries, bridges and turnpikes; a tax of one dollar on each duelling or pocket pistol, except such as are kept for sale by merchants or artizans, or kept for use by military companies; for each stallion or jackass, for whose services as such, money or other valuable thing is received, a sum equal to half of the price of one mare, to be demanded and collected at any time during the season, by the assessor, who shall pay over the same to the collector.

Assessment roll. SEC. 2. *Be it further enacted,* That each assessor of taxes shall complete and certify his assessment roll, and deliver the same into the office of the clerk of the Board of Police of his county, on or before the first Monday of September in each year; and such assessment roll shall remain on deposit in said office until the first Monday in October following. Any person or persons, his, her, or their agent or agents, dissatisfied with any assessment therein contained, may file his exceptions in writing with said clerk, at any time between the first Monday in September and the first Monday in October following, which said exceptions shall be marked filed by the clerk at the date of the filing thereof, and be preserved by him with the said roll.

Board of Police. SEC. 3. *Be it further enacted,* That the Board of Police of each county shall hold a meeting at the court house, on the first Monday in October of each year for the purpose of hearing and deciding all exceptions filed as aforesaid, to such assessment rolls, at which said meetings, it shall be the duty of the assessor to be present with said Board, and it shall be then and there the duty of said Board to proceed to examine said assessment, to hear evidence and to determine finally all exceptions filed as aforesaid, and to continue their sessions from day to day till



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No. 239.

AN ACT

Authorizing Francis Patrick Kenrick, Bishop of Philadelphia, to convey certain real estate in the borough of York, and a supplement to the charter of the said borough.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That Francis Patrick Kenrick, Bishop of Philadelphia, trustee for the Catholic congregation of the borough of York, in the county of York, be authorized to and he is hereby authorized and empowered to grant and convey by deed all that part of a lot and dwelling situated on the east side of Beaver street, in the borough aforesaid, bounded on the north by lot of Christian List, on the east by property of George Dietz, on the south by other portion of said lot, and on the west by Beaver street, the proceeds of said sale to be applied to the purchase of a pastoral residence for the priest of said congregation.*

Bishop Kenrick authorized to convey certain real estate in the borough of York.

SECTION 2. That from and after the passage of this act if any fire company, the members thereof or its adherents, shall be guilty of rioting or fighting in the public streets of the borough of York, in the county of York, in this Commonwealth, whilst going to, at, or returning from a fire, or to or from a false alarm, it shall be the duty of the Court of Quarter Sessions of the said county, upon complaint made to them thereof by any of the citizens of said borough, supported by affidavit, if the said court shall consider the complaint well founded, to declare said company out of service, and to declare it unlawful for the members of such company to act as a fire company for the space of six months, and to order their doors to be closed; and if after the expiration of that term they shall again be guilty of rioting or fighting as aforesaid, within the same year to disband said company, and declare it unlawful for them at any time thereafter to appear in the public streets as a fire company; and the person or persons who may be prosecuted in said court and found guilty of rioting or fighting as aforesaid, shall be liable to the same punishment as now provided by the laws of this Commonwealth for an aggravated riot.

Fire companies in the borough of York, for regulations of.

SECTION 3. That any person or persons who shall wilfully and maliciously deface, injure, or destroy any engine, hose bucket, carriage, vehicles, machinery, or apparatus belonging to any fire company or in their possession, in said borough, shall be deemed guilty of felony, and being thereof convicted shall be sentenced to undergo an imprisonment at hard labor for a term not less than six months or more than one year, and shall give security for future good behavior in such sum and for such time, according to the nature and enormity of the offence, as the court before whom such conviction shall take place may fix; and any person or persons who shall otherwise offend against the provisions of this section, shall be fined in a sum not exceeding one hundred dollars for the use of the borough of York, or be imprisoned for a term not exceeding one year, or both at the discretion of the court, or may be held to bail for future good behavior.

Penalty for injuries to hose bucket, carriage, &c.

Penalty for carrying deadly weapons, &c.

SECTION 4. That any person who shall wilfully and maliciously carry any pistol, gun, dirk knife, slung shot, or deadly weapon in said borough of York, shall be deemed guilty of felony, and being thereof convicted shall be sentenced to undergo an imprisonment at hard labor for a term not less than six months nor more than one year, and shall give security for future good behavior for such sum and for such time as the court before whom such conviction shall take place may fix; and any person or persons who shall otherwise offend against the provisions of this section shall be fined in a sum not exceeding one hundred dollars, for the use of the borough of York, or be imprisoned for a term not exceeding one year, or both at the discretion of the court, or may be held to bail for future good behavior.

Width of pavements, &c.

SECTION 5. That the provisions of the fifth section of the supplement to the charter of the borough of York, approved the fifteenth day of March, Anno Domini, one thousand eight hundred and forty-four, relative to the widening of the pavements on High and George streets, shall be extended to all the other streets in the said borough of York: *Provided*, That the width of the pavements in all streets other than High and George streets shall be increased to fourteen feet and no more.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

APPROVED—The eighth day of April, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 240.

AN ACT

To incorporate the Towanda and Burlington Plank Road Company, to repeal certain road laws relating to Wyoming county, to extend certain road laws to certain townships in Wyoming and Susquehanna counties, to change the time of holding township elections in Wyoming county, declaring the south branch of Towanda creek a public highway, to prohibit the storage of saltpetre in large quantities in the city of Philadelphia and incorporated districts of the county of Philadelphia.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* Commissioners. Mahlon C. Mercur, Joseph D. Montanyo, Thomas Elliott, Miller Fox, Enos Tompkins, John F. Means, Joseph K. Smith, Orrin D. Bartlett, Eleazer T. Fox, Joseph Kingsbury, David F. Barstow, Edward Overton, Ulysses Mercur, Benjamin S. Russell, John F. Long, Addison McKean, Darius Bullock, John Blackwell, George C. Hill, Allen McKean, and Hiram Gee, of the county of Bradford, or any five of them, be, and they are hereby appointed commissioners to open books,



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LAWS OF ALABAMA.

[No. 1.]

AN ACT

1851-'52.

Further to equalize and improve the Revenue Laws.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That there shall also be annually assessed and paid on all passes, canals or channels, or property of the like kind, estimated in the manner of mills, distilleries, manufacturing establishments, &c., the same tax as is paid on toll bridges, turnpikes and ferries, that is to say for each hundred dollars of the real value of property twenty-five cents, \$0 25.

Property taxed.

On all money which is purposely kept out at interest, whether lent to persons, corporations or companies, in or out of this State, in any form or manner whatever, and whether the evidence of such indebtedness is annually or otherwise renewed or not, and on which tax is not paid in some other form or manner to the State annually, the same rate shall be annually assessed and paid as on money loaned out at or under the legal rate of interest, that is to say for each hundred dollars, and at that rate, twenty-five cents..... 25

Tax on money at interest.

On every deck or part of a deck of playing cards sold or kept for use, ten cents..... 10

Cards.

On every bowie knife or revolving pistol, two dollars \$2 00

Bowie knife and pistols.

SEC. 2. *Be it further enacted,* That hereafter, to provide against omissions and evasions, all lands shall be assessed and taxes paid thereon in the county in which it lies, whether a tract be divided by a county line or not. Whose land shall be assessed

SEC. 3. *Be it further enacted,* That the property of soldiers who served in the war with Mexico, and of those who served in the Florida war, as well as those who served in the war of 1812, and of their widows in case of their decease, is exempt from taxation to the extent the same is exempt from execution. Soldiers exempt

SEC. 4. *Be it further enacted,* That licenses may hereafter be granted by judges of probate of the different counties to practice the daguerrean art at one station in the Daguerreotypists.

1851-'52.

4

county or in a village not having more than five hundred inhabitants on the applicant paying as a State tax.. \$5 00
 In towns with not more than four thousand inhabitants \$10 00
 In cities with more than four thousand inhabitants. 25 00
 To practice the art generally any where in the State 50 00
 For the exhibition of a circus, feats of activity and slight of hand, for each exhibition not exceeding twenty-four hours 10 00
 These provisions are to supersede rates prescribed in the code. A license may be obtained as aforesaid for a ten pin alley at any watering place for six months only by paying annually as heretofore, ten dollars \$10 00
 And for a billiard table 25 00
 But if used for a longer time during the year, under any pretence, the owner or proprietor of the alley or billiard table shall be liable to indictment in the same manner as if no license had been granted. And it is hereby expressly made the duty of the judge of probate of each county by himself or agent to enquire of every person doing or offering to do any business for which a license is required under this or any other act, and ascertain whether the law has been complied with, and if not to cause the person to be bound over to court. When any citizen, assessor or other public officer may have information and believe that money due for the tax will be lost to the treasury by removals or otherwise, unless received immediately, the same may be paid to the county treasurer, who is required to give duplicate receipts therefor, one to the person paying, the other to the judge of probate, who shall endorse it to the collector. The treasurer shall pay the same over to the collector so soon as collections commence to be paid over by him as other money, and the treasurer charging himself with any portion thereof which belongs to the county treasury. And all moneys due the county treasury shall be paid over as soon as collections are completed to the county treasurer, or it shall be the duty of the treasurer as well as that of the solicitor of the district in his absence or default, in the name of the county, on three days previous notice, to move for and obtain a judgment for the same, the interest and costs; and ten per cent. damages may be added by the court, if the circumstances require it, against any officer and his securities on their official bonds or other person holding the same.

Circus companies.

Ten-pin alleys.

Billiard tables.

Duties of judge of probate, treasurer, &c.

How taxes may be collected.

SEC. 5. *Be it further enacted,* That instead of a transcript or copy of the assessment books by the assessor, the judge of probate is required to make out and forward to the comptroller of public accounts an abstract of the same in such form as said comptroller may prescribe and direct; and the court of commissioners may make such allowance to said judge therefor as they may think adequate and just. And the judge and commissioners shall hereafter receive \$2 50 per day (five cents per mile for travel and forriage) while closely and necessarily engaged in examining the books and performing other duties in connection with the revenue; but the judge and one commissioner only shall be competent to do all such duty in the event a fuller attendance is not deemed indispensable by the court.

Judge of probate to make abstract.

Per diem of judge and commissioners.

SEC. 6. *Be it further enacted,* That hereafter the tax collector shall pay the assessor his commissions or other dues, taking from him duplicate receipts, one to be received, allowed and filed by the comptroller if necessary and if the same be correct. And it shall hereafter be the duty of the tax collectors of the several counties to record the receipts they obtain from the comptroller as early as practicable in the office of the judge of probate of the respective counties, in such accessible form or place as the judge may prescribe, so as to readily detect, by reference to the different counties, any errors or deficiencies in the comptroller's office.

How assessor shall be paid.

Tax-collectors to record receipts.

SEC. 7. *Be it further enacted,* That after either the assessor or collector shall have faithfully given the notices required by law to give in or pay taxes, if any person, without sufficient cause, fail or refuse to appear and give in or pay tax, and it thereby becomes necessary for such officer to visit the residence of such person, said officer is authorised to charge therefor (if in a city or town twenty-five cents, if in the country) fifty cents, to be charged and collected at the same time and in the same manner as taxes. But if either of said officers presume to charge or collect any such sum when the proper notice had not been given in good faith, or when from other cause it was improper, the same may be recovered back with costs before any justice of the county.

Extra charges for failure to give in.

SEC. 8. *Be it further enacted,* That no higher nor additional tax shall be paid on account of the code adopted at the present session coming into operation and changing the tax year so as to make it end on the 31st of August or other time; and to provide against that as well as to avoid

New Code not to interfere with tax laws.

1851-'52.

6

Tax not to be paid twice.

any other conflict or irregularity in the operation of any provisions of the revenue laws, full power and authority are hereby given to the comptroller to order the assessors or collectors either to abate and deduct from the assessment (or to add to) the same in such manner as to obviate the tax being paid twice over the same lapse of time, and to prevent a chasm during which no tax would be paid. He is also authorised at all times to adopt any other rules and regulations for like purposes, submitting the same to the governor for his examination and approval, and shall communicate the same to the different officers concerned by printed circular or otherwise.

Comptroller to publish and distribute revenue acts.

SEC. 9. *Be it further enacted*, That it shall be the duty of the comptroller to publish and distribute, as early as practicable after the adjournment of the assembly, this act and only such other parts of the existing revenue laws, embracing the subjects and sources of taxation, as he may deem sufficient; condensed in such form as he may choose and as he may deem best calculated to give a full and thorough understanding of the same, and to secure an equal and uniform compliance therewith.

Tax law for Mobile.

SEC. 10. *Be it further enacted*, That the tax law for the city of Mobile be and the same is so amended that the tax collector may sell real or personal property for taxes without the necessity of exhausting the personal property before selling real estate as required by law, either for city or special taxes of any kind, and the fees to the collector for every such sale shall be the same as those specified in section twenty-two, under the act of 1844, (consolidating the several acts of incorporation of the city of Mobile and to alter and amend the same, approved the 15th January, 1844.)

Mobile continued.

SEC. 11. *Be it further enacted*, That if any person or persons shall be dissatisfied with the assessed value of his, her or their real estate in the city of Mobile, and shall give notice to the mayor or aldermen and council of the same, witnesses shall be heard on oath to affix a proper valuation.

Repealing clause.

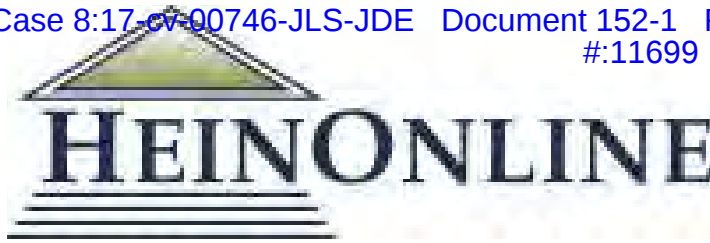
SEC. 12. *And be it further enacted*, That all laws and parts of laws contravening the provisions of this act be and the same are hereby repealed: *Provided*, That no prosecution, suit or claim whatever pending or to be brought under existing laws shall in any manner be effected, impaired or altered by the passage of this act.

JOHN D. RATHER, Speaker of the House.

CHARLES McLEMORE, President of the Senate.

APPROVED, February 10, 1852.

H. W. COLLIER.



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1852.

DEADLY WEAPONS.

19

AN ACT

TO PREVENT THE CARRYING OF DEADLY WEAPONS.

WHEREAS, the habit of carrying deadly weapons is dangerous to life and the public peace,

Therefore—

BE IT ENACTED *by the Nobles and Representatives of the Hawaiian Islands in Legislative Council assembled :*

SECTION 1. Any person not authorized by law, who shall carry, or be found armed with, any bowie-knife, sword-cane, pistol, air-gun, slung-shot or other deadly weapon, shall be liable to a fine of no more than Thirty, and no less than Ten Dollars, or in default of payment of such fine, to imprisonment at hard labor, for a term not exceeding two months and no less than fifteen days, upon conviction of such offense before any District Magistrate, unless good cause be shown for having such dangerous weapons ; and any such person may be immediately arrested without warrant by the Marshal or any Sheriff, Constable or other officer or person and be lodged in prison until he can be taken before such Magistrate.

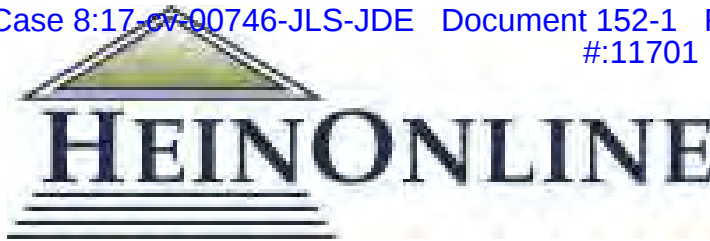
SECTION 2. The following persons are hereby declared to be authorized to bear arms, viz :—All persons holding official, military or naval rank either under this government or that of any nation at peace with this Kingdom, when worn for legitimate purposes.

SECTION 3. This Act shall take effect and become a law on the day of its passage.

Approved this twenty-fifth day of May, A. D.,* 1852.

KAMEHAMEHA.

KEONI ANA.



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LAWS OF THE THIRD SESSION.

67

the Justices of the Peace or Court in which the suit may be brought, with imprisonment for a time demanded by the gravity of the offence.

Sec. 4. All acts and parts of acts repugnant to this act shall be and are by these presents repealed.

Sec. 5. This act shall take effect, from and after its approval.

Translation.

AN ACT

Prohibiting the carrying a certain class of Arms, within the Settlements and in Balls.

Sec. 1. Kind of arms prohibited.

Sec. 2. Duties of sheriffs and constables.

Sec. 3. Licenses for dances, obligations required from judge of probate.

Sec. 4. Punishment for violation of this law.

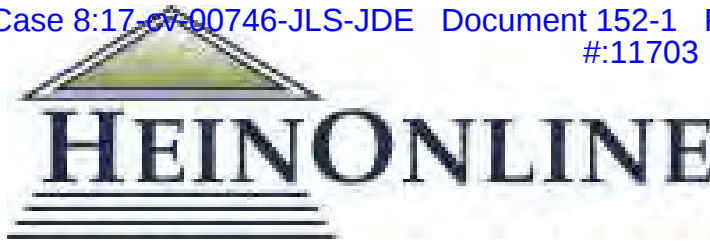
Sec. 5. Disposition of fines.

Be it enacted by the Legislative Assembly of the Territory of New Mexico :

Sec. 1. That each and every person is prohibited from carrying short arms, such as pistols, daggers, knives, and other deadly weapons, about their persons concealed, within the settlements, and any person who violates the provisions of this act, shall be fined in a sum not exceeding ten dollars, nor less than two dollars, or shall be imprisoned for a term not exceeding fifteen days nor less than five days.

Sec. 2. That the Sheriffs of the different counties, and Constables of the different precincts, are hereby required to enforce the observance and compliance of the provisions of the preceding section, having power to take with them, two or more armed persons, when they are on patrol at night, in order to make themselves respected while on such duty, and it is hereby made the duty of the Probate Judges and Justices of the Peace to aid and assist said officers in the prompt discharge of their duties.

Sec. 3. Any person desiring to give a Ball or Fandango, they shall apply to the Probate Judge or a Justice of the Peace



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LAWS OF KENTUCKY.

1854.

Penalty of \$10
for retailing
without license.

§ 3. That any person who shall sell spirituous liquor in quantities less than half a gallon, unless he be a distiller or licensed so to do, shall be fined ten dollars for each offense.

Approved March 10, 1854.

CHAPTER 1016.

AN ACT to allow a premium for killing red foxes.

Premium for
killing red fox-
es.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That every person who shall kill a red fox within this state shall be paid out of the public treasury one dollar for each; for the proof and payment of which, and for the destruction of the scalp, the like proceedings shall be taken as are provided in the case of premiums for wolves and wild cats.

Approved March 10, 1854.

CHAPTER 1020.

AN ACT to prohibit the carrying of concealed deadly weapons.

Deadly weap-
ons, penalty for
carrying con-
cealed.

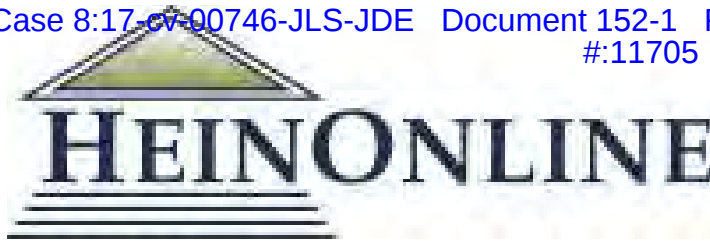
§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That if any person shall hereafter carry concealed any deadly weapons, other than an ordinary pocket knife, except as provided in the next section, he shall be fined on the first conviction not less than fifty nor more than one hundred dollars, and on any subsequent conviction not less than one hundred nor more than five hundred dollars.

In what cases
legal.

§ 2. That the carrying of concealed deadly weapons shall be legal in the following cases: 1. Where the person has reasonable grounds to believe his person, or the person of some of his family, or his property, is in danger from violence or crime. 2. Where sheriffs, constables, marshals, and policeman carry such weapons as are necessary to their protection in the efficient discharge of their duty. 3. Where persons are required by their business or occupation to travel during the night, the carrying concealed deadly weapons during such travel.

§ 3. This act shall be given in charge by the judges to the grand juries.

Approved March 10, 1854.



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LAWS

OF THE

STATE OF MISSISSIPPI.

CHAPTER 1.

AN ACT amendatory of the Revenue Laws of the State, and for other purposes.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi.* That, hereafter, the following taxes shall be assessed and collected within this State, to-wit: Sixteen cents on every hundred dollars in value on all lands in this State now taxable, or which may hereafter become taxable, according to the law of this State. A tax of twenty cents on every hundred dollars in value on all money loaned at interest by individuals, or employed by them in the purchase of notes, bonds, checks, bills of credit, of any description whatever, as security for money advanced, and on all goods, wares and merchandize sold by any regular merchant. A tax of thirty cents on every hundred dollars in value on all bank stock subscribed for in any incorporated bank in this State, which shall not have paid a bonus for its charter, or been exempted by the provisions thereof, (except stock that may have been subscribed for and owned by the State, or by some incorporated literary or charitable institution.) A tax of one and one-fourth per cent. on all merchandize sold by an auctioneer, or transient vendor of goods. A tax of fifty cents on every hundred dollars in value on each pleasure carriage, watch, clock, (except such as are kept for sale by merchants or artizans.) On each alley for public play, whether called a nine or ten pin

alley, or by any other name or designation, a tax of twenty-five dollars. A tax of twenty-five dollars on each theatre. On each billiard table a tax of fifty dollars. On each race track a tax of twenty-five dollars. On each bowie knife, Arkansas toothpick, sword cane, duelling or pocket pistol, a tax of one dollar. On each head of cattle over the number of twenty head, owned by any one individual, a tax of one cent per head. A tax of seventy-five cents on every hundred dollars in value, upon each race, saddle or carriage horse, and each horse kept by livery stable keepers for hire. On all gold and silver plate, a tax of one dollar on each one hundred dollars in value. On each piano, a tax of twenty-five cents on each one hundred dollars in value. On each toll bridge, ferry or turnpike a tax of twenty-five cents on each hundred dollars in value. On each stallion or jackass for the service of which, as such, money or other valuable thing is received, a tax of twenty-five cents on each one hundred dollars in value. On every free white male person between the ages of twenty-one and fifty years, a poll tax of forty cents. On every free colored male person between the ages of twenty-one and fifty years, a tax of one dollar; and on each slave under the age of sixty years a tax of thirty-seven and a half cents.

