UNITED STATES DISTRICT COURT FOR THE DISTRICT OF HAWAI'I

JASON WOLFORD; ALISON WOLFORD; ATOM KASPRZYCKI; HAWAII FIREARMS COALITION, No. 1:23-cv-00265-LEK-WRP

Plaintiffs,

v.

ANNE E. LOPEZ, in her official capacity as the Attorney General of the State of Hawai'i; MAUI COUNTY,

Defendants.

DECLARATION OF DR. BRENNAN GARDNER RIVAS

- 1. I am over the age of eighteen (18) years, competent to testify to the matters contained in this declaration, and testify based on my personal knowledge and information.
- 2. I hold a Ph.D. in history from Texas Christian University, awarded in 2019. My expertise includes historical weapon regulations in the United States. I have several publications on this topic, including peer-reviewed articles in the *Southwestern Historical Quarterly*, and a chapter in an edited collection forthcoming by Oxford University Press; last year, my article, "Enforcement of Public Carry Restrictions: Texas as a Case Study" (June 2022), was published in the *UC Davis Law Review*.

- 3. I am currently completing a book manuscript, based upon my dissertation research, which traces the development and implementation of weapon and firearm policies in Texas across a century-long period. This manuscript has undergone the first round of peer-review and is currently under contract with an academic press.
- 4. I have provided expert analysis and expert witness testimony in *Miller v*. Bonta, No. 3:19-cv-01537-BEN-JLB (S.D. Cal.); Duncan v. Bonta, No. 17-1017-BEN-JLB (S.D. Cal.); Angelo v. District of Columbia, No. 1:22-cv-02256-RC (D. D.C.); Christian v. Nigrelli, No. 22-cv-00695 (JLS) (W.D. N.Y.); Frey v. Nigrelli, No. 21 Civ. 5334 (NSR) (S.D. N.Y.); Brumback v. Ferguson, No. 1:22-cv-03093-MKD (E.D. Wash.); Sullivan v. Ferguson, No. 3:22-cv-5403 (W.D. Wash.); Siegel v. Platkin, No. 22-CV-7463 (RMB) (AMD) (D. N.J.); NAGR v. Campbell, No. 1:22-cv-11431-FDS (D. Mass.); Oregon Firearms Federation, Inc. v. Kotek, No. 2:22-cv-01815-IM (D. Ore.); NSSF v. Jennings, No. 22-cv-01499-RGA (D. Del.); Chavez v. Bonta, No. 3:19-cv-01226-L-AHG (S.D. Cal.) (f/k/a Jones v. Bonta); Nguyen v. Bonta, No. 3:20-cv-02470-WQH-BGS (S.D. Cal.); Baird v. Bonta, No. 2:19-cv-00617-KJM-AC (E.D. Cal.); *Nichols v. Bonta*, No. 3:11-cv-09916-SJO-SS (C.D. Cal.); Wiese v. Bonta, No. 2:17-cv-00903-WBS-KJN (E.D. Cal.). I am currently working on potential expert witness reports and declarations that may be provided in other jurisdictions. I have been deposed and testified at trial in one matter, Oregon Firearms Federation, Inc. v. Kotek, No. 2:22-cv-01815-IM (D. Or.).
- 5. A true and correct copy of my current curriculum vitae is attached as **Exhibit A** to this declaration.

- 6. I have been retained by the State of Hawai'i to render expert opinions in this case. I make this declaration on the basis of my training, professional expertise, and research. For my work in this case, I am being compensated at a rate of \$200/hour for preparatory work and \$325/hour for court work.
- 7. For this engagement, I was asked to provide expert testimony about historical gun regulations that pertained to public carry laws, sensitive places, and nineteenth century gun regulations in Texas.
- 8. I have compiled relevant sources to the best of my ability given the expedited nature of the briefing schedule on Plaintiffs' Motion for Temporary Restraining Order. If given more time, I could likely provide the Court with a more comprehensive understanding of relevant historical gun regulations.
- 9. This declaration proceeds in four parts: an overview of the general history of public carry restrictions in the North American colonies and the United States; an explication of a sensitive places law enacted in Texas in 1870-1871 and description of the socio-political context that prompted its enactment; an explanation of how and why there is reason to believe that as-yet unidentified municipal ordinances on this subject existed in the United States; and a brief discussion of why more time is necessary to explore the history of urban gathering places with a view toward the legality and propriety of carrying weapons there.

The History of Public Carry Laws in America

10. Americans of the late eighteenth and nineteenth centuries had laws that broadly prohibited the carrying of firearms and other deadly weapons in public. Early versions of these regulations, particularly those enacted in the eighteenth century by colonial and early American legislatures, tended to draw

heavily from legal language with deep roots in the English common law tradition, reaching at least as far back as the Statute of Northampton from 1328. The Statute of Northampton generally prohibited the carrying of arms in "Fairs, Markets, nor in the Presence of the Justices or Ministers nor in no Part elsewhere." The public spaces specifically named and protected under the Statute were the very public areas that people frequented in their daily lives—the town markets and gatherings, and the town itself under the direction of local officials, formed the very heart of community life.

11. This tradition was absorbed into American law, where numerous colonies and states enacted similar measures that forbade someone to "go or ride" armed in public spaces. An early example provided that individuals shall neither "go nor ride armed by night nor by day, in fair or markets, or in other places, in

¹ Patrick J. Charles, "The Faces of the Second Amendment Outside the Home: History versus Ahistorical Standards of Review," *Cleveland State Law Review* 60, no. 1 (2012), 7-40; Saul Cornell, "The Long Arc of Arms Regulation in Public: From Surety to Permitting, 1328-1928," *UC Davis Law Review* 55, no. 5 (June 2022), 2560-2566.

² 2 Edw. 3, c. 3 (1328) (Eng.) (Ex. B); *see also* 25 Edw. 3, st. 5, c. 2, § 13 (1350) (Eng.) (Ex. C) (if "any Man of this Realm ride armed covertly or secretly with Men of Arms against any other... shall be judged Treason").

terror of the Country,³ upon pain of being arrested and committed to prison."⁴ Under this scheme, no one was permitted to carry arms into public areas without having a justifiable reason. Anyone violating this rule would have been subject to questioning by local officials and "bound" to the peace through a peace bond or surety.⁵

³ In New York State Rifle & Pistol Ass'n v. Bruen, 142 S. Ct. 2111, 2144-50 (2022), the Supreme Court suggested that the phrases "to the terror of the country" and "to the terror of the people" cabined these early statutes to prohibiting firearm carry only in a threatening manner. But the latest research, published after Bruen, shows that, according to common law, the act of carrying deadly weapons in public spaces was inherently terrifying and therefore a breach of the peace. See Saul Cornell, "The Long Arc of Arms Regulation in Public: From Surety to Permitting, 1328-1928," U.C. Davis Law Review 55 (June 2022), 2555-2556 ("There was no requirement that one establish an intent to terrify or that the armed travel terrorized any specific person, the injury was to the King's Peace and sovereignty."); Patrick J. Charles, "The Fugazi Second Amendment: Bruen's Text, History, and Tradition Problem and How to Fix It," Cleveland State Law Review 71, no. 3 (2022, forthcoming), draft p.12 ("What [English jurists'] restatements inform is that by the early-to-mid-seventeenth century, England's preeminent legal minds understood that the act of carrying dangerous weapons was sufficient to amount to an affray, 'strike a feare' or 'striketh a feare.' ") [draft available at:

https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4222490].

⁴ 1786 Va. Laws 33, ch. 21, An Act forbidding and punishing Affrays (Ex. D). A non-exhaustive list of additional examples includes: 1835 Mass. Acts 750 ("If any person shall go armed with a dirk, dagger, sword, pistol, or other offensive and dangerous weapon, without reasonable cause to fear an assault or other injury, or violence to his person, or to his family or property, he may on complaint of any person having reasonable cause to fear an injury, or breach of the peace, be required to find sureties for keeping the peace.") (Ex. E); François Xavier Martin, A Collection of Statutes of the Parliament of England in Force in the State of North Carolina, 60-61 (Newbern 1792) (Ex. F) ("...nor to go nor ride armed by night nor by day, in fairs, markets nor in the presence of the King's Justices, or other ministers, nor it [sic, likely "in"] no part elsewhere, upon pain to forfeit their armour to the King, and their bodies to prison at the King's pleasure"); see also 1821 Me. Laws 285, ch. 76, § 1 (Ex. G) (simplified to a requirement that officials "cause to be staid and arrested, all affrayers, rioters, disturbers or breakers of the peace, and such as shall ride or go armed offensively, to the fear or terror of the good citizens of this State").

⁵ The peace bond was one of many processes inspired by America's common law heritage. See Laura Edwards, The People and Their Peace: Legal Culture and the Transformation of Inequality in the Post-Revolutionary South (Chapel Hill: University of North Carolina Press, 2009), 73-74, 96; Saul Cornell, "History, Text, Tradition, and the Future of Second Amendment Scholarship: Limits on Armed Travel under Anglo-American Law, 1688-1868," Law and Contemporary Problems 83, no. 3 (Summer 2020), 73-95; Saul Cornell, "Right to Carry Firearms outside of the Home: Separating Historical Myths from Historical Realities," Fordham

- 12. In the nineteenth century, the language of American public carry regulations began to shift away from the inherited language of common law, and toward more explicit statutory prohibitions. These public carry laws generally prohibited the concealment of certain specified weapons in public spaces, and are therefore known as concealed-carry laws. The approach of prohibiting the carrying of concealed weapons spread rapidly, including in slaveholding states and those removed from the Atlantic coast.⁶
- 13. The language of concealed carry laws might at first suggest that open carry of firearms was accepted and commonplace, but that was not the case. Individuals generally did not view concealed carry laws as giving permission to openly carry in populated places during a person's ordinary activities. For example, in 1843, an appellate court in North Carolina stated, "No man amongst us carries [a firearm] about with him, as one of his every day accoutrements—as a part of his dress—and never we trust will the day come when any deadly weapon will be worn

Urban Law Journal 39, no. 5 (October 2012), 1719-1723. Edwards's passage on peace bonds is worth quoting at length: "Peace bonds threw enforcement back on the community, summoning family, friends, and neighbors to police the troublemakers. Bonds required one or more other people to put up the amount, making them liable if the accused broke the peace again. That economic obligation represented the signers' promise to keep the offender in line. Peace bonds put everyone else in the community on notice as well, investing them with the responsibility of policing the peace until the end of the probation period."