Assessors **Roll to be deposited with clerk for examination.** **SEC. 2.** *Be it further enacted,* That each assessor shall complete and certify his assessment roll, and deliver the same into the office of the Clerk of the Probate Court of his county, on or before the first Monday of September in each year; and such assessment roll shall remain on deposit in said office until the first Monday of October following; *provided, however,* that the assessment of lands shall be made only once in every four years; and any person or persons, his, her, or their agents, who being dissatisfied with any assessment therein contained, may file his exceptions, in writing, with said clerk, at any time between the first Monday of September and the first Monday of October following; which exceptions shall be marked filed by the clerk at the date of the filing thereof, and be preserved by him with the said roll.

SEC. 3. *Be it further enacted,* That the Board of Police in each county shall hold a term at the court house, on the first Monday of October in each year,



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" Washington - 1st Session 73

OSCOLA 4th ed.
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years, nor less than one year, and be fined in any sum not exceeding one thousand dollars.

SEC. 27. Every person who shall perpetrate, or attempt to perpetrate, an assault, or an assault and battery, with intent to commit murder, manslaughter, mayhem, rape, robbery, burglary, or kidnapping, shall, on conviction thereof, be imprisoned in the penitentiary not more than fourteen years, nor less than one year; or be imprisoned in the county jail not more than one year, or less than six months, and be fined in any sum not exceeding one thousand dollars.

SEC. 28. Every person who shall assault and beat another with a cowhide or whip, having with him at the time a pistol, or other deadly weapon, shall on conviction thereof, be imprisoned in the county jail not more than one year, nor less than three months, and be fined in any sum not exceeding one thousand dollars.

SEC. 29. Every person who in a rude, insolent, and angry manner, shall unlawfully touch, strike, beat, or wound another, shall be deemed guilty of an assault and battery, and upon conviction thereof, shall be fined in any sum not exceeding one thousand dollars, to which may be added imprisonment not exceeding six months in the county jail.

SEC. 30. Every person who shall, in a rude, angry, or threatening manner, in a crowd of two or more persons, exhibit any pistol, bowie knife, or other dangerous weapon, shall on conviction thereof, be imprisoned in the county jail not exceeding one year, and be fined in any sum not exceeding five hundred dollars.

SEC. 31. Every person who shall attempt to commit the crime of murder by drowning or strangling another person, or by any means not constituting an assault with intent to commit murder, shall on conviction thereof, be imprisoned in the penitentiary not more than ten years, nor less than one year.

SEC. 32. Every person who shall violently and unlawfully deprive another of the use of any bodily member, or who shall unlawfully and wilfully, disable the tongue or eye, or bite the nose, ear or lip, of another, shall be deemed guilty of simple mayhem, and on conviction thereof, shall be imprisoned in the county jail not more than one year, nor less than one month, and be fined in any sum not exceeding two thousand dollars, or fined only.

SEC. 33. Every person who shall unlawfully have carnal knowledge of a woman against her will, or of a female child under twelve years of age, shall be deemed guilty of a rape, and upon conviction thereof, shall be imprisoned in the penitentiary not more than thirty years, nor less than one year, and in prosecutions for such offence, proof of penetration shall be sufficient evidence of the commission thereof.



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not be used in any prosecution or proceeding, civil or criminal, against the person so testifying.—[Am. April 27, 1855; R. S. St. 1850, 233; C. L. 643, in.

[Secs. 41 and 42 repealed by act of April 27, 1855.]

ART. 1902, Sec. 43. If any person shall post another, or in writing or print shall use any reproachful or contemptuous language to or concerning another for not fighting a duel, or for not sending or accepting a challenge, he shall be imprisoned in the county jail for a term not exceeding six months, and fined in any sum not exceeding one thousand dollars.

ART. 1903, Sec. 44. If any persons shall, without deadly weapons, upon previous concert and agreement, upon any wager, or for money or any other reward, fight one with another, upon conviction thereof, they or either or any of them, and all persons present aiding and abetting, shall be punished by imprisonment in the state prison for a term not exceeding two years. Should death ensue to any person in such fight, the person or persons causing such death shall be punished by imprisonment in the state prison for a term not more than ten nor less than three years.

ART. 1904. That any person in this state having, carrying or procuring from another person any dirk, dirk-knife, bowie-knife, sword, sword-cane, pistol, gun or other deadly weapon, who shall, in the presence of two or more persons, draw or exhibit any of said deadly weapons in a rude, angry and threatening manner, not in necessary self-defense, or who shall, in any manner, unlawfully use the same, in any fight or quarrel, the person or persons so offending, upon conviction thereof in any criminal court in any county of this state, shall be fined in any sum not less than one hundred, nor more than five hundred dollars, or imprisonment in the county jail not less than one nor more than six months, at the discretion of the court, or both such fine and imprisonment, together with the costs of prosecution; which said costs shall, in all cases, be computed and collected in the same manner as costs in civil cases; *provided, however*, that both fine and imprisonment shall not be inflicted unless so determined by the verdict of a jury. All fines and forfeitures arising under the provisions of this act, shall be paid into the county treasury of the county wherein such offense was committed, for county purposes; *provided, nevertheless*, that no sheriff, deputy sheriff, marshal, constable or other peace officer, shall be held to answer under the provisions of this act, for drawing or exhibiting any of the weapons herein-before mentioned, while in the lawful discharge of his or their duties. It shall be the duty of all military, civil and peace officers in this state, to be vigilant in carrying the provisions of this act into full force and effect, as well, also, as all grand juries or grand jurors, to inquire into and make presentments of each and every offense under this act which shall come under or within their knowledge. It shall and is hereby made the duty of all judges in this state to give this act in charge to the grand juries at each term of their respective courts; and also to all trial juries, impaneled for the trial of any of the offenses herein-before mentioned in this act.—[Act May 5, 1855, in; St. 1855, 268.

ART. 1905, Sec. 45. Every person who shall willfully and maliciously administer or cause to be administered to or taken by any person, any poison or other noxious or destructive substance or liquid, with the intention to cause the death of such person, and being thereof duly convicted, shall be punished by imprisonment in the state prison for a term not less than ten years, and which may extend to life. And every person who shall administer or cause to be administered or taken, any medicinal substances, or shall use or cause to be used, any instruments whatever, with the intention to procure the miscarriage of any woman then being with child, and shall be thereof duly convicted, shall be punished by imprisonment in the state prison for a term not less than two years, nor more than five years; *provided*, that no physician shall be affected by the last clause of this section, who, in the discharge of his professional duties, deems it necessary to produce the miscarriage of any woman in order to save her life.



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shall have verdict, judgment and execution against the defendant ^{Verdict.} which shall appear to have been justly due and owing from the deceased to the plaintiff at the time of the commencement of such suit, any law, usage or custom to the contrary notwithstanding; *provided*, also, that any conveyance of, or lien upon property, executed with ^{Proviso.} the intention of avoiding the provisions of this Act, shall be deemed and held null and void.

SEC. 3. If any duel shall be fought contrary to the provisions of this Act, and either of the combatants shall be maimed or wounded, the charges incurred by such maimed or wounded combatant, together ^{Charges incurred.} with those for the support and maintenance of his family during his sickness, shall be regarded as debts to be recovered, as provided in section second of this Act. And if the party shall die within one year of any wound received in any such duel or fight, the party surviving shall pay to the heir or heirs of such deceased, the sum of ten ^{In case of death.} thousand dollars, to be recovered as provided in section second, for the recovery of the debts of the deceased.

SEC. 4. Any and every person who shall be present at the time of fighting any duel with deadly weapons, either as second, aid, surgeon or spectator, or who shall advise or give assistance to such duel, shall be a competent witness against any person offending against any of the provisions of this Act, and may be compelled to appear and give evidence before any Justice of the Peace, Grand Jury or Court, in the same manner as other witnesses; but the testimony so given shall not be used in any prosecution or proceeding, civil or criminal, against the person so testifying. ^{Witnesses.}

SEC. 5. Sections forty-one and forty-two of an act entitled *An* ^{Repeal.} Act concerning Crimes and Punishments, passed April eighteenth, eighteen hundred and fifty, are hereby repealed.

CHAPTER CXXVIII.

AN ACT

Supplementary to and explanatory of an Act entitled an Act to prohibit Lotteries, Raffles, Gift Enterprises and other Schemes of a like Character, passed April 10th, 1855.

[Approved April 27, 1855.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Act entitled *An Act to prohibit Lotteries, Raffles, Gift Enterprises and other Schemes of a like character*, passed April tenth, eighteen hundred and fifty-five, shall not be construed or held to prohibit or render unlawful the scheme or plan now proposed and maturing for the distribution of the property known as "Hock ^{Hock Farm scheme.}

Farm," by sub-divisions, called the "Relief Fund of General John A. Sutter;" nor any lottery, raffle, gift enterprise or other schemes aforesaid, within the purview of said last mentioned Act, which was commenced and in part advanced before the passage thereof.

CHAPTER CXXIX.

AN ACT

Concerning Lawful Fences.

[Approved April 27, 1855.]

The People of the State of California, represented in Senate and Assembly do enact as follows :

Lawful fences.
Wire fence.

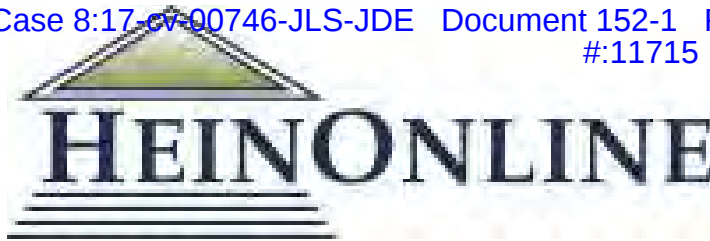
Post and rail
fence.

Picket fence.

Ditch and pole
fence.

Pole fence.

SECTION 1. Lawful fences are described as follows, viz.: First. Wire Fence shall be made of post, not less than twelve inches in circumference, set in the ground not less than eighteen inches, and not more than eight feet apart, with not less than three horizontal wires, each one-fourth of an inch in diameter—the first one shall be eighteen inches from the ground, the other two above this one, at intervals of one foot between each, all well stretched and securely fastened from one post to another, with one rail, slat, pole or plank, of suitable size and strength, securely fastened to the post not less than four a half feet from the ground. Second. Post and Rail Fence shall be made of post of the same size and at the same distance apart, and the same depth in the ground as above, with three rails, slats or planks, of suitable size and strength, the top one to be four feet and a half from the ground, the other two at equal distances between the first, and the ground all securely fastened to the post. Third. Picket Fence shall be the same height as above, made of pickets, each not less than six inches in circumference, not more than six inches apart, driven in the ground not less than ten inches, all well secured at the top by slats or caps. Fourth. Ditch and Pole Fence shall be made of a ditch not less than four feet wide on top, and three feet deep, embankment thrown upon the inside of the ditch, with substantial posts set in the embankment not more than eight feet apart, and a plank, pole, rail or slat securely fastened to said posts, at least five feet high from the bottom of the ditch. Fifth. Pole Fence shall be four and a half feet high, with stakes not less than three inches in diameter, set in the ground not less than eighteen inches, and where the stakes are placed seven feet apart, there shall be not less than six horizontal poles well secured to the stakes; if the stakes are six feet apart, five poles; if three or four feet, four poles; if two feet apart, three poles, and the stakes need not be less than two inches in diameter; if one foot apart, one pole, and stakes need not be more than two inches in



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RAILROADS.

153

CHAPTER LXXIX.

AN ACT to provide for the punishment of persons interfering with Trains on Railroads.

[APPROVED MARCH 1, 1855.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That any person who shall shoot a gun, pistol, or other weapon, or throw a stone, stick, clubs, or any other substance whatever at or against any locomotive, or car, or train of cars containing persons, on any railroad in this State, shall be deemed guilty of a misdemeanor, and upon conviction, shall be fined in any sum not less than ten nor more than one hundred dollars, and imprisoned in the county jail not less than ten days nor more than three months.

Persons interfering with trains in any manner, guilty of misdemeanor.

Penalty

SEC. 2. In case any person on such locomotive, car, or train of cars shall be injured or wounded by any such act, the person so offending shall, on conviction, be deemed guilty of assault, with intent to commit murder, and be imprisoned in the State's Prison for not less than one nor more than four years; and if death ensue, such person shall be deemed guilty of murder in the first degree, and punished accordingly.

If injury occur to any person, person so interfering guilty of assault with intent to murder.

Penalty.

SEC. 3. In case of prosecution under this act, it shall not be deemed necessary in the information or indictment to name or set out the names of persons injured or wounded, except in case of prosecution for murder.

Not necessary to name person injured except in prosecution for murder.

SEC. 4. It is hereby declared that an emergency exists for the immediate taking effect of this act, and that the same shall be in force from and after its passage and publication in the Indiana State Sentinel and Indiana State Journal.

Emergency.

CHAPTER LXXX.

AN ACT providing for an investigation of the affairs of the Madison and Indianapolis Railroad Company, authorizing a compromise therewith, if deemed of advantage to the State, and providing for the payment of said Company's floating and unfunded debt, and of certain debts of the Columbus and Shelby Railroad Company, and em-

powering said Madison and Indianapolis Railroad Company to receive, hold, and transfer stock in the Columbus and Shelby Railroad Company.

[APPROVED MARCH 1, 1855.]

WHEREAS, It is represented to this General Assembly that the Madison and Indianapolis Railroad Company is greatly embarrassed in its pecuniary affairs, and that in consequence of such embarrassment said company is unable to discharge its indebtedness to the State, and that there is danger that the claim of the State will be lost; AND WHEREAS, it is further represented that a part of such indebtedness can be secured to the State by compromise, and thereby at least something be saved; therefore,

Governor, T. S. Stanfield and E. Newland appointed commissioners.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the Governor, together with Thomas S. Stanfield and Elijah Newland, Trustee, be and they are hereby appointed commissioners to investigate the affairs of the Madison and Indianapolis Railroad Company, and if, upon such investigation, they or a majority of them shall deem that the interests of the State will thereby be promoted, it shall be their duty to make such settlement and compromise with said company as can be effected, and as will secure to the State the greatest amount that can be secured: *Provided, however*, That such amount shall not be less than seventy-five thousand dollars of the five per cent. stocks of this State.

Proviso

Amount to be secured to State.

SEC. 2. It shall be a fundamental condition of any such compromise that the amount agreed upon shall be secured to the State by undoubted security.

Commissioners to have power to agree upon details of any compromise, &c.

SEC. 3. Said commissioners shall have full power, in pursuance of this act, to agree upon the details of any such compromise, and the time and manner of payment, and the kind of security; and upon making any such compromise, may execute all acquittances, releases, discharges and conveyances which may be necessary or proper in the premises, all of which shall be binding upon the State.

Commissioners to take oath before entering upon their duties.

SEC. 4. Such commissioners shall, (except the Governor), before entering upon their duties, take and subscribe an oath that they will faithfully and honestly discharge their duties.

Gov. to secure interest of State and collect indebtedness of R. R. Co. if commissioners consent

SEC. 5. If said commissioners shall deem that the interests of the State will not be promoted by any compromise which can be made, it shall then be the duty of the Governor to take such steps as he may deem

RAILROADS.

155

useful to secure the interests of the State, and to secure and collect the indebtedness of said Railroad Company to the State, either by suit or otherwise.

SEC. 6. A majority of said commissioners concurring shall be sufficient in the determination of any question which may arise in the discharge of their duties, and they shall report to the next session of the General Assembly a statement of all offers, propositions, and negotiations which may be made between themselves and said company, and such other information as will give a correct understanding of the subject and of the acts of said commissioners to the General Assembly.

Commissioners to report to next Legislature.

SEC. 7. Said Madison and Indianapolis Railroad Company shall not declare or pay any dividends, or make any other distribution to her stockholders of the receipts of the road until all her floating or unfunded debts are paid, nor until said company shall pay, or cause to be paid, all the debts of the Columbus and Shelby Railroad Company incurred for labor, right of way, or materials, other than iron used in the construction of said road, and for any violation of the foregoing provision, the directors who shall vote for such dividend and the officers who shall pay the same, shall be individually liable to the parties aggrieved for the amount so diverted: *Provided*, That all the right, title, and interest of the State in said road, when conveyed, shall vest in said company as aforesaid, subject to the payment of all the debts specified in this section, which debts are hereby declared to be a charge upon said interest when so released or conveyed: *And provided further*, that the Madison and Indianapolis Railroad Company shall not be required to pay any portion of the debts of the Columbus and Shelby Railroad Company as above provided, unless the Columbus and Shelby Railroad Company shall deliver to said former company certificates of shares in the capital stock of said latter company to the amount of the advances heretofore made, and from time to time for such sums as shall be paid by the said Madison and Indianapolis Railroad Company in liquidation of said debts; and said Madison and Indianapolis Railroad Company shall have a right to receive, hold and dispose of said stock as other shareholders in said Columbus and Shelby Railroad Company.

Said company shall not pay any dividend to stockholders until all her floating or unfunded debts are paid.

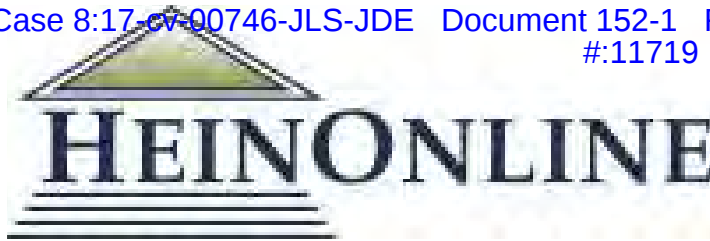
Officers voting for payment of dividend individually liable to parties aggrieved

Proviso.

Further proviso

SEC. 8. There being, in the opinion of this Legislature, an emergency requiring the immediate action of the State, this act shall take effect and be in force from and after its passage.

Emergency.



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(148)

Mississippi river, or any other navigable river of this State, shall be punished by imprisonment at hard labor in the penitentiary not exceeding two years and fined not exceeding three thousand dollars.

Penalty for cutting levees, &c., in New Orleans.

SEC. 109. *Be it further enacted, &c.,* That any person cutting, altering or breaking, without any authority, or aiding and abetting any person in the act of cutting, altering or breaking, without proper authority, levees, canals, or other works made to protect the city of New Orleans from overflow, shall on conviction be condemned to suffer imprisonment for a term not exceeding ten years nor less than one year.

Betting on elections.

SEC. 110. *Be it further enacted, &c.,* That whoever shall, either directly or indirectly, bet, stake or hazard any money, or other property or consideration, upon any election for any officer of this State, or of the United States, shall on conviction be fined not less than the amount of money or the value of the property bet, staked or hazarded, nor more than double such amount, to be paid into the Treasurer of the school fund of said parish.

Duty of Judges to charge Grand Juries.

SEC. 111. *Be it further enacted, &c.,* That it shall be the duty of the several District Judges to give the preceding section especially in charge to the Grand Jury at each term of their respective courts.

Disturbing peaceable assemblies.

SEC. 112. *Be it further enacted, &c.,* That whoever shall maliciously disturb, or cause any disturbance to be made, whereby any peaceable assembling of the people is disturbed, shall upon conviction be fined not exceeding one hundred dollars and imprisoned not exceeding ten days, and for a second conviction the punishment shall be doubled.

Penalty for making cut-offs in the Mississippi river.

SEC. 113. *Be it further enacted, &c.,* That whoever shall make, or cause to be made, any cut-off in the Mississippi river, without authority of law, on conviction shall be fined not less than one hundred nor more than one thousand dollars, and imprisoned not less than one week nor more than twelve months in the parish jail.

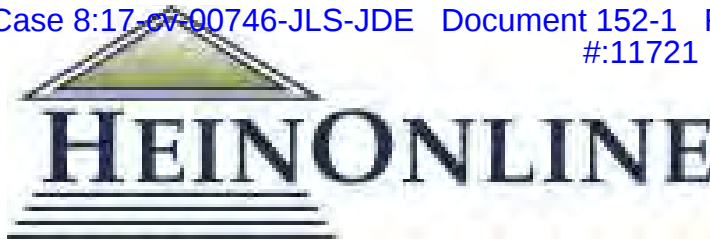
No outlet of the Mississippi to be stopped.

SEC. 114. *Be it further enacted, &c.,* That it shall not be lawful to stop any outlet or natural bayou of the Mississippi river; should any such be closed, the opening of it may at any time be ordered by the State Engineer; and any person who may have caused the closing of such outlet or bayou shall be liable for all expense necessary for the re-opening of the same, and on conviction shall be fined not less than one thousand nor more than ten thousand dollars. This section shall not apply to bayous already closed or that may be hereafter opened by crevasses.

Penalty for so doing.

Carrying concealed weapons.

SEC. 115. *Be it further enacted, &c.,* That whoever shall carry a weapon or weapons concealed on or about his person, such as pistols, bowie knife, dirk, or any other dangerous weapon, shall be liable to prosecution by indictment or presentment, and on conviction for the first offence shall be fined not less than two hundred and fifty dollars nor more than five hundred dollars, or imprisonment for one month; and for the second offence not less than five hundred dollars nor more than one thousand dollars, or imprisonment in the parish prison at the discretion of the court, not to exceed three months, and that it shall be the duty of the Judges of the District Courts in this State to charge the Grand Jury specially as to this section.



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LAW OF MISSISSIPPI.

35

to the clerk of the board of police, who shall deliver them to the successor of such tax collector; and no collector shall collect taxes after the expiration of his office, but all taxes unpaid, shall be collected and accounted for by his successor: *Provided*, that said taxes, exclusive of commissions for collecting, shall be placed to the credit by the auditor of public accounts, of the tax collector from whom the same shall be due.

ART. 8. The auditor, within thirty days after the time when the returns of tax collectors are to be made, shall furnish to the Governor a list of all who may be in default, with the amount of taxes due from each; and the Governor may thereupon remove such defaulter from office, and notify the board of police of the county, who shall immediately convene and appoint some suitable person to collect the taxes in arrear, until the vacancy in the office shall be filled; and the person so appointed, shall in all things comply with the law prescribing the duties of tax collectors.

Defaulting collectors to be removed, and special appointments made.

ART. 9. It shall not be lawful for any collector of taxes to purchase or deal in any warrant or claim against the State or county, receivable in the payment of taxes, at or for a price less than the whole amount of such warrant or claim; and no warrant or claim against the State or county, shall be received from any tax collector in settlement or otherwise, without oath being made by such collector, which the auditor or State treasurer, or any justice of the peace is authorized to administer, that he has paid the full amount expressed on the face of said claim or warrant, and he has not directly or indirectly speculated therein.

Collector not to speculate in warrants.

SECTION III.

Of the Assessment of Taxes.