⁶ Examples include: 1813 La. Acts 172, An Act Against Carrying Concealed Weapons, and Going Armed in Public Places in an Unnecessary Manner, § 1 (Ex. H) ("That from and after the passage of this act, any person who shall be found with any concealed weapon, such as a dirk, dagger, knife, pistol, or any other deadly weapon concealed in his bosom, coat, or in any other place about him that do not appear in full open view, any person so offending, shall on conviction thereof before any justice of the peace, be subject to pay a fine..."); Revised Statutes of the State of Arkansas, Adopted at the October Session of the General Assembly of Said State, A.D. 1837 (Ex. I) ("Every person who shall wear any pistol, dirk, butcher or large knife, or a sword in a cane, concealed as a weapon, unless upon a journey, shall be adjudged guilty of a misdemeanor, and upon conviction thereof, in the county in which the said offence shall have been committed, shall be fined in any sum not less than twenty-five dollars...").

⁷ Mark Anthony Frassetto, "The Myth of Open Carry," U.C. Davis Law Review 55 (June 2022).

or wielded in our peace loving and law-abiding State, as an appendage of manly equipment." And a Louisiana case from 1856 held that a partially visible weapon was a violation of the concealed carry law because it was "the result of accident or want of capacity in the pocket to contain, or clothes fully to cover the weapon, and not the extremely unusual case of the carrying of such weapon in full open view, and partially covered by the pocket or clothes."

14. Public carry laws in force during the late eighteenth and nineteenth centuries, whether they employed language from English common law or took the shape of concealed-carry laws, applied to public spaces in American communities large and small.

Firearm Prohibitions in Texas during the Reconstruction Era

15. In 1870, the State of Texas enacted a law prohibiting individuals from carrying firearms in a broad range of sensitive places. ¹⁰ The statute provided:

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 ballroom, 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

⁸ State v. Huntley, 25 N.C. 418 (1843).

⁹ State v. Smith, 11 La. Ann. 633 (1856).

 $^{^{10}}$ 1870 Tex. Gen. Laws 63, ch. 46, \S 1 (Ex. J).

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.

- 16. The historical context surrounding the 1870 Texas law is crucial to understanding its purpose. Several social and cultural forces converged during Reconstruction to make that period especially tumultuous in Texas and the South more broadly. One critical part of lawmakers' responses to these new societal concerns was to prohibit arms in certain public spaces, especially those that featured large gatherings of people. Although not all states enacted legislation similar to the 1870 law, those other states were not confronted with the unique social concerns in Texas that resulted in passage of the 1870 law.
- 17. In Texas, the defeat of the Confederate cause led to political instability, racial violence, and a profound distrust of government institutions. Confederate sympathies there still ran high because Texans had not been conquered or occupied by U.S. Army forces during the war.
- 18. Meanwhile, revolvers were flooding American consumer markets. After Samuel Colt's patent on his revolver design expired in 1857, other manufacturers began producing similar models for the United States military during the Civil War. After the war, demobilization ended those contracts, and gunmakers turned to American consumers to buy their pistols. The net result was more and cheaper pistols throughout the country, 11 including in areas plagued by violence and social dislocation, such as postbellum Texas.

¹¹ Colt's Army revolvers cost about \$20 at the time of the Civil War, but subsequent entrants into the market sold small pocket pistols for as little as \$1.40. For example, *see* digitized Sears and Roebuck catalog (1898), pp. 365-367. Regardless of caliber, the pistols from Colt's ran about \$12 to \$13 in the catalog but retailed elsewhere for something closer to \$18 (*see* p. 367).

- 19. Another factor involved in Texas's experience with gun regulation involved demographic changes. Since the 1820s, Texas had consistently drawn immigrants from other parts of the United States, but that growth accelerated rapidly after statehood and the conclusion of the U.S.-Mexican War. In just the three years between 1847 and 1850, the population grew from an estimated 142,000 to 212,295 (a growth of nearly fifty percent). By the time of the 1860 census, the population reached 604,215. Even during the Civil War, tens of thousands of people moved to Texas, and the pace of migration accelerated rapidly between 1870 and 1900 as the state's population of roughly 800,000 grew to more than 3,000,000. 13 Many (and possibly most) of these newly engrafted Texans intended to farm or ranch, meaning that they would live outside of the towns and market centers; but rail construction enabled industrial development and the formation of towns, which led to a period of urbanization in postbellum Texas.¹⁴ The market towns of Texas—rail stops and county seats—created more opportunities for altercations that could result in violence and crime.
- 20. Following the Civil War, Texans from all walks of life, from fireeating secessionists to reluctant Confederates and dedicated unionists, all recognized that there was a gun problem in their state. The governor elected in 1866, who represented a coalition of Confederate sympathizers called Conservatives, specifically asked the legislature to do something about the

Meanwhile, the smaller caliber pocket pistols from other brands could be ordered for as little as \$1.40 (*see* p. 365). For the 1898 Sears & Roebuck catalog online, *see* https://archive.org/details/consumersguideno00sear/page/365/mode/lup?q=pistol.

¹² On population figures in Texas between 1847 and 1860, *see* Randolph B. Campbell, *Gone to Texas: A History of the Lone Star State* (New York: Oxford University Press, 2003), 205.

¹³ On population figures in Texas between 1870 and 1900, see Campbell, Gone to Texas, 304.

¹⁴ Texas went from having only 9 urban centers of 2,500 residents or more in 1870 to having 42 in 1900. *See* Campbell, *Gone to Texas*, 307.

problem. He said he did not believe "that it was intended by the Constitution to convey the idea that men and boys, vagabonds and vagrants, were to be licensed to have arms about their persons on all occasions." He proposed a tax on all "pistols and weapons carried about the person," though disagreements about rates, terms, and other details prevented the proposal from being enacted. ¹⁶

21. During the late 1860s, the Conservatives fell from power in favor of a fledgling Republican party composed of Freedpeople and Unionists. They, too, agreed that there was a gun problem in Texas, and they determined to do something about it. Republican leaders at the convention agreed with the Conservatives about the need for gun regulation, but their experiences of persecution at the hands of secessionists, Confederates, Conservatives and others (all of whom ultimately coalesced into a resurgent Democratic party) made it a priority for them. Republicans in 1868 did much the same thing that we do now: they gathered as much information as possible about crime in order to understand the problem they faced and inform the route they might take to address it. They created a special Committee on Lawlessness and Violence that requested all counties to send information about crimes committed since 1865. Not all counties participated, but the committee's reports told a "frightful story of blood." The committee ultimately uncovered 939 homicides between 1865 and the summer of 1868, a disproportionate number of which involved Freedpeople killed at the hands of whites. 18 Convention delegates also received the annual report from military

¹⁵ House Journal (1866), 199-200.

¹⁶ *Id*.

¹⁷ Journal of the Reconstruction Convention (1868-1869), 194.

¹⁸ *Journal of the Reconstruction Convention* (1868-1869), 193-203, 194. White and black Texans were murdered in about equal numbers, which is itself a dramatic overrepresentation of the state's African American population, which constituted about 30% of the state overall. To make

authorities, which told of the rise of the Ku Klux Klan, conspiracies to intimidate Black voters, and declared that "the civil law east of the Trinity river is almost a dead letter." The information gathered by Republicans in 1868 and 1869 became the evidentiary foundation for a law-and-order platform that their candidates promoted in upcoming campaigns. ²⁰

As a result of these factors, the legislative session that met in 1870 22. enacted a law for the state that prohibited all firearms and weapons in certain public spaces. A member of the state senate introduced the bill that ultimately became the 1870 sensitive spaces law, which made it a misdemeanor for anyone to "have about his person" deadly weapons at public gatherings. The prohibited weapons were "A bowie knife, dirk or butcher knife, or firearms, whether known as a six-shooter, gun, or pistol of any kind." It is important to note that this bill included the terms "firearms" and "gun," which would have applied to rifles and shotguns as well as pistols. Even more exhaustive than the list of prohibited weapons was that of the social settings in which public carry would be illegal: "any church or religious assembly, any school room or other place where persons are assembled for educational, literary or scientific purposes, or into a ball 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

matters worse, the overwhelming majority of freedman deaths were committed by whites (373 of 429), yet only ten white deaths came at the hands of freedmen.

¹⁹ See Report and Declaration of Special Committee on the condition of the State concerning elections, in *Journal of the Reconstruction Convention* (1868-1869), 107-115.

²⁰ Journal of the Reconstruction Convention (1868-1869), 194.

where people may be assembled to muster or perform any other public duty, or any other public assembly "²¹

- 23. The primary exemption created by the 1870 sensitive spaces law was a proviso for "any person or persons whose duty it is to bear arms on such occasions in discharge of duties imposed by law." This would have effectively limited the carrying of weapons to peace officers and active-duty soldiers or militiamen engaged in their duties. Armed soldiers or other officials frequently guarded polling stations in Texas during Reconstruction due to the high incidence of voter fraud. The drafters in 1870 likely also envisioned sheriffs, deputies, marshals, and constables who were loyal to the United States as well as the new State Police force and active-duty members of the militia. ²³
- 24. Subsequent iterations of the 1870 law incorporated the same exception, though they deviated slightly from the original language and structure. A later reenactment of the same law embedded the exception within one of the several clauses that made up the list of weapon-free spaces. It prohibited the carrying of weapons in various public spaces "or to any other place where people may be assembled to muster, or to perform any other public duty, (except as may be required or permitted by law,)…."²⁴ The context surrounding the exception clearly indicates that the drafters intended it to cover the carrying of arms to militia musters or by duly authorized persons performing a public duty; in other words,

²¹ 1870 Tex. Gen Laws 63, Ch. 46, § 1 (Ex. J).

²² *Id*.

²³ On the Texas State Police, an organization that existed during Republican rule in Texas, *see* John G. Johnson, "State Police," *Handbook of Texas Online*, https://www.tshaonline.org/handbook/entries/state-police, published by the Texas State Historical Association.

²⁴ 1871 Tex. Gen. Laws 25, ch. 34 § 1 (Ex. K).

the exception applied to peace officers as well as soldiers and militiamen in actual service. When state lawmakers issued a revised penal code in 1879, the exception was relocated to a subsequent article which read: "The preceding article shall not apply to peace officers or other persons authorized or permitted by law to carry arms at the places therein designated." Even though the format and phrasing of the exception changed, its substance did not—the exception was for peace officers and active-duty militia. The exception would not have reached ordinary, civilian gunowners, as there was no general gun permitting scheme in Texas at the time.