ART. 10. For the support of the government of this State, the following taxes shall be assessed and collected, to-wit:

Sixteen cents on every one hundred dollars in value of all taxable lands;

Twenty cents on every one hundred dollars in

value of all money loaned at interest by individuals, or employed by them in the purchase of bonds, bills, notes, or other securities for money;

And a like tax on the amount of all goods, wares and merchandize purchased or brought into this State during the year, by any regular merchant: *Provided*, nothing in this section shall be so construed as to exempt merchants who may purchase goods in this State, from the payment of such county tax as may be legally assessed for county purposes;

Thirty cents on every one hundred dollars in value of all bank stock subscribed in any incorporated bank in this State, not exempted from taxation to be assessed to such bank;

Three per cent. on the amount of all sales of merchandize, sold by an auctioneer, banker, pedler or transient vendor;

One fourth of one per cent. on all sales of vinous and spirituous liquors sold by the gallon, or in larger quantities;

Three-tenths of one per cent. on the amount of all sales of slaves, horses and mules, sold by any trader or other person keeping and offering the same as merchandize;

Fifty cents on every one hundred dollars in value of each pleasure carriage, watch or clock, except such as are kept for sale by merchants or artisans;

Seventy-five cents on every one hundred dollars in value of each race, saddle, or carriage horse, and each horse kept by keepers of livery stables for hire;

Fifty cents on each hundred dollars in value of all gold and silver plate kept for use, over fifty dollars in value.

Twenty-five cents on every hundred dollars in value of each piano kept for use;

Twenty-five dollars on each alley kept for public play, whether called a nine or ten-pin alley, or by any other name;

Twenty-five dollars on each theater or place where theatrical performances are exhibited;

Twenty-five dollars on each race track;

One dollar on each bowie knife, dirk knife, or sword cane;

LAWB OF MISSISSIPPI.

37

One cent per head on all cattle over twenty, owned by one person, corporation or partnership;

Twenty-five cents on every one hundred dollars of the annual receipts of each ferry, toll bridge or turnpike;

A poll tax of forty cents on each free white male person, between the ages of twenty-one and fifty years.

A poll tax of one dollar on every free, colored male person between the ages of twenty-one and fifty years;

And forty cents on each slave under the age of sixty years;

Twenty-five dollars on every circus for each day's performance, or for every day such company shall perform in this State; and it shall be the duty of the sheriffs of the several counties in which such performances shall be had to collect the same;

Two per cent. on every hundred dollars of bank paper of any other State, sent or brought into this State by any corporation issuing the same, for the purpose of being loaned or put in circulation by way of loan or brokerage, or in the purchase of bonds, notes, or bills of exchange.

ART. 11. The following property, and no other, shall be exempt from taxation, to-wit:

Property
exempt from
taxation.

All cemeteries used exclusively for burial purposes;

Property, real or personal, belonging to the United States or to this State, or to any county, or incorporated city or town within the same;

Or to any religious society, or incorporated institution for the education of youth, used exclusively for the benefit and support of such society or institution, or held and occupied by the trustees of schools and school lands of the respective townships, for the use of public schools;

Or property appropriated to and occupied and used for any court-house, jail, house of correction, poor-house, hospital, or charitable institution.

No poll tax shall be imposed on any officer or private belonging to the army or navy of the United States; nor shall any tax whatever be assessed upon any person who performed military service on the part of the United States in the revolutionary war

Officers, &c.,
of the army
and navy of
the U. S.
Revolution-
ary soldiers.



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CHAPTER 81.

AN ACT to amend the Criminal Laws of this State.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That when any person shall be indicted in the Circuit Courts, or any other court having criminal jurisdiction, for malicious shooting, and the jury trying the cause, after having all the evidence, shall be of the opinion that the defendant is not guilty of the malice, they shall have the power to find the defendant guilty of an assault, or an assault and battery, and judgment shall be given accordingly.

SEC. 2. *Be it enacted*, That, hereafter, it shall be unlawful for any person to sell, loan, or give, to any minor a pistol, bowie-knife, dirk, or Arkansas tooth-pick, or hunter's knife; and whoever shall so sell, loan, or give, to any minor any such weapon, on conviction thereof, upon indictment or presentment, shall be fined not less than twenty-five dollars, and be liable to imprisonment, at the discretion of the Court: *Provided*, that this act shall not be construed so as to prevent the sale, loan, or gift, to any minor of a gun for hunting.

SEC. 3. *Be it enacted*, That it shall be the duty of the Circuit Judges and the Judges of the Criminal Courts to give this act in charge to the Grand Juries: *Provided*, said minor be travelling on a journey, he shall be exempted.

SEC. 3. *Be it enacted*, That this act shall be in force from and after its passage.

NEILL S. BROWN,

Speaker of the House of Representatives.

EDWARD S. CHEATHAM,

Speaker of the Senate.

Passed February 26, 1856.

CHAPTER 82.

AN ACT to amend the Internal Improvement acts of 1852 and 1854.

Be it enacted by the General Assembly of the State of Tennessee, That, hereafter, it shall not be necessary for the Engineer in Chief to swear to the subscription list, solvency, and condition of any Railroad Company applying for State aid, but the oath required of the Engineer shall be taken by the President and Treasurer of the Com-



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Bluebook 21st ed.

Penal Code of the State of Texas, Adopted by the Sixth Legislature (1857).

ALWD 7th ed.

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AGLC 4th ed.

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MLA 9th ed.

Penal Code of the State of Texas, Adopted by the Sixth Legislature. Galveston,
Printed at the News Office. HeinOnline.

OSCOLA 4th ed.

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the offence does not come within the definition of any of the homicides which are enumerated in the preceding Chapters of this Title.

ART. 608. Murder is distinguishable from every other species of homicide by the absence of the circumstances which reduce the offence to negligent homicide or manslaughter, or which excuse or justify the homicide.

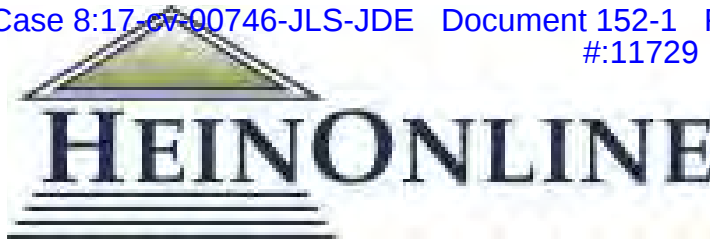
ART. 609. The jury, in every case of murder, will regulate the punishment according to a just estimate of the heinousness of the offence. They are authorized to consider,

1. The means used to effect the killing, and the degree of cruelty displayed by the person guilty thereof.
2. The purpose for which the homicide is committed.
3. The condition of the person murdered.
4. The relationship between the offender and the person killed.
5. The time and place, and the circumstances attending the commission of the offence, and any and every circumstance tending to show the degree of moral turpitude attached to the offence, and the influence of its perpetration upon society, by reason of the peculiar characteristics attending the case.

ART. 610. If any person be killed with a *bowie knife* or *dagger*, under circumstances which would otherwise render the homicide a case of manslaughter, the killing shall nevertheless be deemed murder, and punished accordingly.

ART. 611. A "bowie knife" or "dagger," as the terms are here and elsewhere used, means any knife intended to be worn upon the person, which is capable of inflicting death, and not commonly known as a pocket knife.

ART. 612. Where a defendant accused of murder, seeks to justify himself on the ground of threats against his own life, he may be permitted to introduce evidence of the threats made, but the same shall not be regarded as affording a justification for the offence, unless it be shown that at the time of the homicide, the person killed, by some act then done, manifested an intention to execute the threat so made.



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1858 41 .

ALWD 7th ed.
, , 1858 41 .

Chicago 17th ed.
", " Nebraska - 5th Session : 41-416

AGLC 4th ed.
" Nebraska - 5th Session 41

OSCOLA 4th ed.
" 1858 41 Please note: citations are provided as a general guideline. Users should consult their preferred citation format's style manual for proper citation formatting.

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CRIMINAL CODE.

69

shall pay a fine not exceeding three hundred dollars, or be imprisoned not exceeding one year.

§ 134. If any person shall intentionally deface, obliterate, tear down or destroy, in whole or in part, any copy or transcript, or extract from or of any law of the United States or of this territory, or any proclamation, advertisement or notification set up at any place in this territory, by authority of any law of the United States or of this territory, or by order of any court, such person, on conviction, shall be fined in a sum not exceeding fifty dollars nor less than five dollars, or imprisoned for a term not exceeding one month: *Provided*, That this section shall not extend to defacing, tearing down, obliterating or destroying any law, proclamation, publication, advertisement or notification, after the time for which the same was by law to remain set up shall have expired.

Destruction, defacing, &c., public advertisements.

§ 135. If any person shall be found having upon him or her, any picklock, crow, key, bit or other instrument or tool, with intent feloniously to break and enter into any dwelling house, store, warehouse, shop or other building containing valuable property, or shall be found in any of the aforesaid buildings, with intent to steal any goods and chattels, every such person so offending shall, on conviction, be deemed a vagrant, and punished by confinement in the penitentiary for a term not exceeding two years. And if any person shall have upon him any pistol, gun, knife, dirk, bludgeon or other offensive weapon, with intent to assault any person, every such person, on conviction, shall be fined in a sum not exceeding one hundred dollars, or imprisoned not exceeding three months.

Possession of burglar's implements.

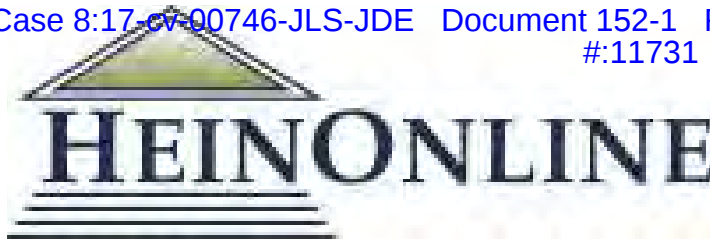
Carrying offensive weapons.

§ 136. Every male person above eighteen years of age, who shall neglect or refuse to join the *posse comitatus*, or power of the county, by neglecting or refusing to aid and assist in taking or arresting any person or persons against whom there may have issued any civil or criminal process, or by neglecting or refusing to aid and assist in retaking any person or persons, who, after having been arrested or confined, may have escaped from such arrest or imprisonment, or by neglecting or refusing to aid and assist in preventing any breach of the peace, or the commission of any criminal offense, being thereto lawfully required by any sheriff, deputy sheriff, coroner, constable, judge or justice of the peace, or other officer concerned in the administration of justice, shall, upon conviction, be fined in a sum not less than ten dollars, nor more than fifty dollars.

Refusing to join posse comitatus, etc.

§ 137. If any person or persons shall open the grave or tomb where the body or bodies of any deceased person or persons shall have been deposited, and shall remove the body or bodies, or remains, of any deceased person or persons from the grave or place of sepulture, for the purpose

Disinterring dead bodies.



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" Indiana - 40th Session 129

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MISDEMEANOR.

129

CHAPTER LXXVIII.

AN ACT to prevent carrying concealed or dangerous weapons, and to provide punishment therefor.

[APPROVED FEBRUARY 23, 1859.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That every person not being a traveler, who shall wear or carry any dirk, pistol, bowie-knife, dagger, sword in cane, or any other dangerous or deadly weapon concealed, or who shall carry or wear any such weapon openly, with the intent or avowed purpose of injuring his fellow man, shall, upon conviction thereof, be fined in any sum not exceeding five hundred dollars.

Carrying concealed weapons prohibited.

CHAPTER LXXIX.

AN ACT to prevent the throwing or depositing any carrion or dead animal into any running stream or lake of water in this State, and to prevent the depositing or burying any carrion or dead animal on the banks of the same, and prescribing the penalty for the violation thereof.

[APPROVED MARCH 3, 1859.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That any person who shall throw or deposit any dead animal or carrion in any running stream of water, or any lake within this State, or bury or deposit any dead animal or carrion on the banks of any running stream or lake of water within this State, so that the water may become vitiated thereby, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than five dollars nor more than twenty dollars.

Throwing carrion in running streams prohibited.



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, , 1859 vol. I 241 .

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", " Kentucky - Public Acts, Regular Session : 241-246

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" Kentucky - Public Acts, Regular Session 241

OSCOLA 4th ed.
" 1859 vol I 241 Please note: citations are provided as a general guideline. Users should consult their preferred citation format's style manual for proper citation formatting.

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LAWS OF KENTUCKY.

245

1860.

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.

§ 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.

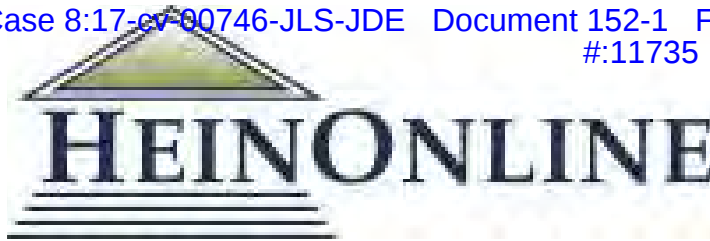
Penalty for giving or selling minor cards.

§ 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 *feri 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.



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", " New Mexico - 9th Legislative Assembly, December Session : 6-137

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" 1859-1860 6 Please note: citations are provided as a general guideline. Users should consult their preferred citation format's style manual for proper citation formatting.

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Challenges.

SEC. 9. That in the trial of all causes under the provisions of this act, each party shall have the right to challenge peremptorily three jurors and no more.

Panel how completed.

SEC. 10. When, from any cause whatever, the panel shall not be completed, or the jurors are not present, it shall be the duty of the sheriff, by order of the court, to complete said panel by summoning such members.

SEC. 11. That all laws or parts of laws in conflict herewith are hereby repealed, and this act shall be in force from and after its passage.

[Translation.]

An Act prohibiting the carrying of Weapons, concealed or otherwise.

Be it enacted by the Legislative Assembly of the Territory of New Mexico:

Carrying weapons prohibited.

SECTION 1. That, from and after the passage of this act, it shall be unlawful for any person to carry concealed weapons on their persons, of any class of pistols whatever, bowie knife (cuchillo de cinto), Arkansas toothpick, Spanish dagger, slung-shot, or any other deadly weapon, of whatever class or description they may be, no matter by what name they may be known or called, under the penalties and punishment which shall hereinafter be described.

First conviction fine.

SEC. 2. Be it further enacted: That if any person shall carry about his person, either concealed or otherwise, any deadly weapon of the class and description mentioned in the preceding section, the person or persons who shall so offend, on conviction, which shall be by indictment in the district court, shall be fined in any sum not less than fifty dollars, nor more than one hundred dollars, at the discretion of the court trying the cause, on the first conviction under this act; and for the second conviction, the party convicted shall be imprisoned in the county jail for a term of not less than three months, nor for more than one year, also at the discretion of the court trying the cause.

Second conviction. Imprisonment.

Penalty for discharging or drawing weapons.

SEC. 3. Be it further enacted: That if any person shall discharge or draw any deadly weapon, of the class or description set forth in the first section of this act, in any baile or fandango, or in any other public assembly whatever, the person who shall so offend, on conviction thereof, which shall be by indictment in the district court, shall be fined in any sum not less than one hundred dollars, nor more than three hundred, at the discretion of the court trying the cause, or imprisoned in the county jail for a term not less than three months nor more than one year.

Penalty for cutting or wounding in assemblies.

SEC. 4. Be it further enacted: That if any person in any baile or fandango, or in any public assembly of whatever class or description it may be, shall fire off or discharge any firearm of the class mentioned in the first section of this act, or shall cut or wound any person with any description of deadly weapon mentioned in the first section of this act, in any baile or fandango, or in any other public assembly, and any death shall result from said cut or wound so given, the person who shall so wound or cut, on conviction, shall be considered guilty of murder in the first degree, and shall suffer the penalty of death in the said first degree.

In case of death, to be deemed murder

Duty of sheriffs and constables to arrest.

SEC. 5. Be it further enacted: That it shall be the duty of the sheriffs, their deputies, or constables, to arrest and take all persons who shall be found with deadly weapons of the class and description mentioned in the first section of this act, and present them to some justice of the peace, or other authority, to be examined; and it shall also be the duty of the judges of the district courts to cause, at the first term to be held in each county, the sheriffs and their deputies to take an oath that they will truly and faithfully comply with the provisions of this act, and that they will arrest at all times every person who shall violate any of the provisions of this act.

Sheriffs and constables to take oath.

Officers excused.

Travellers excused.

SEC. 6. Be it further enacted: That none of the provisions of this act shall be applied to the sheriffs, their deputies, or constables, in the execution of any process of the courts, or to conductors of the mail, or to persons when actually on trips from one town to another in this Territory; *provided*, that nothing in this act shall be so construed as to permit the conductors of mails, or travellers, to carry any deadly weapons, as mentioned

LEYES DE NUEVO MÉJICO.

97

que conozca la causa en la primera conviccion bajo esta ley ; y por la segunda conviccion, la parte convicta será encarcelada en la cárcel del condado por un término que no baje de tres meses ni pase de un año, tambien á la discrecion de la corte que conozca en la causa.

Segunda conviccion, encarcelamiento.

SEC. 3. Decrétese además: Que si cualesquiera persona disparare ó sacare cualquier arma mortífera, de la clase ó descripción citada en la primera seccion de este acto, en cualesquiera baile ó fandango, ó en cualesquiera otra reunion pública, de la clase que sea, la persona que así ofenda, sobre conviccion de lo mismo, la causa será por querrela legal en la corte de distrito, será multada en una suma que no baje de cien pesos, ni pase de trescientos, á la discrecion de la corte que conozca en la causa, ó será encarcelada en la cárcel del condado por un término que no baje de tres meses, ni pase de un año.

Disparando armas, pena de.

SEC. 4. Decrétese además: Que si cualesquiera persona en algun baile ó fandango, ó en otra concurrencia pública de la clase y descripción que sea, disparare ó descargare alguna arma de fuego de la clase mencionada en la seccion primera de este acto, ó que cortare ó hiriere á alguna persona con cualesquiera descripción de armas mortíferas mencionadas en la primera seccion de este acto, en algun baile ó fandango, ú otra concurrencia pública, y resultare alguna muerte de la tal herida ó cortada así dada, la persona que así hiriere ó cortare, sobre conviccion, será considerada culpada de muerte en el primer grado, y sufrirá la pena de muerte en dicho primer grado.

Hiriendo en reuniones públicas, pena de.

Muerte en primer grado.

SEC. 5. Decrétese además: Que será el deber de los alguaciles mayores, sus diputados, ó condestables, de arrestar y tomar toda persona que sea hallada con armas mortíferas, de la clase y descripción mencionadas en la primera seccion de este acto, y presentar lasá algun juez de paz, ú otra autoridad, para su examinacion ; y tambien será el deber de los jueces de distrito de causar, en la primera corte que sea tenida en cada condado, que los alguaciles mayores y sus diputados presten juramento que ellos bien y fielmente cumplirán con las provisiones de este acto, y arrestarán en todo tiempo á todas las personas que violaren cualesquiera de las provisiones de este acto.

Deberes de los alguaciles, y ofensores de dar fianzas.

SEC. 6. Decrétese además: Que ninguno de los provisos de este acto serán aplicables al alguacil mayor, sus diputados, ó

Viajeros, &c., exceptuados.

- in the first section of this act, on their persons, after they shall have arrived at the town or settlement.
- Judges to give this act in charge. SEC. 7. Be it further enacted : That it shall be the duty of the several judges of the district court to give this act specially in their charges to the grand juries at each term of the court ; and further, it shall be the duty of the grand juries, at each term of the court, to make a special report whether there has been any violation of the provisions of this act in their counties since the last term of the court.
- Repealing clause. SEC. 8. That all laws or parts of laws in conflict with this act are hereby repealed, and this act shall be in force and take effect from and after its passage.
- To be published. SEC. 9. That the Secretary of the Territory of New Mexico be required to have this law published in the Santa Fé Gazette, as soon as possible, for six successive weeks, for the information of the people.
- [Translation.]

An Act regulating Mercantile Copartnerships.

Be it enacted by the Legislative Assembly of the Territory of New Mexico :

- Who may enter into. SECTION 1. That any two or more persons in this Territory may, and when they shall think proper, bind themselves mutually, for a certain time and under certain conditions, to do and follow at the same time various negotiations on their own common account and risk, or at that of each one of the partners respectively, as well in the losses as in the profits that may arise from said copartnership.
- Good faith to be observed. SEC. 2. The copartners or associates shall act in good faith, placing punctually in the concern the capital or services as stipulated, under the penalty of indemnifying the others for the damages which may arise.
- Articles what to contain and before whom made. SEC. 3. The contract of copartnership should be made before any court of record, or the clerk thereof, of the several counties by means of an indenture, authorized by any court of record or the clerk thereof, which shall contain the chris-

chattels stolen,
etc., of less value
than thirty-five
dollars, etc.

or chattels of less value than thirty-five dollars, that shall have been stolen or taken by robbers, knowing the same to be stolen or taken by robbers, with intent to defraud the owner, every person so offending shall, on conviction thereof, be fined in any sum not exceeding two hundred dollars, and be imprisoned in the cell or dungeon of the jail of the county, and be fed on bread and water only, for a term not exceeding thirty days, at the discretion of the court.

Curwen's R. S.,
181. Curwen's
Laws, 361.

An Act supplementary to an act providing for the punishment of crimes, passed March 7, 1835.

[Passed April 4, and took effect May 1, 1859. 56 vol. Stat. 158.]

Seduction under
promise of marri-
age, etc.;

(210.) SEC. I. *Be it enacted by the General Assembly of the State of Ohio*, That any person over the age of eighteen years, who, under promise of marriage, shall have illicit carnal intercourse with any female of good repute for chastity, under the age of eighteen years, shall be deemed guilty of seduction, and upon conviction, shall be imprisoned in the penitentiary for not less than one, nor more than three years, or be imprisoned in the county jail not exceeding six months; but in such case the evidence of the female must be corroborated to the extent required as to the principal witness in cases of perjury.

—Evidence re-
quired.

An Act to prohibit the carrying or wearing of concealed weapons.

[Passed March 18, and took effect April 1, 1859. 56 vol. Stat. 56.]

The offense of car-
rying or wearing
concealed weap-
ons.

(211.) SEC. I. *Be it enacted by the General Assembly of the State of Ohio*, That whoever shall carry a weapon or weapons, concealed on or about his person, such as a pistol, bowie knife, dirk, or any other dangerous weapon, shall be deemed guilty of a misdemeanor, and on conviction of the first offense shall be fined not exceeding two hundred dollars, or imprisoned in the county jail not more than thirty days; and for the second offense, not exceeding five hundred dollars, or imprisoned in the county jail not more than three months, or both, at the discretion of the court.

Penalty.

When the jury
shall acquit the
accused.