- 25. Realizing that the sensitive places statute was not enough to sufficiently curb the violence in their communities, the Texas legislature in 1871 enacted a more comprehensive deadly weapons prohibition that incorporated the sensitive places law passed one year earlier. Section 1 of the 1871 law prohibited both concealed and open carry of deadly weapons in public altogether while Section 3 expanded the prohibition on carrying deadly weapons in sensitive places. Lawmakers added as sensitive places assemblies for "amusement," like "any circus, show, or public exhibition of any kind," as well as those assemblies "for educational or scientific purposes." In 1879, the statute and its several sections were reformatted in the penal code as a chapter concerning the unlawful carrying of arms. The sensitive places law and its exception became Articles 320 and 321.
- 26. In 1872, a series of convictions for unlawfully carrying arms made their way to the state supreme court. The Defendant William Daniels had been

²⁵ Penal Code of the State of Texas, (1879), Title X, Offenses Against the Public Peace, Chapter 4, Unlawfully Carrying Arms, § 321 (Ex. L).

²⁶ 1871 Tex. Gen. Laws 25, ch. 34 § 1 (Ex. K).

²⁷ *Id*.

²⁸ Penal Code of the State of Texas, § 318-323 (Ex. L).

convicted under Section 3 of the 1871 deadly weapon law, which was the updated sensitive places provision. He had gone to a church service with the handle of a butcher knife visible in his waistband. Two other appellants, William English and G. W. Carter, had been convicted under Section 1, which prohibited carrying deadly weapons (open or concealed) upon one's person or in one's saddlebags. The three cases were consolidated into one case, called *English v. State*²⁹, which addressed certain questions about Texans' constitutional and fundamental rights to carry weapons. A distinguished attorney who later joined the state supreme court argued that the 1871 deadly weapon law violated the Second Amendment to the US Constitution, that it violated the Article I, Sec. 13 of the Texas Constitution of 1869³⁰, and that it deprived Texans of their customary right to self-defense.³¹ The court profoundly disagreed with these claims.

27. The Chief Justice stated emphatically that "No kind of travesty, however subtle or ingenious could so misconstrue this provision of the constitution of the United States, as to make it cover and protect that pernicious vice, from which so many murders, assassinations, and deadly assaults have sprung, and which it was doubtless the intention of the legislature to punish and prohibit."³² The court went on to say that: "[W]e do not intend to be understood as admitting for one moment, that the abuses prohibited are in any way protected either under the state or federal constitution. We confess it appears to us little short of

²⁹ English v. State, 35 Tex. 473 (1872).

³⁰ "Every person shall have the right to keep and bear arms, in the lawful defence of himself or the State, under such regulations as the Legislature may prescribe."

³¹ The opinion did not mention it, but Section 2 of the law provided that anyone convicted of publicly carrying a prohibited weapon could plead self-defense at trial; that exception did not technically apply to the sensitive places provision outlined in Section 3.

³² English, 35 Tex. 473.

ridiculous, that any one should claim the right to carry upon his person any of the mischievous devices inhibited by the statute, into a peaceable public assembly, as, for instance into a church, a lecture room, a ball room, or any other place where ladies and gentlemen are congregated together."³³

- 28. The decision in *English* ultimately rested upon state police power to affirm the constitutionality of the deadly weapon law. The court held that whatever conduct offends against public morals or public decency comes within the range of legislative authority.³⁴ The goal of a weapon-free public sphere, then, justified the enactments required to achieve it. Furthermore, the justices did not believe that the Texas law deviated from the national norm. "It is not our purpose to make an argument in justification of the law. The history of our whole country but too well justifies the enactment of such laws. This law is not peculiar to our own state, nor is the necessity which justified the enactment (whatever may be said of us to the contrary) peculiar to Texas. It is safe to say that almost, if not every one of the states of this Union have a similar law upon their statute books, and, indeed, so far as we have been able to examine them, they are more rigorous than the act under consideration."35 A subsequent court, this one staffed with Democrats rather than Republicans, reaffirmed the constitutionality of the deadly weapon law in a case decided in 1875.36
- 29. In the late 1870s and throughout the 1880s, Texas appellate judges consistently applied the sensitive places law without questioning its

³³ *Id* at 478-79.

³⁴ *Id.* at 473.

³⁵ *Id.* at 479.

³⁶ State v. Duke, 42 Tex. 455 (1875).

constitutionality. In 1878 they decided that a Justice of the Peace court qualified as a "public assembly" when it was in session hearing a cause.³⁷ The same year, the court determined that a man deputized to carry out a specific arrest did not qualify as a peace officer exempt from the weapon ban at polling places.³⁸ In 1889, a teacher feared that local residents would interfere with an entertainment event taking place at his school, so he took a pistol with him (and ended up brandishing it). Texas appellate judges forcefully condemned the idea that teachers were authorized to carry weapons in schoolhouses, saying that "such an effect could not be other than pernicious, and should not be tolerated."³⁹

30. Texas judges also evaluated the sensitive-places cases that involved claims of self-defense and the carrying of weapons to assemblies on private property. Their handling of these questions shows that nineteenth-century Texas courts prioritized the safety of the general public over the specific concerns or preferences of individual weapon-carriers. In two separate cases (one in 1877 and another in 1878), Texas appellate judges determined that the exception to the deadly weapon law for self-defense applied exclusively to Section 1 of the 1871 statute relating to open and concealed carry, not to Section 3 relating to gatherings and assemblies.⁴⁰ A person fearing an imminent and deadly attack could carry a

³⁷ Summerlin v. State, 1878 3 Tex. Ct. App. 444 (1878).