(212.) SEC. II. If it shall be proved to the jury, from the testimony on the trial of any case presented under the first section of this act, that the accused was, at the time of carrying any of the weapon or weapons aforesaid, engaged in the pursuit of any lawful business, calling, or employment, and that the circumstances in which he was placed at the time aforesaid were such as to justify a prudent man in carrying the weapon or weapons aforesaid for the defense of his person, property or family, the jury shall acquit the accused.

SEC. III. This act to take effect and be in force from and after the first day of April next.

An Act to protect literary societies.

[Passed and took effect April 2, 1859. 56 vol. Stat. 113.]

Punishment for
disturbing school
or literary society.

(213.) SEC. I. *Be it enacted by the General Assembly of the State of Ohio*, That if any person or persons shall hereafter willfully disturb, molest or interrupt any literary society, or any school or society formed for the intellectual improvement of its members, such person or persons so offending shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined in any sum not less than five nor more than twenty dollars, with costs of prosecution, and shall stand committed until such fine shall have been paid: Provided, such commitment shall not exceed five days; and provided, further, that the judgment for costs shall not be abated until such costs shall have been fully paid.

(214.) SEC. II. That it shall be the duty of any judge of probate, justice of the peace, or mayor of any city, town, or incorporated village in this state, upon information by affidavit, to issue his warrant, causing the body of the accused forthwith to be brought before him, and if, upon investigation, shall be found guilty, to adjudge against said guilty party or parties, the penalty provided in the first section of this act.

Prosecution
therefor;

(215.) SEC. III. All prosecutions under this act shall be in the name of the state of Ohio, and all such fines collected shall be paid into the township treasury of the proper township, for the benefit of common schools therein.

Same, and dispo-
sition of fines.

SEC. IV. This act shall be in force from and after its passage.

An Act to amend the act entitled "an act to amend the act entitled 'an act for the prevention of certain immoral practices,'" passed February 17, 1831—said last act being passed March 26, 1841. Swan's R. S. 306.

[Passed and took effect April 12, 1858. 55 vol. Stat. 151.]

(216.) SEC. I. *Be it enacted by the General Assembly of the State of Ohio,* That no person shall sell, or expose for sale, give, barter, or otherwise dispose of in any way, or at any place, any spiritous or other liquors, or any article of traffic whatever, at or within the distance of two miles from the place where any religious society, or assemblage of people, are collected or collecting together for religious worship in any field or woodland: Provided, that nothing in this act shall affect tavern keepers exercising their calling, nor distillers, manufacturers, or others, in prosecuting their regular trades at their places of business, or any persons disposing of any ordinary articles of provision, excepting spiritous liquors, at their residences, nor any person having a written permit from the trustees or managers of any such religious society or assemblage, to sell provisions for the supply of persons attending such religious worship, their horses or cattle, such persons acting in conformity to the regulations of said religious assembly and to the laws of the state.

Selling liquors,
etc., within two
miles of any relig-
ious meetings.

(217.) SEC. II. That any person found guilty of committing a breach of the provisions of this act, shall forfeit and pay for every such offense a fine of not less than ten or more than one hundred dollars, into the township treasury for the use of the common schools in said township where said offense was committed; and any judge of the common pleas, sheriff, coroner, or justice of the peace of the county, or any constable thereof, shall, upon view or information, and with or without warrant, apprehend any person so offending, and seize all such liquors or other articles of traffic, and the utensils or furniture containing them, and convey them before a justice of the peace; and the said justice, upon the complaint under oath or affirmation of said officer apprehending such offender, or any person giving information, shall issue his warrant of arrest, which shall be formally served by the proper officer, and proceed to inquire into the truth of said accusation, and if found true, shall proceed to bind said offender in such amount not exceeding five hundred dollars, as he shall deem proper, to answer at the next regular term of the common pleas in said county, to be proceeded with by indictment, the fine and costs to be collected as in other criminal cases: Provided, that if such defendant or defendants shall plead guilty, said justice shall affix the penalty and proceed to judgment; and in such case he shall immediately issue an execution against the property and body of the defendant or defendants for the fine and costs, unless paid or secured; and said defendant or defendants shall not be discharged until said judgment and costs shall be fully paid or secured to be paid.

Prosecution
therefor.

Accused on acquittal to recover double costs, etc.

(218.) SEC. III. That in any prosecution against any person or persons for a violation of the provisions of this act, if the defendant or defendants shall be acquitted, he or they shall recover of the person or persons filing the complaint double the amount of his or their costs, which said justice shall award.

SEC. IV. That the act to which this is amendatory be, and the same is hereby repealed. This act to take effect from and after its passage.

An Act regulating the sale of poisons.

[Passed April 13, 1852. 50 vol. Stat. 167.]

Preliminary remarks.

(219.) SEC. I. *Be it enacted by the General Assembly of the State of Ohio*, That it shall not hereafter be lawful for any apothecary, druggist, or other person in this state, to sell or give away any article belonging to the class of medicines usually denominated poisons, except in compliance with the restrictions contained in this act.

What to be done when poisons sold.

(220.) SEC. II. That every apothecary, druggist, or other person, who shall sell or give away, except upon the prescription of a physician, any article or articles of medicine belonging to the class usually known as poisons, shall be required: 1st. To register in a book kept for that purpose the name, age, sex and color of the person obtaining such poison. 2d. The quantity sold. 3d. The purpose for which it is required. 4th. The day and date on which it was obtained. 5th. The name and place of abode of the person for whom the article is intended. 6th. To carefully mark the word "poison" upon the label or wrapper of each package. 7th. To neither sell or give away any article of poison to minors of either sex.

How arsenic to be prepared before sale.

(221.) SEC. III. That no apothecary, druggist, or other person, shall be permitted to sell or give away any quantity of arsenic less than one pound, without first mixing either soot or indigo therewith, in the proportion of one ounce of soot or half an ounce of indigo to the pound of arsenic.

Penalty for violating two preceding sections.

(222.) SEC. IV. That any person offending against the provisions of this act shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined in any sum not less than twenty nor more than two hundred dollars, at the discretion of any court of competent jurisdiction.

An Act to prevent and punish fraud in the use of false stamps, brands, labels, or trade marks.

[Passed and took effect March 29, 1859. 56 vol. Stat. 86.]

Forging brand, stamp, label, etc.

(223.) SEC. I. *Be it enacted by the General Assembly of the State of Ohio*, That any person or persons who shall knowingly and willfully forge or counterfeit, or cause or procure to be forged or counterfeited, any representation, likeness, similitude, copy or imitation of the private stamp, brand, wrapper, label, or trade mark, usually affixed by any mechanic, manufacturer, druggist, merchant or tradesman, to and upon the goods, wares, merchandise, preparation or mixture of such mechanic, manufacturer, druggist, merchant or tradesman, with intent to pass off any work, goods, manufacture, compound, preparation or mixture, to which such forged or counterfeited representation, likeness, similitude, copy or imitation is affixed or intended to be affixed as the work, goods, manufacture, compound, preparation or mixture of such mechanic, manufacturer, druggist or tradesman, shall, upon conviction thereof, be imprisoned in the county jail for a period of not less than three months nor more than twelve months, and fined not exceeding five hundred dollars.

Swan, Joseph Rockwell, et al. The Revised Statutes of the State of Ohio, of a General Nature, in Force August 1, 1860. With Notes of the Decisions of the Supreme Court. Vol. 1, Robert Clarke & Co., 1860. The Making of Modern Law: Primary Sources, link.gale.com/apps/doc/DT0103033064/MMLP?u=cdoj&sid=bookmark-MMLP&xid=d3cdd00e&pg=464. Accessed 18 Oct. 2022.



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CRIMINAL PRACTICE ACT.

109

weapon, shall, on conviction thereof, be imprisoned in the county jail not more than one year nor less than three months, and be fined in any sum not exceeding one thousand dollars.

SEC. 29. Every person who in a rude, insolent and angry manner, shall unlawfully touch, strike, beat or wound another, shall be deemed guilty of an assault and battery, and upon conviction thereof, shall be fined in any sum not exceeding one thousand dollars, to which may be added imprisonment not exceeding six months in the county jail.

SEC. 30. Every person who shall, in a rude, angry or threatening manner, in a crowd of two or more persons, exhibit any pistol, bowie knife or other dangerous weapon, shall, on conviction thereof, be imprisoned in the county jail not exceeding one year, and be fined in any sum not exceeding five hundred dollars.

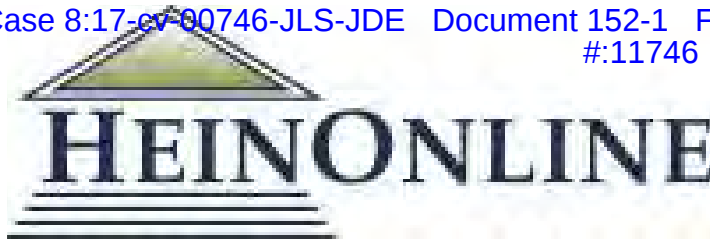
SEC. 31. Every person who shall attempt to commit the crime of murder by drowning or strangling another person, or by any means not constituting an assault with intent to commit murder, shall, on conviction thereof, be imprisoned in the penitentiary not more than ten years nor less than one year.

SEC. 32. Every person who shall violently and unlawfully deprive another of the use of any bodily member, or who shall unlawfully and wilfully disable the tongue or eye, or bite the nose, ear or lip of another, shall be deemed guilty of simple mayhem, and, on conviction thereof, shall be imprisoned in the county jail not more than one year nor less than one month, and be fined in any sum not exceeding two thousand dollars, or fined only.

SEC. 33. Every person who shall unlawfully have carnal knowledge of a woman against her will, or of a female child under twelve years of age, shall be deemed guilty of a rape, and, upon conviction thereof, shall be imprisoned in the penitentiary not more than thirty years nor less than one year, and in prosecutions for such offense, proof of penetration shall be sufficient evidence of the commission thereof.

SEC. 34. Every person who shall forcibly and feloniously take from the person of another any article of value, by violence or putting in fear, shall be deemed guilty of robbery, and, upon conviction thereof, shall be imprisoned in the penitentiary not more than fourteen years nor less than two years, and be fined in any sum not exceeding one thousand dollars.

SEC. 35. Every person who shall steal and take, or forcibly and unlawfully arrest any person, and convey such person to parts without the territory of Washington, or aid or abet therein, or who shall forcibly and unlawfully take or assist, or aid or abet, in forcibly and unlawfully taking or arresting any person, with intent to take such person to parts without



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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.

Proviso as to owners and overseers, in certain cases.

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.

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.



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FIRST SESSION.

61

a parent is moderately correcting his child, or a master his servant, or scholar, or an officer punishing a criminal, and happens to occasion death, it is only a misadventure, for the act of correction was lawful; but if a parent or master exceed the bounds of moderation, or the officer the sentence under which he acts, either in the manner, the instrument, or quantity of punishment, and death ensue, it will be manslaughter or murder, according to the circumstances of the case.

SEC. 31. All other instances which stand upon the same footing of reason and justice as those enumerated, shall be considered justifiable, or excusable homicide. Same.

SEC. 32. The homicide appearing to be justifiable or excusable, the person indicted shall, upon his trial, be fully acquitted and discharged. Same.

SEC. 33. The killing being proved, the burden of proving circumstances of mitigation, or that justify or excuse the homicide, will devolve on the accused, unless the proof on the part of the prosecution sufficiently manifests that the crime committed only amounts to manslaughter, or that the accused was justified, or excused in committing the homicide. Proving mitigating circumstances.

SEC. 34. If any woman shall endeavor privately, either by herself, or the procurement of others, to conceal the death of any issue of her body, male or female, which, if born alive, would be a bastard, so that it may not come to light, whether it shall have been murdered or not, every such mother being convicted thereof, shall suffer imprisonment in the Territorial Prison, for a term not exceeding one year; *provided*, however, that nothing herein contained shall be so construed as to prevent such mother from being indicted and punished for the murder of such bastard child. Women concealing death of bastard child.
Punishment.

SEC. 35. If any person shall, by previous appointment or agreement, fight a duel with a rifle, shot-gun, pistol, bowie-knife, dirk, small-sword, back-sword, or other dangerous weapon, and in so doing shall kill his antagonist, or any person or persons, or shall inflict such wound as that the party or parties injured shall die thereof within one year thereafter, every such offender shall be deemed guilty of murder in the first degree, and upon conviction thereof shall be punished accordingly. Duelling.
Punishment.

SEC. 36. Any person who shall engage in a duel with any deadly weapon, although no homicide ensue, or shall challenge another to fight such duel, or shall send or deliver any verbal or written message, purporting or intending to be such challenge, although no duel ensue, shall be punished by imprisonment in the Territorial Prison, not less than two, nor more than ten years, and shall be incapable of voting or holding any office of trust or profit, under the laws of this Territory. Persons concerned disenfranchised

SEC. 37. Any and every person who shall be present at the time of fighting any duel with deadly weapons, either as second, aid, surgeon, or spectator, or who shall advise or give assistance Persons implicated to give evidence.



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CRIMINAL JURISPRUDENCE.

o'clock, in the forenoon of that day; and the causes now upon the docket of the July term, shall be continued thereto without further notice.

Approved July 31st, 1862.

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT CONCERNING CRIMINAL JURISPRUDENCE, APPROVED NOV. 5, 1861.

Be it enacted by the Council and House of Representatives of Colorado Territory:

Death penalty abolished in certain cases.

SECTION 1. That the words "twenty years, or by death," in the last line of section sixty, of an act entitled "An act concerning criminal jurisprudence," upon page three hundred (300) of the printed laws, be and the same are hereby stricken out, and the words "not more than twenty years," be and the same are hereby inserted in lieu thereof.

Approved August 15th, 1862.

AN ACT

TO PREVENT THE CARRYING OF CONCEALED DEADLY WEAPONS IN THE CITIES AND TOWNS OF THIS TERRITORY.

Be it enacted by the Council and House of Representatives of Colorado Territory:

Concealed deadly weapons; carrying of prohibited.

SECTION 1. If any person or persons shall, within any city, town, or village in this Territory, whether the same is incorporated or not, carry concealed upon his or her person any pistol, bowie knife, dagger, or other deadly weapon, shall, on conviction thereof before any justice of the peace of the proper county, be fined in any sum not less than five, nor more than thirty-five dollars.

Sheriffs, etc., excepted.

SEC. 2. The provisions of this act shall not be construed to apply to sheriffs, constables, or police officers when executing their official duties.

Approved August 14th, 1862.

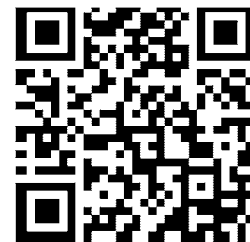
C. B. Pierce, Charter and Ordinances of the City of Leavenworth, with an Appendix Page 45, Image 45 (1863) available at The Making of Modern Law: Primary Sources. | Duke Center for Firearms Law

An Ordinance Relating to Misdemeanors, § 23. For carrying or having on his or her person in a concealed manner, any pistol, dirk, bowie knife, revolver, slung shot, billy, brass, lead or iron knuckles, or any other deadly weapon within this city, a fine not less than three nor more than one hundred dollars.

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DIGEST

OF THE

CHARTERS AND ORDINANCES

OF THE

CITY OF MEMPHIS,

TOGETHER WITH

THE ACTS OF THE LEGISLATURE

RELATING TO THE CITY,

WITH AN APPENDIX.

COMPILED AND REVISED BY ORDER OF THE BOARD OF MAYOR AND ALDERMEN

BY W. H. BRIDGES.

MEMPHIS, TENN :
PRINTED AT THE ARGUS BOOK AND JOB OFFICE.

1863.

CITY ORDINANCES.

189

or destroy the ballots which have been duly put therein, shall be fined in a sum not less than twenty nor more than fifty dollars.

Assault and Battery.

§ 6. That each assault, or assault and battery, shall be deemed and defined to be a misdemeanor, and any person guilty of such misdemeanor shall be fined not less than five nor more than fifty dollars. A misdemeanor

ARTICLE III.

OFFENCES AFFECTING PUBLIC SAFETY.

SECTION 1. All persons shall be guilty of a misdemeanor who do, or cause to be done, any of the following acts :

1st. Riding or driving with unnecessary or dangerous speed in the streets, or riding or driving on any of the gutters or sidewalks of the city. Fast driving.

2d. Leaving teams, horses, mules or oxen attached to any vehicle standing unhitched in the streets, or without a competent person to take charge of the same, or on the crossings of the street. Leaving teams unhitched or on crossings.

3d. Flying kites, throwing fire balls, fire crackers, or doing any act, or making any noise likely to frighten horses, alarm or injure the people, disturb the quiet of the city, or impede the free passage of vehicles and footmen along the streets. Flying kites on anything likely to frighten horses.

4th. Leaving open any cellar door or grating of any vault on any sidewalk, or suffer any sidewalk in front of his or her premises to become or continue so broken as to endanger life or limb, or permitting any well or cistern to remain open and uncovered to the danger of others; or excavating the sidewalks. Leaving cellar doors, wells and cisterns open.

5th. Discharging a gun, pistol or other firearm within the city, unless in self-defense or executing some law. And any person violating any of these provisions shall be fined not less than five nor more than fifty dollars, and if a slave, shall be punished with not less than ten nor more than thirty-nine lashes. Discharging guns, etc.

CITY ORDINANCES.

Dangerous Animals.

Not to go at large.

§ 2. No person shall permit any dangerous or mischievous animal to run at large within the limits of the city under a penalty of not less than one nor more than fifty dollars; and when the owner of any such animal cannot be found, the Chief of Police shall sell the same at public auction before the office of the Mayor, and pay the proceeds, after defraying all expenses, into the city treasury.

Carrying Concealed Weapons.

Carrying weapons prohibited.

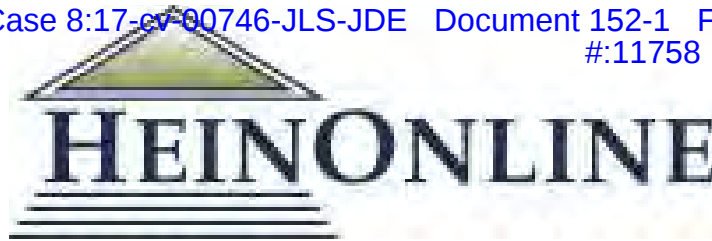
§ 3. It shall not be lawful for any person or persons to carry concealed about his or their persons any pistol, Bowie-knife, dirk, or any other deadly weapon; and any person so offending, shall upon conviction thereof before the Recorder, be fined not less than ten nor more than fifty dollars for each and every offence.

It shall be the duty of all police officers, of each and every policeman, and of every other officer of the city, to report to the Recorder every violation of this ordinance that may come to his or their knowledge; and if any officer, policeman, or any other employee of the city, shall fail or refuse to report or present to the Recorder the name or names of each and every person within his or their knowledge, who shall violate the provisions of this ordinance, he or they shall be removed from office by the Mayor and Vigilance Committee. It shall not be lawful for any policeman to carry any pistol, Bowie-knife, dirk, or any concealed weapons, unless he is permitted to do so by his commanding officer, or by the Mayor.

Buildings.

Builders shall get line and grade of streets from Engineers

§ 6. No owner or builder of any house or other structure in the city, shall dig or lay the foundation thereof in front of any street, lane, alley, or court, or shall erect any wall or fence fronting as aforesaid, without first applying to the City Engineer, who shall lay off and mark out the



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CRIMINAL PRACTICE ACT.

1585-1589

CONCEALED WEAPONS.**An Act to prohibit the carrying of concealed weapons.**

Approved April 27, 1862, 742.

1585. SECTION 1. Every person not being peace-officer, provost-marshal, enrolling-officer, or officer acting under the laws of the United States in the department of the provost-marshal of this State, State and Federal assessors, collectors of taxes and licenses while in the performance of official duties, or traveler, who shall carry or wear any dirk, pistol, sword in cane, slungshot, or other dangerous or deadly weapon concealed, shall, upon conviction thereof before any court of competent jurisdiction, be deemed guilty of a misdemeanor, and shall be imprisoned in the county jail for not less than thirty nor more than ninety days, or fined in any sum not less than twenty nor more than two hundred dollars. (*) *Amendment, approved March 1, 1864; 1863-4, 115; took effect from passage.*

Carrying weapons concealed, &c.

Punishment.

[A second section repeals all acts and parts of acts in conflict with the provisions of the above amendment.]

1586. Sec. 2. Such persons, and no others, shall be deemed travelers within the meaning of this act, as may be actually engaged in making a journey at the time.

Travelers.

An Act for the protection of growing timber on all possessory claims, and other private property, in certain counties in this State, and on or along public streets or highways and on public grounds, approved April 19, 1862, 307.

An Act to provide for the punishment of persons cutting timber upon or carrying the same, when cut down, from any of the swamp and overflowed, tide, or marsh, or school lands, belonging to this State, approved April 27, 1863, 739.

An Act to prevent the destruction of timber on the public lands of this State, approved March 2, 1864; 1863-4, 136.

See TREES AND TIMBER, post, 7221.

An Act to prevent the arming and equipping, within the jurisdiction of this State, of vessels for piratical or privateering purposes, and other treasonable conduct, approved April 25, 1863, 490.

See TRAITORS AND TREASONABLE CONDUCT, post, 7148.

An Act to punish offenses against the peace of the State, approved April 27, 1863, 756.

See TRAITORS AND TREASONABLE CONDUCT, post, 7152.

An Act to prevent the fraudulent conveyance or incumbrance of real estate by married women, approved April 27, 1863, 750.

See FRAUDULENT CONVEYANCES AND CONTRACTS, post, 3171.

Criminal Practice Act.

[An Act to regulate proceedings in criminal cases, passed April 20, 1850, 275, amended by act passed April 20, 1850, 382, and by act passed April 22, 1851, 407, was repealed by an Act to regulate proceedings in criminal cases, passed May 1, 1851, 212, given below.]

An Act concerning the costs of criminal actions removed before trial.

Passed April 29, 1851, 185.

1587. SECTION 1. In every case where a criminal action may have been or shall be removed before trial, the costs accruing upon such removal and trial shall be a charge against the county in which the indictment was or may be found.

Costs on removal.

1588. Sec. 2. The clerk of the county to which such action is or may be removed, shall certify the amount of said costs to the auditor of his county, who shall audit the same and issue his draft therefor upon the treasurer of the county from which such action was or may be removed.

Draft on county when removed.

An Act to regulate proceedings in criminal cases,

Passed May 1, 1851, 212.

1589. SECTION 1. This act is divided into seven parts:

Division of act.

First. The first embraces general definitions and provisions.

Second. The second relates to the prevention of public offenses.

Third. The third relates to proceedings for the removal of public officers, by impeachment or otherwise.

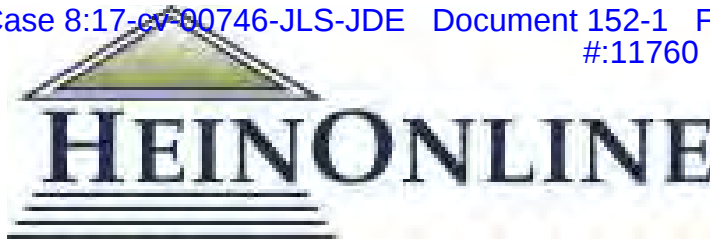
Fourth. The fourth relates to proceedings in criminal actions prosecuted by indictment.

Fifth. The fifth relates to proceedings in justices', recorders', and mayors' courts.

Sixth. The sixth relates to special proceedings.

Seventh. The seventh relates to costs in criminal proceedings.

(*) The original section was the same as the amendment, omitting the officers mentioned between the words "peace officer" and "or traveler."



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TERRITORY OF MONTANA.

355

AN ACT relating to fords.

Be it enacted by the Legislative Assembly of the Territory of Montana:

SEC. 1. That no charter for ferry or bridge company granted by the legislature of this Territory shall be so construed as to authorize such company to exclude or prevent the public from the free use of any ford that may cross any stream at or near the ferry or bridge of said company.

SEC. 2. The owner or keeper of such bridge or ferry shall not in any way obstruct the passage to or from any ford across any stream; and any person, upon conviction of thus obstructing any fording or ford in any manner whatsoever, shall be liable to a fine of not less than fifty dollars nor more than one hundred dollars.

SEC. 3. This act to take effect and be in force from and after its passage.

[Approved January 11, 1865.]

AN ACT to prevent the carrying of concealed deadly weapons in the cities and towns of this Territory.

Be it enacted by the Legislative Assembly of the Territory of Montana:

SEC. 1. If any person shall within any city, town, or village in this Territory, whether the same is incorporated or not, carry concealed upon his or her person any pistol, bowie-knife, dagger, or other deadly weapon, shall, on conviction thereof before any justice of the peace of the proper county, be fined in any sum not less than twenty-five dollars nor more than one hundred dollars.

SEC. 2. The provisions of this act shall not be construed to apply to sheriffs, constables, or police officers.

SEC. 3. This act shall be in force from and after its passage.

[Approved January 11, 1865.]



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SEC. 98.—Any person, who is convicted of a misdemeanor the punishment of which is not otherwise prescribed by any statute, shall be punished by imprisonment not more than one year, or by fine not more than five hundred dollars, or by both fine and imprisonment.

SEC. 99.—If any public officer fraudulently make or give false returns, entries, certificates or receipts in cases where returns, entries, certificates or receipts are authorized by law, he shall be fined not exceeding five hundred dollars, or imprisoned not more than one year, or both at the discretion of the court.

TITLE VIII.

Malicious Mischief.

SEC. 100.—If any person maliciously kill, maim or disfigure any horse, cattle or other domestic beast of another, or maliciously administer poison to any such animals, or expose any poisonous substances, with intent that the same should be taken by them, he shall be punished by imprisonment not exceeding six months, or fine not exceeding one hundred dollars.

SEC. 101.—If any person maliciously take down, injure or remove any monument erected or any tree marked as a boundary of any tract of land, city or town lot, or destroy, deface or alter the marks of any monument or tree made for the purpose of designating such boundary, he shall be punished by imprisonment not more than one year, or by fine not more than two hundred dollars, or fine and imprisonment at the discretion of the court.

SEC. 102.—If any person maliciously injure, deface or destroy any building or fixture attached thereto, or wilfully and maliciously injure, destroy or secrete any goods, chattels or valuable paper of another, or maliciously, prepare any dead fall, or dig any pit, or set any gun, or arrange any other trap to injure another's person or property, he shall be imprisoned not more than one year, or fined not exceeding five hundred dollars, or both fined and imprisoned at the discretion of the court; and is liable to the party injured in a sum equal to three times the value of the property so destroyed or injured or damage sustained, in a civil action.

TITLE IX.

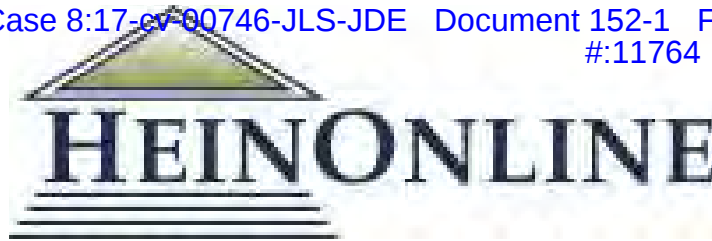
Offenses against Public Health.

SEC. 103.—If any person knowingly sell any kind of diseased, corrupted or unwholesome provisions, whether for meat or drink, without making the same fully known to the buyer; or if any person adulterate fraudulently, for the purpose of sale, any substance intended for food, or any wine, spirituous or malt liquor or other liquor intended for drinking, he shall be punished by imprisonment not more than one year, or by fine not more than five hundred dollars, or both fine and imprisonment; and the article so adulterated shall be forfeited and destroyed.

SEC. 104.—If any person fraudulently adulterate, for the purpose of sale, any drug or medicine in such manner as to lessen its efficiency or change the effect or operation of such drug or medicine or to make it injurious to health, or sell it knowing it is thus adulterated, he shall be punished by imprisonment not more than one year, or fined not more than five hundred dollars, or both at the discretion of the court; and such adulterated drugs and medicines shall be forfeited and destroyed.

SEC. 105.—If any apothecary, druggist or other person sell and deliver any arsenic, corrosive sublimate, prussic acid or any poisonous liquid or substance, without having the word "poison" and the true name thereof written or printed upon a label attached to the vial, box or parcel containing the same, he shall be punished by fine not exceeding five hundred dollars, and imprisoned not more than one year, or both at the discretion of the court.

SEC. 106.—If any doctor, physician, apothecary or any other person shall give, communicate or administer, or by their influence, counsel, advice, persuasion, suggestion or by any means whatsoever give or cause to be given by themselves directly or indirectly, or through the aid or medium of any other person or persons, agency or means whatever, any deadly poison, whether animal, mineral or vegetable, such as quicksilver, arsenic, antimony, or any mercurial, arsenical or antimonial preparations therefrom, or cicuta, deadly nightshade, hen-bane, opium or any of the diversified preparations therefrom, or any drugs, medicines and other preparations, such as chloroform, ether, exhilarating gas, calculated in their nature to destroy sensibility, from any other poisonous minerals or vegetables, to any citizen of the Territory of Utah, whether sick or well, old or young, man, woman or child, under pretence of curing disease, or from any other real or pretended cause, influence, argument, or from any design or purpose whatsoever, without first explaining fully, definitely, critically, simply and unequivocally to the patient and surrounding friends and relatives, such as father, mother, husband, wife, children,



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TITLE 5
offences.
15 Barb.,
541; 2
Johns. R.,
407.

prison for life, who shall take any money, or property of another, or any gratuity or reward, or any engagement or promise therefor, upon any agreement or understanding, express or implied, to compound, or conceal any such crime, or to abstain from any prosecution therefor, or to withhold any evidence thereof, shall, upon conviction, be punished by imprisonment in a state prison not exceeding five years, or in a county jail not exceeding one year.

Id., certain
felonies.
15 Barb.,
543; 58
Barb., 168.

§ 18. Every person having a knowledge of the actual commission of any offence punishable by imprisonment in a state prison for any other term than for life, who shall take any money, or property of another, or any gratuity or reward, or any engagement or promise therefor, upon any agreement or understanding, express or implied, to compound or conceal any such crime, or to abstain from any prosecution therefor, or to withhold any evidence thereof, shall, upon conviction, be punished by imprisonment in a state prison not exceeding three years, or in a county jail not exceeding six months.

Proof on
trial.
58 Barb.,
168.

§ 19. Upon the trial of any indictment for any offence specified in the two last sections, it shall not be necessary to prove the conviction of any offender, for the offence in relation to which any agreement or understanding therein prohibited, shall have been made.

Crime
against na-
ture.

§ 20. Every person who shall be convicted of the detestable and abominable crime against nature, committed with mankind or with a beast, shall be punished by imprisonment in a state prison for a term not more than ten years.

[1 R. L., 408, § 3.]

L. 1866, Chap. 716—An act to prevent the furtive possession and use of slung-shot and other dangerous weapons.¹

Penalty for using or carrying concealed weapons, etc. SECTION 1. Every person who shall within this state use, or attempt to use or with intent to use against any other person, shall knowingly and secretly conceal on his person, or with like intent shall wilfully and furtively possess any instrument or weapon of the kind commonly known as slung-shot, billy, sand club or metal knuckles, and any dirk or dagger (not contained as a blade of a pocket knife), or sword-cane or air-gun, shall be deemed guilty of felony, and on conviction thereof may be punished by imprisonment in the state prison, or penitentiary or county jail, for a term not more than one year, or by a fine not exceeding five hundred dollars, or by both such fine and imprisonment.

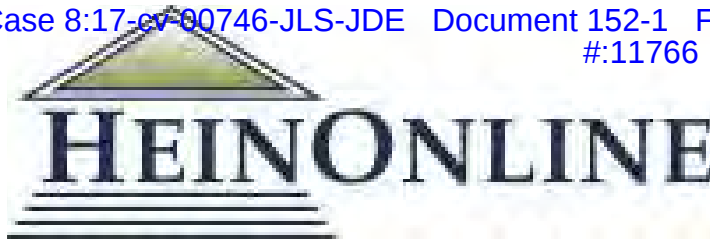
Having in possession. § 2. The having possession of any of the weapons mentioned in the first section of this act by any other than a public officer, wilfully and secretly concealed on the person or knowingly and furtively carried thereon, shall be presumptive evidence of so concealing and possessing or carrying the same with the intent to use the same in violation of the provisions of this act.

[Section 3 repeals a former act.]

L. 1872, Chap. 747—An act for the suppression of the trade in and circulation of obscene literature, illustrations, advertisements and articles of indecent or immoral use, and obscene advertisements of patent medicines, and articles for producing abortion, and to repeal chapter four hundred and thirty of the laws of eighteen hundred and sixty-eight.

Penalty for selling or offering to sell, giving away, etc., any obscene book, picture, etc., or having same in possession. SECTION 1. If any person shall sell, or lend, or give

¹ See L. 1874, ch. 74, *ante*.



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1866, to collect under provisions of said ordinance, all sums due thereunder, which have not been paid and to return the same, at the next regular return of taxes.

Further proceedings may be stopped in certain cases.

SEC. 3. *Be it further enacted*, That any person who may have entered into recognizance, under section 21st of said ordinance, may, before the return of the bond to the Superior Court, stop further proceedings, by answering freely as to his taxes, and paying the same to the Sheriff, together with a fee of one dollar to the Sheriff, and after such return to the Court, the prosecuting officer on such answer and payment shall enter a *nolle prosequi* in the case of the payment of costs by the defendant.

Sheriffs commissions.

SEC. 4. *Be it further enacted*, That where such additional returns of the sheriffs or collectors shall be less than one thousand dollars, they shall be allowed six per cent. commissions, when equal to one thousand dollars, and not exceeding two thousand dollars, five per cent., and when two thousand dollars and upwards, four per cent. commissions. [*Ratified the 10th day of March, A. D., 1866.*]

REVENUE.

Chap. 21.

AN ACT ENTITLED REVENUE.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That for the support of the State Government, and to meet appropriations made by law, a tax shall be levied upon the subjects embraced in the following schedule, to be listed and paid as shall be directed by law.

SCHEDULE A.

Upon real estate.

1. Real property, with the improvements thereon, including entries of land, ten cents on every one hundred dollars of its value.

1866. - CHAPTER 21.

34

2. Every taxable poll one dollar; *Provided*, That persons maimed or permanently disabled, shall be exempt, also, such poor and infirm persons, as the County Court may declare and record fit subjects of exemption. Every person who, on the first day of April, shall have any person subject to poll tax as a member of his family, or in his employment, or living on his land or in his house, by consent of the owner of said lands, shall list such person and pay the tax, and may retain the same out of any moneys due him. Poll tax.

3. Every toll gate on a turnpike road, and every toll bridge, five per cent. on the gross receipts, and every gate across a highway, licensed by law, twenty dollars. Turnpike toll bridges, etc.

4. Every ferry, the gross receipts of which amount to one hundred dollars and upwards, one per cent., amounting to five hundred dollars and upwards, five per cent., and one thousand dollars and upwards, ten per cent. Ferries.

Every studhorse and jackass owned in the State, let to mares for a price, six dollars, to be listed in the county of the owner, unless the price demanded for the season for one mare, shall exceed that sum, in which case the amount thus demanded shall be paid as tax. Studhorses and jackasses.

5. Every dollar of dividend or profit, not previously listed, declared, received or due, on or before the first day of April, in each year, upon money or capital invested in shares in the Bank of Washington, the Merchants' Bank of Newbern, the Bank of Wadesboro', the Bank of Fayetteville, the Commercial Bank of Wilmington, the Farmers' Bank of North Carolina, the Bank of Charlotte and the Bank of Yanceyville, nine cents; and in shares in all other banks or corporation and trading companies, and in steam vessels of twenty tons burden and upwards, four cents; and any persons listing any dividends or profit of the Banks herein specially named, shall be required to list the same separately from any other dividend or profit, for which he is liable to a tax, and also to specify the name of the bank from which said dividend is due or has been received. Dividend &

Moneys due
from solvent
debtors.

Proviso.

Salaries.

Net incomes
profits.

6. One-tenth of one per cent. on moneys, if exceeding one hundred dollars, due from solvent debtors, including States and governments, (except bonds of the United States) or on hand, or on deposit with individuals or corporations within this State or elsewhere, the term "money" to include notes of the United States, or of any State or corporation, according to their value: *Provided*, That bonds of this State, issued after the 23d February, 1861, and the balance after deducting the money due and on hand, debts owing by the tax-payer as principal, and as surety where the principal is insolvent, shall only be liable. Persons holding such subjects of taxation, as guardian, clerk of any court, executor or administrator, trustee or agent of whatever kind, shall list and be liable to pay said tax.

7. Every State and county officer, every President and Cashier, or Treasurer, or other officer of any bank, railroad or other incorporated company, and all other salaried persons, except ministers of the gospel, whose annual salaries or fees amount to, or are worth five hundred dollars or upwards, one per cent. on such total salary and fees.

8. On the nett income and profits derived by each person, joint stock company and corporation, from any occupation, employment or business in which they may have been engaged, and from every investment of labor, skill, property or money, and the nett income and profit from any source whatever (except the salaries and fees named in the preceding section,) during the year preceding the first day of April in each and every year, to be listed under the head of "Income," as follows: If said income amounts to five hundred dollars, and is less than one thousand dollars, one per cent.; if amounting to one thousand dollars and below two thousand dollars, one and one-half per cent., if amounting to two thousand dollars, and below three thousand dollars, two per cent.; if amounting to three thousand and below four thousand

dollars, two and a half per cent. ; if amounting to four thousand dollars and below five thousand dollars, three per cent. ; if amounting to five thousand dollars and upwards, three and one-half per cent. The tax imposed in this section shall be in addition to other taxes in this act imposed, except where laid on gross receipts and dividends and profits elsewhere taxed under this act, and shall include interest on securities of the United States, of this State, or other State or government: *Provided*, ^{Proviso.} That in estimating the income for the year preceding the first day of April, 1866, those subjects on which taxes have actually been paid, under the revenue ordinance of the Convention, shall not be included.

In estimating the nett income, the only deduction by way of expenses shall be first, taxes other than the income tax due the State. ^{Nett income, how estimated}

Second. Rent for use of buildings or other property, or interest on actual incumbrance.

Third. Usual or ordinary repairs, but not for new buildings or permanent improvements.

Fourth. Cost or value of the labor, (except that of the tax-payer himself,) raw material, food, and all other necessary expenses incidental to the business, from which the income is derived.

9. Every carriage or other vehicle for the conveyance of persons, in use, worth at least fifty dollars, one per cent. on its value. ^{Carriages, etc.}

10. All gold and silver plate, gold and silver plated ware and jewelry worn by males, including, watch, watch-chains, seals and keys, when collectively of greater value than twenty-five dollars, one per cent. on their entire value. ^{Gold and silver ware and jewelry.}

11. Every harp and piano in use one dollar, every dirk, bowie-knife, pistol, sword-cane, dirk-cane and rifle-cane, (except arms used for musturing and police duty) used or worn about the person of any one at any time during the year, one dollar: *Provided*, That this tax shall not ^{Harp and piano, deadly weapons.} *Proviso.*

apply to arms used or worn previous to the ratification of this act, and any person who shall wear said weapons, and fail to list the same, and pay the tax, shall be guilty of a misdemeanor.

Spiritu-
ous and
malt li-
quors.

12. Every resident of the State who brings into the State or buys from a non-resident, whether by sample or otherwise, spirituous liquors, wines or cordials, ale, porter, lager-beer, or other malt liquors, for the purpose of sale, fifteen per cent. on the amount of his purchases; every person who buys to sell again, spirituous liquors, wines or cordials, or malt liquors, from the maker, in this State, his agent, factor or commission merchant, ten per cent. on the amount of his purchases.

Real and per-
sonal estate of
certain heirs.

13. Upon all real and personal estate, whether legal or equitable, situate within the State, which shall descend or be devised or bequeathed to any collateral relation or person, other than a lineal descendant or ancestor of the husband or wife of the deceased, or husband or wife of such ancestor or descendant, or to which such collateral relation may become entitled, under the law, for the distribution of intestate estates, and which real and personal estate may not be required in payment of debts and other liabilities, the following per centum tax upon the value thereof shall be paid :

Class 1.

CLASS. If such collateral relation be a brother or sister of the father or mother of the deceased, or issue of such brother or sister, a tax of two per cent.

Class 2.

CLASS 2: If such collateral relation be a more remote relation, or the devisee or legatee be a stranger, a tax of three per cent.

The real estate liable to taxation shall be listed by the devisee or heir in a separate column, designating its proper per cent. tax.

Estate re-
duced to as-
sets.

The personal estate or real estate reduced to assets shall be liable to tax in the hands of the executor or administrator, and shall be paid by him, before his administration account is audited or the estate is settled, to the



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OSCOLA 4th ed.
" 1866-1867 259 Please note: citations are provided as a general guideline. Users should consult their preferred citation format's style manual for proper citation formatting.

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1866-7.

260

All religious books kept by ministers of the gospel and colporteurs, for sale or gratuitous distribution, on hand at any one time, to an amount not exceeding in value five hundred dollars' worth in any one year.

All property of literary, scientific and benevolent institutions, actually used for the purposes for which said institutions were created, not exempting, however, any of such property when employed in any other than the regular business of such institutions.

Houses of religious worship, and their appurtenances.

Places and monuments of the dead, and implements of burial.

All tools and implements in actual use of any calling, occupation or trade, to the value of one hundred dollars.

All insane persons and their property, to the value of one thousand dollars.

All disabled or crippled persons, whose taxable property does not exceed five hundred dollars, from any poll tax.

All lands donated by acts of Congress to railroads in this State remaining unsold and uncultivated.

CHAPTER II—*Subjects of Taxation.*

SEC. 2. *Be it further enacted*, That taxes are to be assessed by the assessor in each county on and from the following subjects, and at the following rates, to-wit:

Poll tax.

1. On every male inhabitant between the ages of eighteen and fifty, (except those persons between the ages of eighteen and twenty-one, the emoluments of whose labor go to parents or masters) the sum of two dollars; and to insure the payment of such tax, it shall be the duty of all partnerships, associations, corporations, officers or individuals to return to the assessor the number and names of persons in their employment on the first day of February of each year. as clerks, book-keepers, overseers, deputies, agents, workmen, journeymen, or laborers subject to such tax, which tax the assessor shall assess against such employer, by them to be deducted out of the hire, wages or salary of such employees as before enumerated; and upon the failure of any employer to make return of such employees when called upon by the assessor to do so, the assessor shall proceed to ascertain the number of such employees from the best sources of information practicable, and such employer so failing shall be held liable in double the amount of the tax.

Corporations,
&c., give num-
ber of employ-
ees.

2. On all real estate, to be estimated at its market value in money, according to the best judgment the assessor can form by information, inspection or otherwise, taking into consideration its location, whether in town, city or the country, its proximity to local advantages, its quality of soil, growth of timber, mines, minerals, quarries, or coal beds, and the amount and character of improvements, three-tenths of one per cent. *ad valorem*.

Real estate,
3-10 of 1 per
cent.

3. On all mills, foundries, forges, mining establishments, quarries, lime or marble works, gin and carriage making shops, tanneries, and other manufacturing establishments.

Articles taxed
3-10 of 1 per
cent.

On all wharves and wharf boats, toll bridges and ferries, turnpikes, and all passes, channels or canals, where tolls are charged.

On all stocks of goods, wares and merchandise on hand to be assessed upon not less than the largest amount on hand at any one time during the preceding year, and this shall include all merchandise kept on plantations for sale, or to be dealt out to laborers; *Provided*, That any goods, wares or merchandise offered for sale by any dealer or person, commencing business subsequent to the first day of January of the current tax year, shall become at once liable to the tax levied by this act, and must be estimated upon the maximum amount thereof.

On all horses and mules not used strictly for agricultural purposes, except studs, jacks and race horses.

On all cattle on the excess over five head.

On all household furniture, on the excess over three hundred dollars.

On all libraries not exempted by law, on the excess over three hundred dollars.

On all clocks kept for use, and

On all other property, real, personal, or mixed, not otherwise specified and taxed herein, or exempted therefrom—and this shall not be construed to tax the crops produced upon lands within this State taxed under the second paragraph of this section, as real estate—three tenths of one per cent. *ad valorem*; *Provided*, No hogs, sheep, goats, or poultry, kept or raised for the use of any family, or work oxen, or animals used for agricultural purposes exclusively, and no farming tools and implements of husbandry necessary on the farm, shall be taxed by this act.

4. On all vehicles not exclusively used for agricultural purposes.

1866-7.

262

Articles taxed
½ of 1 per cent.

On all jewelry, plate and silver ware, ornaments and articles of taste, pianos and other musical instruments, and paintings, except family portraits.

On all cotton presses and pickeries.

On all studs, jacks, and race horses.

On all gold and silver watches, and gold safety chains.

On all money hoarded, or kept on deposit subject to order, either in or out of the State, except funds held subject to draft in the prosecution of a regular exchange business, and except also money kept on hand to defray current family expenses, for a period not exceeding one year.