³⁸ Snell v. State, 4 Tex. App. 171 (1878)

³⁹ Alexander v. State, 11 S.W. 628 (Tex. App. 1889). The passage is worth quoting in full: "We can not believe that it was the purpose and intent of the Legislature to permit school teachers to carry prohibited weapons upon their persons in their school rooms among their pupils, or on the occasion of public assemblies in such school rooms. The law does not in terms accord them such a privilege, and, without a clearly expressed exception in such case, this court will not sanction a defense, the effect of which would be to authorize every school teacher in the State to carry prohibited weapons upon his person in our school rooms. Such an effect could not be other than pernicious, and should not be tolerated."

⁴⁰ Livingston v. State, 3 Tex. Ct. App. 74 (1877); Owens v. State, 3 Tex. Ct. App. 404 (1878).

weapon in violation of Section 1 and argue self-defense at trial if or when he/she was arrested for such behavior; but a person carrying a weapon under such circumstances could not then venture into any of the gathering places enumerated in Section 3 because doing so posed too great a danger to the safety of the general public. The court stated, "Nor does it matter how much or with what good reason I may be in dread of an immediate and pressing attack upon my person from a deadly enemy; the imminence of such danger affords no excuse in my wearing deadly weapons to church, or in a ball-room, or other places mentioned where his attack may be made and the lives of innocent people there assembled placed in jeopardy or sacrificed."⁴¹

- 31. In one of these cases, the defendant was tasked with being a "door-keeper and general manager, with authority to preserve peace and good order" at a ball, and toward that end, the owner of the establishment (a woman) had provided him a pistol to keep on his person throughout the evening. The court affirmed his conviction, saying that the exceptions for carrying weapons in one's home or place of business did not apply when other people were gathered there in assemblages that fell under Section 3. The court reasoned that: "The fact that I am owner of the premises gives me no right to carry deadly weapons to the terror, annoyance, and danger of a social gathering which I may have invited to my own house, however much I may be protected in carrying them when no one is there or likely to be endangered by them but my own family."⁴²
- 32. The majority opinion in *NYSRPA v. Bruen* treated the 1871 Texas statute as an outlier, but its discussion was limited to Section 1 of that law banning

⁴¹ Owens v. State, 3 Tex. Ct. App. 404 (1878).

⁴² *Id*.

open and concealed carry of arms in public altogether. As Section 3 of the 1871 law prohibiting carry in sensitive places was not unique. English recognized as much when it concluded, "This law is not peculiar to our own state, nor is the necessity which justified the enactment (whatever may be said of us to the contrary) peculiar to Texas." That conclusion was not wrong as many states around that time enacted similarly broad sensitive places prohibitions. For example, in 1869, Tennessee lawmakers prohibited the carrying of deadly weapons "concealed or otherwise" at elections or "any fair, race course, or other public assembly of the people." Similarly in 1870, Georgia lawmakers prohibited the carrying of deadly weapons "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 mustergrounds." Laws in effect in Missouri in 1879 and Oklahoma Territory in 1890 were nearly identical to the sensitive places law from Texas. Vermont and Mississippi both prohibited weapons inside schools, with the Mississippi legislature prohibiting students at colleges from possessing deadly weapons on

⁴³ 142 S. Ct. at 2153.

⁴⁴ *English*, 35 Tex. at 479.

⁴⁵ Ch. 22, 1869 Tenn. Pub. Acts 23[22] (36th Assembly, 1st Sess.), "An Act to Amend the Criminal Laws of the State," §2 (Ex. M). The section read in full: "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, race course, or other public assembly of the people, to carry about his person, concealed or otherwise, any pistol, dirk, Bowie-knife, Arkansas toothpick, or weapon in form, shape, or size resembling a Bowie knife or Arkansas tooth-pick, or other deadly or dangerous weapon." The following section (§3) stated: "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."

⁴⁶ Act No. 285, 1870 Ga. Laws 421 (Ex. N). The list of prohibited weapons included "any dirk bowie-knife, pistol or revolver, or any kind of deadly weapon." There was also no implicit or explicit exception for open carry. Violators convicted received a fine (\$20-50), imprisonment (10-20 days), or both.

⁴⁷ Revised Statutes of the State of Missouri (1879), ch.24, §1274 (Ex. O); 1890 Okla. Stat. 495-96 (Ex. P).

campuses or within two miles of them (effectively disarming college students within the limits of college towns).⁴⁸ Other laws prohibited the carrying of weapons at or near polling places, churches, and parks.⁴⁹

Additional Research into Municipal Ordinances

33. In addition to state legislatures, other jurisdictions had authority to regulate the carry of firearms and other weapons in public spaces.⁵⁰ For instance, the statewide 1870 sensitive places law from Texas was quite similar to a municipal ordinance from that same year in the city of San Antonio, one of the leading metropolitan and commercial centers in Texas. That ordinance prohibited