On all money loaned, and solvent credits bearing interest, from which credits the indebtedness of the tax payer shall be deducted, and the excess only shall be taxed.

On all money employed in buying or trading in paper, or in a regular exchange business, or invested in paper, whether by individuals or corporations, except where the money so employed or invested is otherwise taxed as capital.

On the capital stock, actually paid in, of all incorporated companies, created under any law of the State, whether general or special, (except railroads,) and not exempted by their charter from such tax, except any portion that may be invested in property and taxed otherwise as property, one half of one per cent. *ad valorem*.

Auction sales
½ of 1 per cent.

5. On the gross amount of all sales at auction, made in or during the tax year preceding the assessment, except those made by or under the direction of executors, administrators, and guardians, as such, by order of court or under legal process, and under any deed, will, or mortgage, at the rate of one fourth of one per cent *ad valorem*.

Premiums 1
per cent.

6. On the gross amount of premiums, (after deducting therefrom all return premiums,) received from their business in this State during such tax year, by any insurance company not chartered by this State, and doing business herein by agents or otherwise, at the rate of one per cent.

Gross commissions, &c., 1 per cent.

7. On the gross amount of commissions or sums charged or received in or during such tax year, by any factor, commission merchant, or auctioneer, in buying, selling, or any other act done in the course of their business.

On the gross receipts, during such tax year, of all cotton pickeries, and from the storage of cotton, or other merchandise, or produce, at the rate of one per cent.

Cotton pickeries 1 per cent.

8. On every pack, or part of a pack of playing cards, sold by wholesale, retail, or otherwise disposed of, during such tax year, fifty cents.

Playing cards 50 cents.

9. On every legacy, where letters testamentary have not been taken out in this State, received by any person other than the child, adopted child, grandchild, brother, sister, father, mother, husband, or wife, and on all property given by deed or otherwise, to any such person, on the amount or value thereof, to be assessed to the beneficiary, guardian, trustee, or legal representative, at the rate of three per cent.

Bowie knives 3 per cent.

10. On all pistols or revolvers in the possession of private persons not regular dealers holding them for sale, a tax of two dollars each, and on all bowie knives, or knives of the like description, held by persons not regular dealers, as aforesaid, a tax of three dollars each; and said tax shall be collected by the assessor when assessing the same, on which a special receipt shall be given to the tax payer therefor, showing that such tax has been paid for the year, and in default of such payment, when demanded by the assessor, said pistols, revolvers, bowie knives, or knives of like description, shall be seized by him, and unless redeemed by payment in ten days thereafter, with such tax, with an additional penalty of fifty per cent., the same shall be sold at public outcry before the court house door, after five days notice; and the overplus remaining, if any, after deducting the tax and penalty aforesaid, shall be paid over to the person from whom the said pistol, revolver, bowie knife, or knives of like description, were taken, and the net amount collected by him shall be paid over to the collector every month, from which, for each such assessment and collection, the assessor shall be entitled to fifty cents, and when the additional penalty is collected, he shall receive fifty per cent. additional thereto.

Pistols \$2 00.

Bowie knives.

How collected.

11. On all steamboats, vessels, and other water crafts plying in the navigable waters of the State, at the rate of one dollar per ton of the registered tonnage thereof, which shall be assessed and collected at the port where such vessels are registered, if practicable; otherwise, at any other port or landing within the State where such vessels may be; but this shall not include flat-bottom

Steamboats \$1 00 per ton.



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her any pick-lock, crow, key, bit or other instrument or tool, with intent feloniously to break and enter into any dwelling-house, store, warehouse, shop or other building containing valuable property, or shall be found in any of the aforesaid buildings with intent to steal any goods and chattels, every such person so offending shall, on conviction, be deemed a vagrant, and punished by confinement in the penitentiary for a term not exceeding two years.

SEC. 149. If any person or persons shall, within any city, town or village in this territory, whether the same is incorporated or not, carry concealed upon his or her person, any pistol, bowie-knife, dagger or other deadly weapon, such person shall, on conviction thereof before any justice of the peace of the proper county, be fined in any sum not less than five nor more than thirty-five dollars. The provisions of this section shall not be construed to apply to sheriffs, constables and police officers, when in the execution of their official duties.

SEC. 150. If any person shall have upon him any pistol, gun, knife, dirk, bludgeon or other offensive weapon, with intent to assault any person, every such person, on conviction, shall be fined in any sum not exceeding five hundred dollars, or imprisoned in the county-jail not exceeding six months.

SEC. 161. Every male person above eighteen years of age who shall neglect or refuse to join the *posse comitatus* or the power of the county, by neglecting or refusing to aid and assist in taking or arresting any person or persons against whom there may have been issued any civil or criminal process, or by neglecting or refusing to aid and assist in retaking any person or persons who after having been arrested or confined may have escaped from such arrest or imprisonment, or neglecting or refusing to aid and assist in preventing any breach of the peace, or commission of any criminal offence, being thereto lawfully required by any sheriff, coroner, constable, judge or justice of the peace, or other officer concerned in the administration of justice, shall, upon conviction, be fined in any sum not less than twenty dollars nor more than two hundred dollars.

SEC. 152. If any person or persons shall open the grave or tomb, where the body or bodies of any deceased person or persons shall have been deposited, and shall remove the body or bodies or remains of any deceased person or persons from the grave or place of sepulture for the purpose of dissection, or any surgical or anatomical experiment, or for any other purpose, without the knowledge and consent of the near relations of the deceased, or shall in any way aid, assist, counsel or procure the same to be done, every such person or persons so offending shall, on conviction, be fined not less than one hundred dollars nor more than five hundred dollars: *Provided,*

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DIGEST
OF THE
CHARTERS AND ORDINANCES
OF THE
CITY OF MEMPHIS,
FROM 1826 TO 1867, INCLUSIVE,
TOGETHER WITH
THE ACTS OF THE LEGISLATURE
RELATING TO THE CITY,
WITH AN APPENDIX.

COMPILED, REVISED AND CODIFIED,
BY WM. H. BRIDGES.

MEMPHIS, TENN:
PRINTED BY BULLETIN PUBLISHING COMPANY.
1867.

POLICE REGULATIONS OF THE STATE.

OFFENCES AGAINST PUBLIC PEACE.

Concealed weapons. 4746. Any person who carries under his clothes or concealed about his person, a bowie-knife, Arkansas tooth-pick or other knife or weapon of like form and shape or size, is guilty of a misdemeanor.

Selling such weapons misdemeanor. 4747. It is a misdemeanor to sell, or offer to sell, or to bring into the State for the purpose of selling, giving away or otherwise disposing of any knife or weapon mentioned in the preceding Section.

Certain weapons prohibited. 4753. No person shall ride or go armed to the terror of the people, or privately carry any dirk, large knife, pistol or any dangerous weapon, to the fear or terror of any person.

Dangerous weapons. 4757. No person shall either publicly or privately carry a dirk, sword-cane, Spanish stiletto, belt or pocket pistol, except a knife, conspicuously on the strap of a shot-pouch, or on a journey to a place out of his county or State.

ASSUMING OFFICIAL CHARACTER.

Assuming official character. 4819. It shall be a misdemeanor for any person falsely to assume to be a Judge, Justice of the Peace, Sheriff or other judicial or ministerial officer, and take upon himself to act as such, or to require any one to aid or assist him in any matter pertaining to the duty of any such officer.

OFFENCES AGAINST PUBLIC TRADE.

False balances, weights &c. 4823. If any person, with intent to defraud, have in his possession, or use any false balance, weight or measure in any business, trade or transaction, it shall be a misdemeanor.

To alter brands. 4825. It shall be a misdemeanor for any person, with intent to defraud, falsely to alter any stamp, brand or mark on cask, package, box or bale containing merchandise or produce, made by a public officer, appointed for that purpose, in order to denote the quality, weight or quantity of the contents thereof.

To counterfeit brands. For any person to counterfeit any mark, stamp or brand of such officer, or of another, or falsely to mark any cask, pack-

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POLICE REGULATIONS OF THE STATE.

complying with the fourth or fifth Section of this Act they shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined not less than fifty nor more than five hundred dollars.

SELLING LIQUORS OR WEAPONS TO MINORS.

Selling liquor to students.

4862. Any person who sells, gives or delivers to any student of any educational institution, or to any other person for the use of such student, any vinous or spiritous liquors, without the consent of the parent, guardian or person having the care of such student, is guilty of a misdemeanor.

Or minor.

4863. Any person who sells, gives or delivers to any minor, or to any person for the use of such minor, any of the liquors specified in the preceding Section, after notice from the parent, guardian or person having the care of such minor, forbidding such sale, gift or delivery, is guilty of a misdemeanor.

Selling weapons to minors.

4864. Any person who sells, loans or gives to any minor a pistol, bowie-knife, dirk, Arkansas toothpick, hunter's knife, or like dangerous weapon, except a gun for hunting or weapon for defense in traveling, is guilty of a misdemeanor and shall be fined not less than twenty-five dollars, and imprisoned in the county jail at the discretion of the court.

POISONING FISH.

Poisoning fish.

4866. If any person kill or destroy the fish in any of the waters of this State, by putting any poisonous substance in said water, he is guilty of a misdemeanor.

GAMING.

Gaming.

4870. If any person play at any game of hazard or address, for money or other valuable thing, or make any bet or wager for money or other valuable thing, he is guilty of a misdemeanor.

Promoting gaming.

4871. If any person encourage or promote, aid or assist the playing at any game, or the making of any bet or wager, for money or other valuable thing, or keep or exhibit



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APA 7th ed.

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THE
CODE OF ALABAMA.
1876.

PREPARED BY
WADE KEYES AND FERN. M. WOOD;
—AND—
JOHN D. ROQUEMORE, ~~SUCCESSOR~~ TO FERN. M. WOOD.

WITH REFERENCES TO THE DECISIONS OF THE SUPREME COURT OF THE STATE
UPON THE CONSTRUCTION OF THE STATUTES; AND IN WHICH THE
GENERAL AND PERMANENT ACTS OF THE SESSION OF
1876-7 HAVE BEEN INCORPORATED.

MONTGOMERY, ALA. :
GARRETT & BROWN, PRINTERS FOR THE STATE.
1877.

§ 4110. *Carrying, concealed, brass knuckles and slung-shots.*—^{b April 8, 1873, p. 130.} Any person who carries, concealed about his person, brass knuckles, slung-shot, or other weapon of like kind or description, shall, on conviction thereof, be fined not less than twenty, nor more than two hundred dollars, and may also, at the discretion of the court trying the case, be imprisoned in the county jail, or sentenced to hard labor for the county, for a term not exceeding six months.

§ 4111. *Carrying rifle or shot-gun walking canes.*—^{c Aug. 5, 1868, p. 11.} Any person who shall carry a rifle or shot-gun walking cane, shall, upon conviction, be fined not less than five hundred dollars, nor more than one thousand dollars, and be imprisoned in the penitentiary not less than two years.

CHAPTER 4.

OFFENSES AGAINST PUBLIC JUSTICE, AND OFFICIAL DUTY.

§ 4112 (3557). *Perjury on trial for felony.*—Any person who, willfully and corruptly, swears or affirms falsely, in regard to any material matter or thing, on the trial of any person under an indictment for felony, must, on conviction, be imprisoned in the penitentiary, or sentenced to hard labor for the county, for not less than three, nor more than twenty years.⁽¹⁾

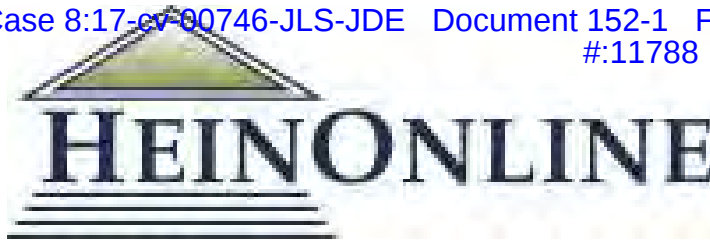
§ 4113 (3558). *Perjury in other cases.*—Any person who, willfully and corruptly, swears or affirms falsely, in regard to any material matter or thing, upon any oath or affirmation authorized by law, (except on the trial of any person under an indictment for a felony,) must, on conviction, be imprisoned in the penitentiary, or sentenced to hard labor for the county, for not less than two, nor more than five years.⁽¹⁾

§ 4114 (3559). *Subornation of perjury.*—Any person who corruptly procures another to commit the crime of perjury, as defined in the last two preceding sections, must be punished in the same manner and degree that the person suborned was liable to be punished.

§ 4115. *Perjury by retailer.*—^{a March 7, 1876, p. 227, sec. 3.} Any person who, having taken the oath required by section 1545 of this Code, to obtain a license to sell vinous or spirituous liquors, shall violate the same, shall be deemed guilty of perjury, and, on conviction, must be punished as prescribed in the second preceding section.

§ 4116 (3560). *Bribery of executive, legislative or judicial officer.*—Any person who corruptly offers, promises or gives to any executive, legislative or judicial officer, after his election or appointment, either before or after he has been qualified, any gift, gratuity or thing of value, with intent to influence his act, vote, opinion, decision or judgment, on any cause, matter or proceeding which may be then pending, or which may be by law brought before him in

1. To constitute perjury in swearing as to belief, it must appear that defendant knew to contrary of what he swore.—3 Ala. 602. False affidavit to petition for *habeas corpus*, and for writ of attachment; advice of attorney competent to show want of corruption.—44 Ib. 17, 81. Form of indictment in Code for perjury, sufficient.—47 Ib. 47. In perjury for false swearing in a case, record of case must be produced; when secondary evidence allowable.—6 Ib. 324.



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or has on his person slung-shot, metallic knuckles, billies, fire-arms or other dangerous weapon, shall be punished by imprisonment not exceeding one year and by fine not exceeding fifty dollars.

2424. Officer to take possession of arms.—The officer making any arrest under the preceding sections shall take possession of any arms or weapons found upon the person arrested, and shall retain the same until after the trial of such person, and if he be convicted, said arms or weapons shall be forfeited and the sheriff shall sell the same at public sale and account for and pay over the proceeds thereof, as in the case of fines collected, but if such person be acquitted, the said arms or weapons shall be returned to him.

Chap. 3820, sec. 3, Feb. 12, 1885.

2425. Manufacturing or selling slung-shot.—Whoever manufactures, or causes to be manufactured, or sells or exposes for sale any instrument or weapon of the kind usually known as slung-shot, or metallic knuckles, shall be punished by imprisonment not exceeding six months, or by fine not exceeding one hundred dollars.

Chap. 1837, subchap. 7, sec. 11, Aug. 6, 1868.

CHAPTER IV.

OFFENCES AGAINST PROPERTY.

ARTICLE 1.—Arson. Sections	2426-2433
2.—Burglary and burglars' instruments. Sections	2434-2439
3.—Larceny and receiving stolen goods. Sections	2440-2453
4.—Embezzlement, receiving embezzled property, fraudulent conversions and like offences. Sections	2454-2464
5.—False pretenses, frauds, cheats, acts to injure and the like. Sections	2465-2475
6.—Illegal disposition of property on which another has a claim. Sections	2476-2478
7.—Forgery, counterfeiting and like offences. Sections	2479-2498
8.—Taking or using temporarily the property of another. Sections	2499, 2500
9.—Offences concerning wrecked or derelict property. Sections	2501-2503
10.—Illegal removing and impounding animals. Sections	2504, 2505
11.—Injury and cruelty to animals. Sections	2506-2513
12.—Trespass and injury to realty. Sections	2514-2526
13.—Burning woods. Section	2527
14.—Injuring and defacing buildings, structures, levees, mills, dams, bridges, etc., and other offences concerning property. Sections	2528-2543

ARTICLE I.

ARSON.

2426. Burning dwelling-house.—Whoever wilfully and maliciously burns the dwelling-house or any building adjoining

Chap. 1837, subchap. 4, sec. 1, Aug. 6, 1868.



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LAWS OF FLORIDA.

93

line, or confederate: *First*, to commit any offense; or, *second*, falsely or maliciously to indict another for any offense, or procure another to be charged or arrested for any offense; or, *third*, falsely or maliciously to move or maintain any suit; or, *fourth*, to cheat and defraud any person of any money or property, by means which are in themselves criminal; or, *fifth*, to cheat and defraud any person of any money or property by any means which if executed would amount to a cheat or to obtaining property by false pretences; or, *sixth*, to commit any act injurious to the public health or public morals, or for the prevention or obstruction of justice; or, *seventh*, to interfere with or prevent the holding or conducting of any election, or making returns thereof, or to prevent the due administration of the laws, they shall be deemed guilty of a misdemeanor, and, on conviction, shall be punished by imprisonment in the county jail not exceeding one year, or by fine not exceeding five hundred dollars, or by both such fine and imprisonment.

Conspiracies
and illegal combinations.

CHAPTER VII.

OF OFFENSES AGAINST THE PUBLIC PEACE.

SECTION 1. If any persons, to the number of twelve or more, being armed with clubs or other dangerous weapons, or if any persons, to the number of thirty or more, whether armed or not, are unlawfully, riotously, or tumultuously assembled in any city or town, it shall be the duty of the mayor and of each of the aldermen of such city, and of each of the selectmen of such town, and of every justice of the peace living in any such city or town, and also of the sheriff of the county and his deputies, to go among the persons so assembled, or as near to them as may be with safety, and in the name of the State to command all the persons so assembled immediately and peaceably to disperse; and if such persons do not thereupon immediately and peaceably disperse, it shall be the duty of each of said magistrates and officers to command the assistance of all persons there present, in seizing, arresting, and securing such persons in custody, so that they may be proceeded with for their offense according to law.

Riotous assemblies armed

Duty of officers.

SEC. 2. If any person present, being commanded by any of the magistrates or officers mentioned in the preceding section to aid and assist in seizing and securing such rioters, or persons so unlawfully assembled, or in suppressing such riot or unlawful assembly, refuses or neglects to obey such command, or, when required by such magistrate or officer to depart from the place, refuses or neglects so to do, he shall be deemed one of the rioters, or persons unlawfully assembled, and may be prosecuted and punished accordingly.

Persons failing to aid upon command of officers.

SEC. 3. If any mayor, alderman, selectman, justice of the

LAWS OF FLORIDA.

Officers omit-
ting to exercise
their authority.

peace, sheriff, or deputy sheriff, having notice of any such riotous or tumultuous and unlawful assembly in the city or town in which he lives, neglects or refuses immediately to proceed to the place of such assembly, or as near thereto as he can with safety, or omits or neglects to exercise the authority with which he is invested by this chapter for suppressing such assembly, and for arresting and securing the offenders, he shall be punished by fine not exceeding three hundred dollars.

Rioters failing
to disperse
upon com-
mand.

SEC. 4. If any persons who are so riotously or unlawfully assembled, and who have been commanded to disperse, as before provided, refuse or neglect to disperse without unnecessary delay, any two of the magistrates or officers before mentioned may require the aid of a sufficient number of persons, in arms or otherwise, as may be necessary, and shall proceed in such manner as in their judgment is expedient, forthwith to disperse and suppress such assembly, and seize and secure the persons composing the same, so that they may be proceeded with according to law.

Resistance of
force called out
to suppress riot.

SEC. 5. When any armed force is called out to suppress a tumult or riot, or to disperse any body of men acting together by force and with intent to commit a felony or to offer violence to persons or property, or with intent by force or violence to resist or oppose the execution of the laws of this State, arrives at the place of such unlawful, riotous, or tumultuous assembly, they shall obey such orders for suppressing the riot or tumult, and for dispersing and arresting all persons who are committing any of said offenses, as they have received from the Governor, or any judge of a court of record, or the sheriff of the county, and also such orders as they there receive from any two of the magistrates or officers before mentioned.

When magis-
trates and per-
sons excused
for killing.

SEC. 6. If, by reason of the efforts made by any two or more of said magistrates or officers, or by their direction, to disperse such assembly, or to seize and secure the persons composing the same, who have refused to disperse, though the number remaining may be less than twelve, any such person, or other person then present, is killed or wounded, the magistrates and officers and all persons acting by their order, or under their directions, and all persons acting under the two preceding sections, shall be held guiltless and fully justified in law; and if any of said magistrates or officers, or any person acting under or by the direction of any of the officers before mentioned, is killed or wounded, all persons so assembled, and all other persons who, when commanded or required, refused to aid and assist said magistrates or officers, shall be held answerable therefor.

Persons kill-
ing magistrate.

Assembly de-
molishing
dwelling house,
ship.

SEC. 7. If any of the persons so unlawfully assembled demolishes, pulls down, or destroys, or begins to pull down, demolish, or destroy, any dwelling house or other building, or ship, or vessel, he shall be punished by imprisonment in the State penitentiary not exceeding five years, or by fine not exceeding one

LAWS OF FLORIDA.

95

hundred dollars and imprisonment in the county jail not exceeding one year, and shall also be answerable to any person injured, or to the full amount of the damage, in an action of tort.

SEC. 8. When property of the value of fifty dollars or more is destroyed, or property is injured to that amount, by any persons to the number of twelve or more, riotously, rantously, or tumultuously assembled, the city or town within which the property was situated shall be liable to indemnify the owner thereof, to the amount of three-fourths of the value of the property destroyed, or of the amount of such injury thereto, to be recovered in [an] action of tort; *Provided*, That the owner of such property uses all reasonable diligence to prevent its destruction or injury, and to procure the conviction of the offenders.

Riotous persons injuring property beyond the value of fifty dollars, city to be responsible for.

Duty of owner.

SEC. 9. A city or town which pays any sum under the provisions of the preceding section may recover the same against any or all of the persons who destroyed or injured such property.

May recover of rioters.

SEC. 10. Whoever, when arrested upon a warrant of a magistrate issued against him for an alleged offense against the laws of this State, and whoever, when arrested by a sheriff, deputy sheriff, constable, police officer, or watchman, while committing a criminal offense against the laws of this State, or a breach or disturbance of the public peace, is armed with, or has on his person, slung shot, metallic knuckles, billies or other dangerous weapon, shall be punished by fine not exceeding fifty dollars, and by imprisonment in the county jail not exceeding one year.

Persons engaged in breach of the peace having weapons

SEC. 11. Whoever manufactures, or causes to be manufactured, or sells, or exposes for sale, any instrument or weapon of the kind usually known as slung shot, or metallic knuckles, shall be punished by fine not less than fifty dollars, or by imprisonment in the county jail not exceeding six months.

Sellers of slung shot.

SEC. 12. Whoever is concerned in causing or making a bonfire within ten rods of any house or building, shall be punished by fine not exceeding twenty dollars, or by imprisonment not exceeding one month.

Making bonfires near buildings.