⁴⁸ Annotated Code of the General Statute Laws of the State of Mississippi (1892), "Crimes and Misdemeanors," §1030 (Ex. Q). "A student at any university, college, or school, who shall carry, bring, receive, own, or have on the campus, college or school grounds, or within two miles thereof, any weapon the carrying of which concealed is prohibited, or a teacher instructor, or professor who shall knowingly suffer or permit any such weapon to be carried, or so brought, received, owned, or had by a student or pupil, shall be guilty of a misdemeanor, and, on conviction, be fined not exceeding three hundred dollars or imprisoned in the county jail not exceeding three months, or both." Laws of Vermont, Special Session (1891), No. 85, §2 (Ex. R). "A person who shall carry or have in his possession while a member of and in attendance upon any school, any firearms, dirk knife, bowie knife, dagger or other dangerous or deadly weapon shall, upon conviction thereof, be fined not exceeding twenty dollars."

⁴⁹ 1870 La. Acts 159–60, "An Act to Regulate the Conduct and to Maintain the Freedom of Party Election," § 73 (Ex. S) (no carry concealed or unconcealed within a half mile of polling places on election day or registration places on days of voter registration); George Washington Paschal, *A Digest of the Laws of Texas*, 3rd ed. (1873) II: 1317-1318 (Ex. T) (no carry concealed or unconcealed within a half mile of polling places on election day or registration places on days of voter registration); John Prentiss Poe, *The Maryland Code : Public Local Laws, Adopted by the General Assembly of Maryland March 14, 1888* (Vol. 2, 1888), 1457 (Ex. U) (no carry by any person in Kent County on days of an election); 1886 Md. Laws 315, An Act to Prevent the Carrying of Guns, Pistols, Dirk-knives, Razors, Billies or Bludgeons by any Person in Calvert County, on the Days of Election in said County, ch. 189 §1 (Ex. V) (no carry by any person in Calvert County within 300 yards of polls on election day); 1877 Va. Acts 305, Offenses Against The Peace, § 21 (Ex. W) (no weapons in church during services, or anywhere beyond one's on premises on Sundays); Oscar F. Greene, *Revised Ordinances of the City of Boulder* (1899), 157 (no one save city police officers shall carry weapons into public parks) (Ex. X).

⁵⁰ See Id., especially examples from City of Boulder and Counties of Kent and Calvert, Maryland.

the carrying of "a bowie-knife, dirk, or butcher-knife or any fire arms or arms, whether known as six-shooter, gun or pistol of any kind," or any "brass-knuckles, slung shot, club, loaded or sword cane, or any other weapon of offence or defence" into a series of public spaces within the city. The list included: "any church, or religious assembly, any school-room, or other place where persons are assembled, for educational, literary or scientific purposes, or into any ball room, social or wedding party, or other assembly or gathering, for amusement or instruction, composed of males and females, or to any election precinct in the city, on the day or days of an election, or into any Court room or court of Justice, or to any other place where people or individuals may be assembled, to perform any public duty, or shall go into any other public assembly, or shall enter any bar-room, drinking saloon or any other place where people resort for business or amusement or shall join or accompany any public procession"⁵¹

34. It is likely that yet more municipal governments (in Texas and throughout the country) enacted sensitive places ordinances. These local laws are much more challenging to identify in the historical record, though, because compilations of historical ordinances have often not been preserved or digitized. The best access to municipal ordinances is often local newspapers, many of which have not been digitized, are no longer extant, or are incomplete. A thorough search of newspaper databases may yield more examples of municipal sensitive places laws, and yet more may be contained in the pages of old newspapers housed in archival collections or on microfilm. Identifying additional examples of these regulations would be a time-consuming process.

⁵¹ "An Ordinance," San Antonio Express (San Antonio, Texas), December 23, 1870 (Ex. Y).

Additional Time Needed for Further Research

- 35. As with any historical research project, my work in this area is still ongoing. In addition to the time-consuming process of identifying municipal sensitive places ordinances, yet more avenues are available to further research and contextualize the gun regulations enumerated in this declaration. More can be done to ascertain the immediate social and political context of sensitive places laws enacted in jurisdictions outside of Texas. There may be more analogous statutes that have not yet been captured by historians working on this topic. Moreover, local law enforcement in early American cities may have treated the carrying of weapons in public spaces as a disturbance of the peace rather than an unlawful act of arms-carrying.
- 36. At the time of the Founding, there were relatively few large cities, and those were significantly smaller in geographic and demographic size in 1791 than they were in 1868. American towns and cities developed differently based upon the period in which they were established and the time frame in which their rapid growth occurred, and the relative number of gathering places outside of public spaces such as courthouses and open-air markets varied based upon the trajectory of that development. A deeper look at the urbanized areas of the United States at various points in time is needed to properly contextualize historical sensitive-place regulations, and to more thoroughly understand Americans' historical views about the propriety and legality of carrying weapons to gathering spaces, entertainment venues, and public assemblies.

Conclusion

37. Many American jurisdictions had public carry laws that generally prohibited people from carrying deadly weapons within the confines of towns and

cities. Even though a sizeable number of these laws specifically prohibited *concealed* carry, the open carrying of pistols, bowie knives and other such weapons was not commonplace.