SEC. 13. Whoever without reasonable cause, by outcry, or the ringing of bells, or otherwise, makes or circulates, or causes to be made or circulated, a false alarm of fire, shall be punished by fine not exceeding fifty dollars.

False alarms of fire.

SEC. 14. Whoever shall carry arms of any kind whatever secretly, on or about their person, or whoever shall have about or on their person any dirk, pistol, or other arm or weapon, except a common pocket knife, upon conviction thereof shall be fined in a sum not exceeding one hundred dollars or imprisonment in the county jail not exceeding six months.

Carrying secret arms.

SEC. 15. Any person convicted of the publication of a libel shall be punished by imprisonment in the county jail not exceeding one year, or by fine not exceeding one thousand dollars, or by both such fine and imprisonment.

Libel.



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ALWD 7th ed.

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APA 7th ed.

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Chicago 17th ed.

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McGill Guide 9th ed.

James F. McClellan, Compiler, Digest of the Ls of the State of Florida, from the Year One Thous& Eight Hundred & Twenty-Two, to the Eleventh Day of March, One Thous& Eight Hundred & Eighty-One Inclusive (Tallahassee, Fla: Printed at the Floridian Book and job Office., 1881)

AGLC 4th ed.

James F. McClellan, Compiler, Digest of the Laws of the State of Florida, from the Year One Thousand Eight Hundred and Twenty-Two, to the Eleventh Day of March, One Thousand Eight Hundred and Eighty-One Inclusive (Printed at the Floridian Book and job Office., 1881

MLA 9th ed.

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OSCOLA 4th ed.

McClellan, James F., Compiler. Digest of the Laws of the State of Florida, from the Year One Thousand Eight Hundred and Twenty-Two, to the Eleventh Day of March, One Thousand Eight Hundred and Eighty-One Inclusive. Tallahassee, Fla, Printed at the Floridian Book and job Office.

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DIGEST
OF THE
LAWS OF THE STATE OF FLORIDA,
FROM THE YEAR
ONE THOUSAND EIGHT HUNDRED AND TWENTY-TWO.
TO THE
ELEVENTH DAY OF MARCH, ONE THOUSAND EIGHT HUN-
DRED AND EIGHTY-ONE, INCLUSIVE.

COMPILED BY
JAMES F. McCLELLAN,
OF THE MARIANNA BAR.

TALLAHASSEE, FLA.:
PRINTED AT THE FLORIDIAN BOOK AND JOB OFFICE.
1881.

CRIMES—MISDEMEANORS.

403

struction or injury, and to procure the conviction of the offenders. (d)

SEC. 10. A city or town, which pays any sum under the provisions of the preceding section, may recover the same against any or all of the persons who destroyed or injured such property. (d) May recover of rioters.

SEC. 11. Whoever, whenever arrested upon a warrant of a magistrate issued against him for an alleged offence against the laws of this State, and whoever when arrested by a sheriff, deputy sheriff, constable, police officer, or watchman, while committing a criminal offence against the laws of this State, or a breach or disturbance of the public peace, is armed with, or has on his person, slung shot, metallic knuckles, billies or other dangerous weapon, shall be punished by fine not exceeding fifty dollars, and by imprisonment in the county jail not exceeding one year. (d) Persons engaged in breach of the peace, having weapons

SEC. 12. Whoever manufactures, or causes to be manufactured, or sells, or exposes for sale, any instrument or weapon of the kind usually known as slung shot, or metallic knuckles, shall be punished by fine not less than fifty dollars, or by imprisonment in the county jail not exceeding six months. (d) Sellers of slung-shot.

SEC. 13. Whoever shall carry arms of any kind whatever, secretly, on or about their person, or whoever shall have about or on their person any dirk, pistol or other arm or weapon, except a common pocket-knife, upon conviction thereof shall be fined in a sum not exceeding one hundred dollars, or imprisoned in the county jail not exceeding six months. (d) Carrying secret arms. 12 Fla., 135.

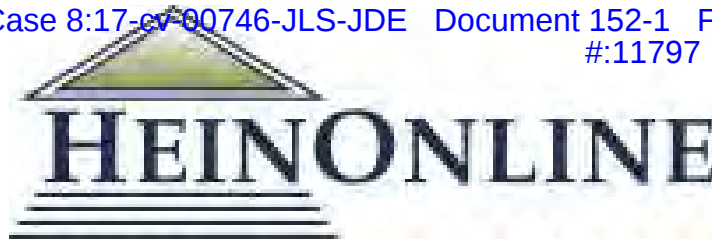
SEC. 14. Any person convicted of the publication of a libel shall be punished by imprisonment in the county jail not exceeding one year, or by fine not exceeding one thousand dollars, or by both such fine and imprisonment. (d) Libel.

CHAPTER 71.

CRIMES—MISDEMEANORS—OFFENCES AGAINST PUBLIC POLICY.

- | | |
|--|--|
| 1. Penalties for lotteries. | 6. Penalty for keeping gaming houses and tables. |
| 2. Penalties for owner of building to allow lotteries to be sold therein, or to let money be won by throwing dice. | 7. Penalty for telegraph operators to disclose messages. |
| 3. Penalty for selling lottery tickets. | 8. Penalty for unfair practice in sale of land. |
| 4. Penalty for second offence. | 9. Penalty for selling by false weights. |
| 5. All lottery prizes to be forfeited. | 10. Common cheat defined, and penalty for being. |

(d) Secs. 8, 9, 10, 11, 14 and 15, Sub-Chap. 7, Chap. 1637, Act of Aug. 6, 1868.



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, , 1869 50 .

Chicago 17th ed.
", " Minnesota - General Laws, 11th Session : 50-51

AGLC 4th ed.
" Minnesota - General Laws, 11th Session 50

OSCOLA 4th ed.
" 1869 50 Please note: citations are provided as a general guideline.
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GENERAL LAWS

of the general statutes, is hereby amended, so as to read as follows :

Disposition of
surplus estray
moneys.

Sec. 12. The county treasurer shall, after deducting two per cent. for his fees, pay such surplus money, if claimed within one year after such sale, to the owner of such estray, if not claimed within that time, to the school fund of the county in which the estray was kept.

When act to
take effect.

SEC. 2. This act shall be in force from and after its passage.

Approved March 3, 1869.

CHAPTER XXXIX.

Feb'y 27, 1869. *An Act to prohibit the setting of traps or spring guns, rifles, or other deadly weapons.*

- SECTION 1. The setting of a spring gun, pistol, or other deadly weapon declared unlawful.
2. Punishment for violation of foregoing Section.
 3. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

Unlawful to set
spring guns, &c. SECTION 1. The setting of a so-called trap or spring gun, pistol, rifle or other deadly weapon in this state, is hereby prohibited and declared to be unlawful.

Punishment for
violating the
foregoing Sec-
tion. SEC. 2. Any person offending against the foregoing section shall be punished as follows : If no injury results therefrom to any person, the person so offending shall be punished by imprisonment in the county jail of the proper county, for a period not less than six (6) months, or by fine not exceeding five hundred dollars, or by both fine and imprisonment at the discretion of the court. If death results to any human being from the discharge of a weapon so unlawfully set, the person so offending shall, upon conviction thereof, be punished by imprisonment in the

OF MINNESOTA FOR 1869.

51

state prison for a term not exceeding fifteen, nor less than ten years. If any person is injured, but not fatally, by the discharge of any weapon so unlawfully set, the person so offending, upon conviction thereof, shall be punished by imprisonment in the state prison for a term not exceeding five years, in the discretion of the court.

SEC. 3. This act shall take effect and be in force from and after its passage.

When act to
take effect.

Approved Feb. 27, 1869.

CHAPTER XL.

An Act to repeal Chapter thirty-nine of the General Laws of one thousand eight hundred and sixty-seven, relating to an act to prevent the killing of muskrat, mink or otter.

Feb'y 24, 1869.

- SECTION 1. Repeal of Chapter thirty-nine (39) of the General Laws of 1867.
2. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

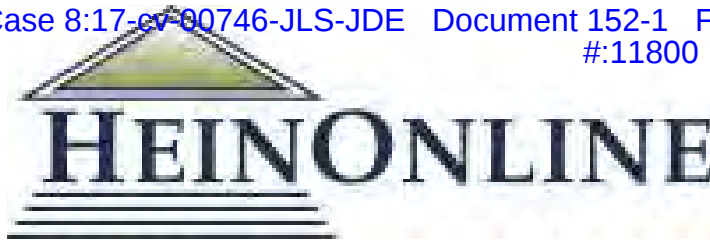
SECTION 1. That chapter thirty-nine of the general laws of the year one thousand eight hundred and sixty-seven, be and the same is hereby repealed.

Repeal of chap-
ter thirty-nine
of Laws of 1867.

SEC. 2. This act shall take effect and be in force from and after its passage.

When act to
take effect.

Approved Feb. 24, 1869.



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AGLC 4th ed.
" New Mexico - 18th Legislative Assembly, December Session 72

OSCOLA 4th ed.
" 1868-1869 72 Please note: citations are provided as a general guideline. Users should consult their preferred citation format's style manual for proper citation formatting.

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LAWS OF NEW MEXICO.

all laws now in force, to each of the justices of the peace and constables in said precincts for the administration of justice in the same.

Sec. 2. That all laws or parts of laws, in conflict with this act are hereby repealed, and this act shall be in force, from and after its passage.

Approved January 29th, 1869.

[Translated from the original Spanish.]

CHAPTER XXXII.

AN ACT Prohibiting the carrying of deadly weapons, either concealed or in any other way, repealing all other laws on the same subject, and for other purposes.

BE IT ENACTED by the Legislative Assembly of the Territory of New Mexico :—

When persons may carry arms.

SECTION 1. From and after the passage of this act it shall be unlawful for any person to carry deadly weapons, either concealed or otherwise, on or about their persons within any of the settlements of this Territory, except it be in the lawful defence of themselves, their families or their property, and the same being then and there threatened with danger, or by order of legal authority, or on their own landed property, or in the execution of an order of court.

Sec. 2. Deadly weapons, in the meaning of this act, shall be construed to mean all kinds and classes of pistols whether the same be a revolver, repeater, derringer, or

LAWS OF NEW MEXICO.

75

any other kind or class of pistol; any and all kinds of bowie knives, daggers, poniards, butcher knives, dirk knives, and all such weapons with which cuts can be given, or by which wounds can be inflicted by thrusting, including sword canes and such sharp pointed canes with which deadly thrusts can be given, and all kinds of slung shots, and any other kinds of deadly weapon, by whatever name it may be called, by which a dangerous wound can be inflicted.

Weapons described.

Sec. 3. The penalty for the violation of the preceding sections of this act shall not be less than ten dollars nor more than fifty dollars for each offence, or not less than ten days imprisonment nor more than fifty days imprisonment in the county jail, or both, such fine and imprisonment in the discretion of the jury trying the case.

Violations—penalty of

Sec. 4. Any person who shall draw a deadly weapon on another, or who shall handle a deadly weapon in a threatening manner at or towards another, in any part of this Territory, except in the lawful defence of himself, his family or his property, or by order of legal authority, upon conviction thereof before the proper tribunal, shall for each offence be fined in a sum not less than twenty-five dollars nor more than seventy-five dollars, or by imprisonment in the county jail for a term of not less than twenty days nor more than sixty days, or be punished by both such fine and imprisonment, in the discretion of the jury trying the cause.

Shall be fined.

Sec. 5. Any person who shall draw or use any deadly weapon in any ball, dance or other public gathering of the people, or near where any election authorized by law is being held, in any part of the Territory, except it be

How punished
ed in the lawful defence of himself, his family or his property, or in obedience to legal authority, shall, upon conviction before the proper tribunal, be punished by a fine not less than fifty dollars nor more than one hundred dollars for each offence, or by imprisonment in the county jail for a term of not less than one month nor more than three months for each offence, or by both such fine and imprisonment, in the discretion of the jury trying the cause.

Justice of the
peace to have
jurisdiction Sec. 6. Justices of the peace as well as the district court shall have jurisdiction of all offences under the preceding sections of this act, and all causes under this act shall be tried by a jury, and if the person accused of the crime pleads "guilty" to the charge the jury shall proceed to hear all the evidence in the cause in order to fix the penalty.

Evidence Sec. 7. A conviction of any person under this act shall not be a bar to a prosecution and conviction of the same person for an assault and battery, aggravated assault, assault with a deadly weapon, assault with intent to kill, or murder, manslaughter, or other crime, and where the words "weapons" or "deadly weapons" are used in this act, such word or words shall be construed to mean the weapons described in section two of this act.

Fines how
disposed of. Sec. 8. It shall not be necessary in the trial of any cause arising under the provisions of this act to prove that the person charged was not in the lawful defence of himself, his family or his property; but the accused must prove to the satisfaction of the jury that the act charged was done in the lawful defence of himself, his family or his property, before the jury can acquit.

Sec. 9. Any lawful voter of this territory may with-

LAWS OF NEW MEXICO.

75

out a warrant arrest parties who may violate the preceding sections of this act, and take such persons before a justice of the peace of the county in which the offence was committed, for complaint and trial, and such trial shall be had as soon as possible, giving due time for summoning witnesses.

Sec. 10. All fines collected by virtue of the preceding sections of this act shall go one-third to the Territory, one-third to the county in which the offence was committed, and one-third to the person or attorney who, on the part of the Territory, procured the conviction.

Sec. 11. Persons traveling may be permitted to carry arms within settlements or towns of this Territory, for one hour after arriving in such settlements or town, and while going out of such towns or settlements; and sheriffs and constables of the various counties of this Territory and their lawfully appointed deputies may carry weapons in the legal discharge of the duties of their respective office, when the same may be necessary, but it shall be for the jury to decide from the evidence whether such carrying of weapons was necessary or not, and for an improper carrying or using deadly weapons by any officer mentioned in this section, he shall be punished as other persons are punished for a violation of the preceding sections of this act.

Who may
carry arms

Sec. 12. It shall be the duty of the keeper of each and every hotel, boarding house and drinking saloon, to keep posted up in a conspicuous place in his bar room or reception room, if there be no bar kept in the house, a plain notice in Spanish as also in English, to travelers to divest themselves of their weapons in accordance with section eleven of this act, and the sheriffs of the various

Duty of the
keepers of ho-
tels

LAWS OF NEW MEXICO.

counties shall notify the keepers of hotels, boarding houses and drinking saloons in their respective counties of their duties under this law, and if after such notification any keeper of a hotel, boarding house or drinking saloon shall fail to keep notices posted as required by this act, he shall on conviction thereof before a justice of the peace be fined in the sum of five dollars to go to the county treasury.

Sec. 13. Sheriffs and their deputies and constables, shall be sworn to rigidly enforce this act, and any one of
Sheriffs and their deputies such officers who may neglect or fail to enforce this act, shall be fined in a sum not less than fifty dollars nor more than one hundred dollars for each offence, to be recovered by indictment in the district court of the proper county, and one-third of such fine shall go to the Territory, one third to the county, and one third to the acting district attorney, and such conviction and fine shall not be a bar to any other prosecution and conviction of such officer under other laws of this Territory.

Sec. 14. Any and every person who receives a license to give a ball, dance or fandango, shall, at the time
Good order to be kept of taking out such license, be sworn to preserve good order and enforce this law at and during such ball, dance or fandango on and about his premises, and during such time such person shall have and exercise all the powers of a sheriff in maintaining good order on and about his premises, and if the officer who issues such license does not believe the applicant to be a proper person to preserve good order, then such officer shall refuse to grant such license until such applicant shall present a proper person who shall be sworn as above mentioned, and have the power and duties as above mentioned, and persons arrest-

LAWS OF NEW MEXICO.

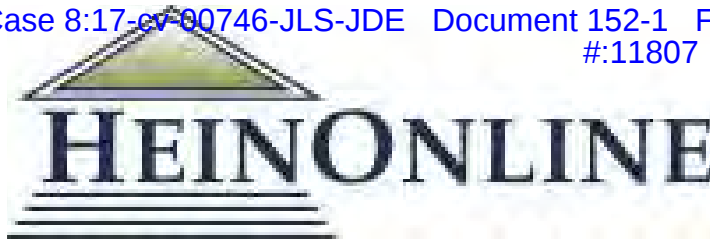
77

ed by the sworn person mentioned in this section may be confined for the time being in any house or place as well as the jail, or in any secure manner that is not inhuman.

Sec. 15. If any person shall give a ball, dance or fandango where a license is required, without first being himself sworn, or having some other person sworn to preserve good order and enforce this act, he shall be fined in the sum of twenty-five dollars to be collected before any justice of the peace in the county, and one-half of said fine to go to the county and one-half to the person or attorney securing the conviction; provided, that if the applicant secure the attendance at his ball, dance or fandango, of a sheriff or his deputy or of a constable of the county, to preserve good order and enforce this law, then he shall not be fined for not being sworn, nor shall the officer issuing the license in such case require him to be sworn, nor to present a person to be sworn in his or her place; provided, that the Secretary of the Territory is required, after the passage of this act, to forward a copy to each of the probate judges of the different counties of this Territory.

Sec. 16. All acts or parts of acts in regard to carrying or using deadly weapons, now in force in this Territory, are hereby repealed, and all acts or parts of acts that conflict with this act are hereby declared null and void so far as they conflict with this act; and this act shall be in force from and after its passage.

Approved January 29, 1869.



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AGLC 4th ed.
" Tennessee - 36th General Assembly, Public & Private Acts, 1st Session 23

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ACTS
OF THE
STATE OF TENNESSEE,
PASSED BY THE FIRST SESSION OF
THE THIRTY-SIXTH GENERAL ASSEMBLY
FOR THE YEARS 1869-70.

PUBLISHED BY AUTHORITY.

NASHVILLE, TENN.:
JONES, PURVIS & CO., PRINTERS TO THE STATE.
1870.

CHAPTER XXI.

AN ACT to Amend An Act, passed on the 13th of March, 1868, entitled "An Act to amend the revenue laws of the State."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That An Act to amend the revenue laws of the State, passed on the 13th day of March, 1868, be so amended as to impose a tax of fifty cents on each ^{Hotels and} Livery Stable room except two in a hotel or tavern, and a tax of fifty cents on each stall in a livery stable, or stable kept by hotel or tavern keepers, instead of one dollar, as now imposed by law.

SEC. 2. *Be it further enacted,* That this Act take effect from and after its passage.

W. O'N. PERKINS,
Speaker of the House of Representatives.
D. B. THOMAS,
Speaker of the Senate.

Passed November 27, 1869.

CHAPTER XXII.

AN ACT to Amend the Criminal Laws of the State.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That all voters in this State shall be ^{To vote in} required to vote in the civil district or ward in which they ^{Civil District} may reside. Any person violating this Act shall be guilty or Ward. of a misdemeanor, and upon conviction thereof shall not be fined less than twenty nor more than fifty dollars; *Provided,* that sheriffs and other officers holding elections shall be permitted to vote at any ward or precinct in which they may hold an election.

SEC. 2. *Be it further enacted,* That it shall not be lawful for any qualified voter or other person attending any election in this State, or for any person attending any fair, ^{Deadly} race course, or other public assembly of the people, to carry ^{Weapons.} about his person, concealed or otherwise, any pistol, dirk, bowie-knife, Arkansas tooth-pick, or weapon in form, shape

24

or size, resembling a bowie-knife, or Arkansas tooth-pick, or other deadly or dangerous weapon.

Penalty. SEC. 3. *Be it further enacted*, That all persons convicted under the second section of this Act shall be punished by fine of not less than fifty dollars, and by imprisonment, or both, at the discretion of the Court.

Liquor Shops. SEC. 4. *Be it further enacted*, That no liquor shop in this State, shall be kept open on election days, nor shall any person, on said days, give or sell intoxicating liquors to any person for any purpose at or near an election ground.

Grand Juries. SEC. 5. *Be it further enacted*, That the grand juries of this State shall have inquisitorial powers concerning the commission of the offenses created by these Acts, and may send for witnesses, as in cases of gaming, illegal voting, tippling and offenses now prescribed by law.

Judges. SEC. 6. *Be it further enacted*, That it shall be the duty of the Circuit and Criminal Judges of this State to give the above in special charge to the several grand juries of the courts.

Proviso. SEC. 7. *Be it further enacted*, That there shall be no property exempt from execution for fines and costs for this offense; *Provided*, That, if from any cause, there should be a failure to hold an election in any civil district or ward, then nothing in this Act shall be so construed as to prevent any voter from voting in any other civil district or ward in his county or town, for State or county officers, at the time prescribed by law.

SEC. 8. *Be it further enacted*, That this Act shall take effect from and after its passage.

W. O'N. PERKINS.
Speaker of the House of Representatives.
D. B. THOMAS,
Speaker of the Senate.

Passed December 1, 1869.



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AGLC 4th ed.
" Washington - 2nd Biennial Session 200

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STATUTES
OF THE
TERRITORY OF WASHINGTON,
MADE AND PASSED
AT A SESSION OF THE LEGISLATIVE ASSEMBLY BEGUN AND HELD AT OLYMPIA
ON THE FOURTH DAY OF OCTOBER, 1869, AND ENDED ON THE
SECOND DAY OF DECEMBER, 1869.
NINETY-FOURTH YEAR OF INDEPENDENCE.

PUBLISHED BY AUTHORITY.

OLYMPIA:
JAMES RODGERS, PRINTER.
1869.

GENERAL LAWS.

203

guilty of malicious mayhem, and upon conviction thereof, shall be imprisoned in the penitentiary not more than fourteen years nor less than one year, and be fined in any sum not exceeding one thousand dollars.

SEC. 27. An assault is an unlawful attempt, coupled with a present ability to commit a violent injury on the person of another, and every person convicted thereof, shall be fined in any sum not exceeding five hundred dollars, or imprisoned in the county jail not exceeding three months.

SEC. 28. An assault with an intent to commit murder, rape, the infamous crime against nature, mayhem, robbery, or grand larceny, shall subject the offender to imprisonment in the penitentiary for a term not less than one year, nor more than fourteen years.

SEC. 29. An assault with a deadly weapon, instrument or other thing, with an intent to inflict upon the person of another a bodily injury, where no considerable provocation appears, or where the circumstances of the assault show a willful, malignant and abandoned heart, shall subject the offender to imprisonment in the penitentiary not exceeding two years, or to a fine not exceeding five thousand dollars, or to both such fine and imprisonment.

SEC. 30. Assault and battery is the unlawful beating of another, and a person duly convicted thereof shall be fined in any sum not exceeding one thousand dollars, or imprisoned in the county jail not exceeding one year.

SEC. 31. Every person who shall assault and beat another with a cowhide or whip, having with him at the time a pistol or other deadly weapon, shall, on conviction thereof, be imprisoned in the county jail not more than one year nor less than three months, and be fined in any sum not exceeding one thousand dollars.

SEC. 32. Every person who shall, in a rude, angry or threatening manner, in a crowd of two or more persons, exhibit any pistol, bowie knife, or other dangerous weapon, shall on conviction thereof, be imprisoned in the county jail not exceeding

one year, and be fined in any sum not exceeding five hundred dollars.

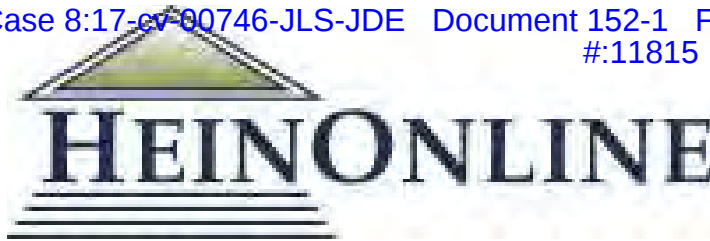
SEC. 33. Every person who shall attempt to commit the crime of murder by drowning or strangling another person, or by any means not constituting an assault with intent to commit murder, shall on conviction thereof, be imprisoned in the penitentiary not more than ten years nor less than one year.

SEC. 34. Every person who shall violently and unlawfully deprive another of the use of any bodily member, or who shall unlawfully and wilfully disable the tongue or eye, or bite the nose, ear or lip of another, shall be deemed guilty of simple mayhem, and on conviction thereof, shall be imprisoned in the county jail not more than one year nor less than one month, and be fined in any sum not exceeding two thousand dollars, or fined only.

SEC. 35. Rape is the carnal knowledge of a female forcibly and against her will, and a person duly convicted thereof, shall be punished by imprisonment in the penitentiary for a term not less than five years, and which may extend to life; and any person of the age of fourteen years and upwards who shall have carnal knowledge of any female child under the age of twelve years, either with or without her consent, shall be adjudged guilty of the crime of rape, and be punished as before provided. In prosecution for the latter offense, proof of penetration shall be sufficient evidence of the commission thereof.

SEC. 36. Every person who shall forcibly and feloniously take from the person of another, or from his immediate presence, any article of value by violence or putting in fear, shall be deemed guilty of robbery, and upon conviction thereof shall be punished with imprisonment in the penitentiary for any length of time not more than twenty years nor less than one year.

SEC. 37. Every person who shall steal and take, or forcibly and unlawfully arrest any person, and convey such person to parts without the Territory of Washington, or aid or abet therein, or who shall forcibly and unlawfully take or assist, or aid or abet, in forcibly and unlawfully taking or arresting any person, with intent to take such person to parts without said



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" Georgia - Session of 1870 421

OSCOLA 4th ed.
" 1870 421 Please note: citations are provided as a general guideline.
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ACTS AND RESOLUTIONS
OF THE
GENERAL ASSEMBLY
OF THE
STATE OF GEORGIA,
PASSED IN ATLANTA, GEORGIA,
AT THE
SESSION OF 1870.

COMPILED AND PUBLISHED BY AUTHORITY.

ATLANTA, GEORGIA:
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1870.

To preserve the peace and harmony of the people of this State, etc.

TITLE XVI.

PENAL CODE—AMENDMENTS TO.

SECTIONS.

1. Carrying deadly weapons to certain places prohibited.
2. Violation—misdemeanor—penalty.
3. Chain-gang punishment prohibited.
4. Punishment in lieu of chain-gang.

SECTIONS.

5. Section 415 of the Code changed—*nolle prosequi*.
6. All indictments, etc., submitted to a jury.

(No. 285.)

An Act to preserve the peace and harmony of the people of this State, and for other purposes.

SECTION 1. *Be it enacted, etc.,* That, from and immediately after the passage of this act, no person in said State of Georgia be permitted or allowed to carry about his or her person any dirk, bowie-knife, pistol or revolver, or any kind of deadly weapon, to any court of justice, or any election ground or precinct, or any place of public worship, or any other public gathering in this State, except militia muster-grounds.

Carrying
deadly wea-
pons to cer-
tain places
prohibited.

Exception.

SEC. 2. *Be it further enacted,* That if any person or persons shall violate any portion of the above recited section of this act, he, she or they shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than twenty nor more than fifty dollars for each and every such offense, or imprisonment in the common jail of the county not less than ten nor more than twenty days, or both, at the discretion of the court.

Violation a
misdemean-
or—penalty

SEC. 3. All laws and parts of laws militating against this act are hereby repealed.

Approved October 18, 1870.

(No. 286.)

An Act to alter and amend section 4245 of Irwin's Revised Code, by striking out of said section the words "to work in a chain-gang on the public works," and for other purposes.

SECTION 1. *Be it enacted, etc.,* That the words "to work in a chain-gang on the public works," which occur in fourth and fifth lines of section 4245 of Irwin's Code, be, and the same are hereby,

Chain-gang
punishment
prohibited.

To repeal Section 415 of the Revised Code.

stricken from said section, and chain-gangs shall no longer exist, or be tolerated in the State of Georgia, for persons convicted of misdemeanors.

Punishment in lieu of chain-gang. SEC. 2. *Be it further enacted*, That said section be further amended, by substituting for the words herein stricken out, the words "to work on the city or town streets, or county roads, not longer than six months; but in no case shall such prisoners be chained or otherwise confined in a gang, but shall be guarded."

SEC. 3. *Be it further enacted*, That all laws and parts of laws in conflict with this act be, and they are hereby, repealed.

Approved October 27, 1870.

(No. 287.)

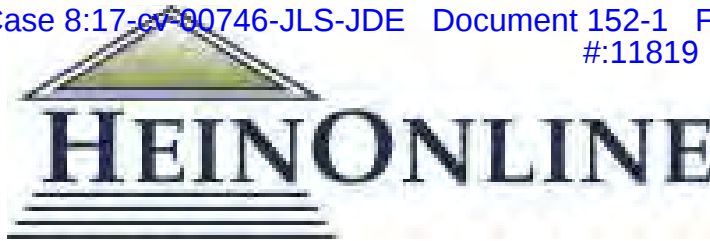
An Act to repeal section four hundred and fifteen (415) of Irwin's Revised Code, in relation to entering nolle prosequis, and to prescribe the mode of settlement in criminal cases.

Section 415 of Code, as to nolle prosequi, repealed. SECTION 1. *Be it enacted, etc.*, That section four hundred and fifteen (415) of Irwin's Revised Code of Georgia, which said section authorizes Solicitors-General in this State to enter a *nolle prosequi* on indictments, be, and the same is hereby repealed, and no *nolle prosequi* shall be allowed, except it be in open court, for some fatal defect in the bill of indictment, to be judged of by the court, in which case the presiding Judge shall order another bill of indictment to be forthwith submitted to the grand jury. Judge shall order second bill.

All indictments submitted to jury. Settlement—when good. SEC. 2. *And be it further enacted by the authority aforesaid*, That all cases of indictments, or special presentments, shall be submitted to and passed upon by the jury, under the direction of the presiding Judge, unless there is a settlement thereof between the prosecutor and defendant, which settlement shall be good and valid only by the approval and order of the court on examination into the merits of the case.

SEC. 3. *And be it further enacted, etc.*, That all laws and parts of laws conflicting with this act be, and the same are hereby, repealed.

Approved October 28, 1870.



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A C T S
PASSED BY THE GENERAL ASSEMBLY
OF THE
STATE OF LOUISIANA,
AT THE EXTRA SESSION,
BEGUN AND HELD IN THE CITY OF NEW ORLEANS, MARCH 7, 1870.

No. 1.] AN ACT

To amend and re-enact sections eight and nine as amended in section one of an act entitled "An Act to amend an act entitled an act to amend an act entitled an act to consolidate the city of New Orleans, and to provide for the government of the city of New Orleans, and the administration of the affairs thereof," approved February twenty-sixth, eighteen hundred and sixty-six.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Louisiana in General Assembly convened,* That sections eight and nine as amended in section one of an act entitled "An Act to amend an act entitled an act to amend an act entitled an act to consolidate the city of New Orleans, and to provide for the government of the city of New Orleans, and the administration of the affairs thereof," approved February twenty-six, eighteen hundred and sixty-six, which reads as follows: Amendment.

"SEC. 8. *Be it further enacted, etc.,* That the election of Mayor, Controller and Street Commissioner shall take place every two years, on the second Monday of March; the election of Recorders shall take place every two years, and of one class of the Aldermen shall take place on the second Monday of March every year. The Mayor, Controller and Street Commissioner shall be elected by general ticket, the Recorders by district ticket; and the Mayor, Controller and Street Commissioner, Recorders and Aldermen shall enter upon the duties of their office on the third Monday of March following their election. The recorder's district shall be the same as provided by section second of this act. Original sections.

"SEC. 9. *Be it further enacted, etc.,* That the election of one class of Assistant Aldermen shall take place on the second Monday of March of every year, and they shall enter upon the duties of their office on the third Monday of March following," be amended and re-enacted so as to read as follows: Sections as amended.

SEC. 8. *Be it further enacted, etc.,* That the election of Mayor, Controller, Street Commissioner and Recorders shall take place every two years, on the first Monday of November, commencing with the Election of Mayor, etc.

mechanic any part of the wages due to such laborer, employe, tenant or mechanic, on account of any vote which such laborer, employe, tenant or mechanic has given or purposes to give, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than five hundred dollars, one-half of which shall go to the school fund of the parish in which the offense was committed, and by imprisonment in the parish prison for not less than three months.

SEC. 69. *Be it further enacted, etc.,* That any person who shall molest, disturb, interfere with, or threaten with violence, any commissioner of election or person in charge of the ballot boxes, while in charge of the same, between the time of the close of the polls and the time that said ballot boxes are delivered to the supervisor of registration, shall be deemed guilty of a felony, and upon conviction thereof shall be punished by a fine of not less than five hundred dollars, or by imprisonment in the penitentiary not less than one year, or both, at the discretion of the court.

Interference
with commis-
sioners, etc.

SEC. 70. *Be it further enacted, etc.,* That any person not authorized by this law to receive or count the ballots at an election, who shall, during or after any election, and before the votes have been counted by the supervisors of registration, disturb, displace, conceal, destroy, handle or touch any ballot, after the same has been received from the voter by a commissioner of election, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be punished by a fine of not less than one hundred dollars, or by imprisonment for not less than six months, or both, at the discretion of the court.

Disturbing the
counting of bal-
lots.

SEC. 71. *Be it further enacted, etc.,* That any person not authorized by this law to take charge of the ballot boxes at the close of the election who shall take, receive, conceal, displace or [in] any manner handle or disturb any ballot box at any time between the hour of the closing of the polls and the transmission of the ballot box to the supervisor of registration, or during such transmission, or at any time prior to the counting of the votes by the supervisor of registration, shall be deemed guilty of a felony, and upon conviction thereof shall be punished by a fine of not less than five hundred dollars, or by imprisonment in the penitentiary not less than one year, or both, at the discretion of the court.

Interference
with ballot
boxes.

SEC. 72. *Be it further enacted, etc.,* That if any person shall by bribery, menace, willful falsehood, or other corrupt means, directly or indirectly attempt to influence any elector of this State in the giving his vote or ballot, or to induce him to withhold the same, or disturb or hinder him in the free exercise of the right of suffrage at any election in this State, he shall, on conviction thereof, be deemed guilty of a misdemeanor, and be fined not more than five hundred dollars, and be imprisoned in the parish prison for a term not exceeding six months, and shall also be ineligible to any office in the State for the term of two years.

Interference
with free exer-
cise of right of
suffrage.

SEC. 73. *Be it further enacted, etc.,* That it shall be unlawful for any person to carry any gun, pistol, bowie knife or other dangerous weapon, concealed or unconcealed, on any day of election during the hours the polls are open, or on any day of registration or revision of registration, within a distance of one-half mile of any place of registration or revision of registration; any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and on conviction shall be punished by a fine of not less than one hundred dol-

Weapons.

lars, and by imprisonment in the parish jail for not less than one month; provided, that the provisions of this section shall not apply to any commissioner or officer of the election or supervisor or assistant supervisor of registration, police officer or other person authorized to preserve the peace on days of registration or election.

Liquors.

SEC. 74. *Be it further enacted, etc.,* That no person shall give, sell or barter any spirituous or intoxicating liquors to any person on the day of election, and any person found guilty of violating the provisions of this section shall be fined in a sum of not less than one hundred dollars, nor more than three hundred dollars, which shall go to the school fund.

Corruptly voting.

SEC. 75. *Be it further enacted, etc.,* That whoever, knowing that he is not a qualified elector, shall vote or attempt to vote at any election, shall be fined in a sum not to exceed one hundred dollars, to be recovered by prosecution before any court of competent jurisdiction.

Double vote.

SEC. 76. *Be it further enacted, etc.,* That whoever shall knowingly give or vote two or more ballots folded as one at any election, shall be fined in a sum not to exceed one hundred dollars, to be recovered by prosecution before any court of competent jurisdiction.

Bribery to influence voters.

SEC. 77. *Be it further enacted, etc.,* That whoever, by bribery or by a promise to give employment or higher wages to any person, attempts to influence any voter at any election, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than one hundred dollars, and by imprisonment in the parish prison for not less than three months.

Obtaining illegal voting.

SEC. 78. *Be it further enacted, etc.,* That whoever willfully aids or abets any one, not legally qualified, to vote or attempt to vote at any election, shall be fined in a sum of not less than fifty dollars, to be recovered by prosecution before any court of competent jurisdiction.

Disorderly houses.

SEC. 79. *Be it further enacted, etc.,* That whoever is disorderly at any poll or voting place during an election, shall be fined in a sum not less than twenty dollars, to be recovered by prosecution before any court of competent jurisdiction.

Meetings of citizens.

SEC. 80. *Be it further enacted, etc.,* That whoever shall molest, interrupt or disturb any meeting of citizens assembled to transact or discuss political matters, shall be fined in a sum not less than fifty dollars, to be recovered by prosecution before any court of competent jurisdiction.

Imprisonment.

Any sheriff, constable or police officer present at the violation of this section shall forthwith arrest the offender or offenders, and convey him or them, as soon as practicable, before the proper court.

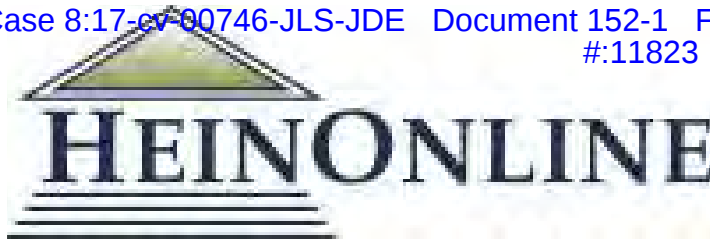
SEC. 81. *Be it further enacted, etc.,* That the court imposing any fine, as directed in sections seventy-four, seventy-five, seventy-six, seventy-seven, seventy-eight, seventy-nine and eighty of this act, shall commit the person so fined to the parish prison until the fine is paid; *Provided,* That said imprisonment shall not exceed six months.

Perjury.

SEC. 82. *Be it further enacted, etc.,* That in cases where any oath or affirmation shall be administered by any supervisor of registration, assistant supervisor of registration or commissioner of election, in the performance of his duty as prescribed by law, any person swearing or affirming falsely in the premises shall be deemed guilty of perjury, and subjected to the penalties provided by the law for perjury.

Duty of Governor to insure peace.

SEC. 83. *Be it further enacted, etc.,* That the Governor shall take all necessary steps to secure a fair, free and peaceable election; and shall, on the days of election, have paramount charge and con-



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boundary line; thence with said Wandville and Chestnut Bluff road, in a north-eastern direction, to a point where the Haywood and Lauderdale County line crosses said road, and that portion of Haywood lying west of said line as designated, be stricken off from Haywood and attached to Lauderdale County, also that portion of Thos. Lea's land lying in Haywood County, being about ten acres, be attached to Lauderdale County.

SEC. 2. *Be it further enacted*, The public welfare requiring it, that this Act take effect from and after its passage.

Passed June 6, 1870.

W. O'N. PERKINS,
Speaker of the House of Representatives.

D. B. THOMAS,
Speaker of the Senate.

Approved June 17, 1870.

D. W. C. SENTER,
Governor.

CHAPTER XIII.

AN ACT to Preserve the Peace and Prevent Homicide.

Carrying of
arms private-
ly.

Penalty.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall not be lawful for any person to publicly or privately carry a dirk, sword-cane, Spanish stiletto, belt or pocket pistol or revolver. Any person guilty of a violation of this section shall be subject to presentment or indictment, and on conviction, shall pay a fine of not less than ten nor more than fifty dollars, and be imprisoned at the discretion of the Court for a period of not less than thirty days nor more than six months, and shall give bond in a sum not exceeding one thousand dollars to keep the peace for the next six months after such conviction.

Duty of offi-
cers.

SEC. 2. *Be it further enacted*, That it shall be the duty of all peace officers in this State to see that the first section of this Act is strictly enforced, and if they know of its violation, it is hereby made their duty to report the same to the Grand Jury of their county at its next term after such violation, who shall proceed to make present-

ment without a prosecutor. All Sheriffs, Deputy Sheriffs, Coroners, Justices of the Peace and Constables shall be deemed peace officers under the provisions of this Act. Peace officers. If any of the aforesaid officers fail or refuse to perform the duties required of them by the provisions of this Act, they shall be liable to presentment or indictment, and on conviction shall be fined not less than ten nor more than Penalty for neglect'g duty. fifty dollars, and shall be dismissed from office, and shall be disqualified from holding said office for the period of their unexpired term. It shall be the duty of the Grand Duty of gr'nd Juries. Juries to send for witnesses in all cases where they have good reason to believe that the provisions of this Act have been violated, and upon satisfactory evidence of its violation, they shall make presentments of the same without a prosecutor. It shall be the duty of the Circuit Judges' duty. and criminal Judges and all other Judges whose Courts have criminal jurisdiction, to give this Act specially in charge to the Grand Jury at each term of the Court.

SEC. 3. *Be it further enacted*, That the provisions of the first section of this act shall not apply to an officer or policeman while *bona fide* engaged in his official duties in the execution of process, or while searching for or engaged in the arrest of criminals; nor to any person who is *bona fide* aiding the officers of the law or others in the legal arrest of criminals, or in turning them over to the proper authorities after arrest; nor to any person who is not on a journey out of their county or State. Officers, policemen, etc.

SEC. 4. *Be it further enacted*, It shall be the duty of the several courts in this State to give this act a liberal Duty of Courts. construction, so as to carry out its true intent and meaning. This act to take effect forty days from and after its passage.

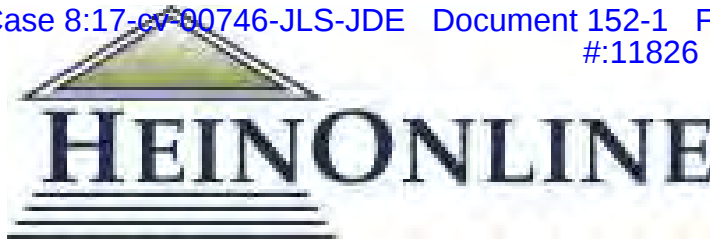
Passed June 11th, 1870.

W. O'N. PERKINS,
Speaker of the House of Representatives.

D. B. THOMAS,
Speaker of the Senate.

Approved June 16, 1870.

D. W. C. SENTER,
Governor.



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GENERAL LAWS

OF THE

TWELFTH LEGISLATURE,

OF THE

STATE OF TEXAS.

CALLED SESSION.

BY AUTHORITY.



AUSTIN:
PRINTED BY TRACY, SIEMERING & CO.
1870.

GENERAL LAWS.

63

CHAPTER XLVI.

AN ACT REGULATING THE RIGHT TO KEEP AND BEAR ARMS.

SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That if any person shall go into any church or religious assembly, any school room or other place where persons are assembled for educational, literary or scientific purposes, or into a hall room, social party or other social gathering composed of ladies and gentlemen, or to any election precinct on the day or days of any election, where any portion of the people of this State are collected to vote at any election, or to any other place where people may be assembled to muster or to perform any other public duty, or any other public assembly, and shall have about his person a bowie-knife, dirk or butcher-knife, or fire-arms, whether known as a six shooter, gun or pistol of any kind, such person so offending shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined in a sum not less than fifty or more than five hundred dollars, at the discretion of the court or jury trying the same; provided, that nothing contained in this section shall apply to locations subject to Indian depredations; and provided further, that this act shall not apply to any person or persons whose duty it is to bear arms on such occasions in discharge of duties imposed by law.

SEC. 2. That this act take effect and be in force in sixty days from the passage thereof.

Approved August 12, 1870.

CHAPTER XLVII.

AN ACT AUTHORIZING THE GOVERNOR TO ORDER AN ELECTION TO BE HELD IN HILL COUNTY FOR THE PERMANENT LOCATION OF THEIR COUNTY SEAT.

SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That the Governor of the State of Texas be, and is hereby authorized to order an election to be held in the county of Hill, on the second Monday in September, A. D. 1870, (or as soon thereafter as possible), for the permanent location of the county seat of the

GENERAL LAWS.

county of Hill; said election shall be held at such places and under such rules and regulations as the Governor may prescribe.

SEC. 2. That the returns of said election shall be made to the Secretary of State, within twenty days after said election shall have been held, and the town receiving two-thirds of the votes cast shall be the permanent county seat of the county of Hill, but should no place receive two-thirds of the votes cast, the present county seat shall remain the permanent one.

SEC. 3. That the Governor shall, within twenty days after the returns of said election shall have been received, notify the Police Court of the county of Hill of the result of said election.

SEC. 4. That this act be in force from and after passage.

Approved August 12, 1870.

CHAPTER XLVIII.

AN ACT MAKING APPROPRIATIONS FOR THE PAYMENT OF THE EXPENSES OF MAINTAINING RANGING COMPANIES ON THE FRONTIER.

SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That the sum of seven hundred and fifty thousand dollars, or so much thereof as may be necessary, be and the same is hereby appropriated, out of any moneys in the State Treasury (derived from the sale or hypothecation of the bonds of the State issued for frontier protection), for the purpose of paying all expenses connected with the organization, arming and maintenance of the ranging companies on the frontier, called into service under the provisions of the act approved June 13, 1870.

SEC. 2. That this appropriation shall be expended under the direction of the Governor; and the Comptroller of Public Accounts shall, under the special direction of the Governor, audit all claims and accounts incurred for the purposes hereinbefore mentioned, and shall draw his warrant on the Treasurer for the payment of the same.

SEC. 3. That this act shall take effect from and after its passage.

Approved August 12, 1870.