- 38. American jurisdictions also enacted special ordinances and statutes designed to protect public gathering places beyond simply courthouses and polling places. Some protected schools and college campuses, others applied to entire commercial districts and city centers during electoral proceedings, and yet more provided for the disarming of *all* public gatherings. Taking regulatory action to protect people assembled for entertainment, recreation, education, and civic purposes from potential violence is not unusual or ahistorical.
- 39. More time is needed to provide a comprehensive overview of this subject. There are likely as-yet unidentified analogous historical laws, particularly municipal ordinances. More research needs to be done surrounding the development of American towns and cities, the relative number and size of analogous sensitive places outside of government buildings, and the historical views of Americans regarding the propriety and legality of carrying weapons in those analogous spaces at earlier points in time.

I certify that pursuant to 28 U.S.C. § 1746 and under penalty of perjury that to the best of my knowledge, information, and belief, the foregoing is true and correct.

Brennan Gardner Rivas Brennan Gardner Rivas July 12, 2023

Brennan Gardner Rivas

Curriculum Vitae · June 2023

Employment

Lloyd Lewis Fellow in American History, The Newberry Library, 2021-2022

Bill & Rita Clements Fellow for the Study of Southwestern America, Southern Methodist University, Clements Center for Southwest Studies, 2020-2021

Lecturer in American History (full-time), Texas Christian University, Department of History, 2019-2020

Education

Ph.D., History, Texas Christian University, 2019

Thesis: "The Deadly Weapon Laws of Texas: Regulating Guns, Knives, & Knuckles in the Lone Star State, 1836-1930"

Advisor: Gregg Cantrell

M.A., History, Texas Christian University, 2013

Thesis: "Texas Antitrust Law: Formulation and Enforcement, 1889-1903"

B.A. with Honors, History, Oklahoma State University, 2010

Publications

Refereed Journal Articles

"An Unequal Right to Bear Arms: State Weapons Laws and White Supremacy in Texas, 1836-1900," Southwestern Historical Quarterly 121 (Jan 2018): 284-303.

Law Articles

"Strange Bedfellows: Racism and Gun Rights in American History and Current Scholarship" in Joseph Blocher and Jake Charles, eds., *New Histories of Gun Rights and Regulation: Essays on the Place of Guns in American Law and Society* (New York: Oxford University Press, forthcoming)

"Enforcement of Public Carry Restrictions: Texas as a Case Study," U.C. Davis Law Review (May 2022)

"The Problem with Assumptions: Reassessing the Historical Gun Policies of Arkansas and Tennessee," Second Thoughts, Duke Center for Firearms Law (Jan 2022)

Short Pieces

"Reflections on the American Gun Control Culture," *The Panorama: Expansive Views from the Journal of the Early Republic*, forthcoming, 2023.

"Charles F. Cooley," in *Wanted in America: Posters Collected by the Fort Worth Police*<u>Department, 1898-1903</u>, edited by LeAnna Schooley and Tom Kellam. Fort Worth: TCU Press, 2019.

Review of David R. Berman, *George Hunt: Arizona's Crusading Seven-Term Governor*, in *Southwestern Historical Quarterly* 114, no. 3 (January 2016): 327-329.

Public History

- "In the Past, Americans Confronted Gun Violence by Taking Action," Washington Post: Made by History Blog (Jun 2022)
 - $\sim \text{Op-ed}$ showcasing open-mindedness of 19^{th} century Americans about experimenting with new gun control measures
- "The Origin of Public Carry Laws in Texas," Texas Gun Sense Blog (Feb 2021)
- "Texas Gun Laws," Online Primary Source Collection, hosted by Omeka
 - ~ Online collection featuring primary sources from my research; feature exhibit titled "Crafting a Public Carry Law"
- "The Deadly Weapon Laws of Texas," Preserving Our Past: Community History Workshop, Center for Texas Studies at TCU (Nov 2020)
 - ~ Public lecture featuring special insights for genealogical researchers
- "The Deadly Weapon Laws of Texas," Graduate/Undergraduate Public History Seminar, Tarleton State University (Sept 2020)
 - ~ Research presentation focusing on interpretation of county court records
- "When Texas Was the National Leader in Gun Control: How the Land of Gunslinger Mythology Regulated Weapons to Reduce Violence," Washington Post: Made by History Blog (Sept 2019)
 - ~ Op-ed highlighting long history of weapon regulation in Texas

Fellowships and Awards

Firearm Issues Research Grant, 2023-2024

- ~ Awarded by the Harvard Injury Control Research Center, from grant funding from the Robert Wood Johnson Foundation, for research related to firearm issues
- Lloyd Lewis Fellowship in American History, 2021-2022
 - ~ Awarded by the Newberry Library to scholars using its collection to research topics in American history
- Bill & Rita Clements Fellowship for the Study of Southwestern America, 2020-2021
 - ~ Awarded by the SMU Clements Center for Southwest Studies to two scholars of Texas, the Southwest, or the U.S.-Mexico borderlands who are developing first books
- The Benjamin W. Schmidt Memorial Scholarship, 2018-2019
 - ~ Awarded by the TCU Department of History to a PhD candidate who shows exceptional professional promise; highest departmental prize for graduate students
- Texas Christian University Department of History, Shinko and Thomas McDonald Research Prize in Texas History, 2019, 2017
 - ~ Awarded by the TCU Department of History to a graduate student with the best research on antebellum Texas history

Works in Progress

The Revolver Must Go: The Rise and Fall of a Gun Control Movement in Texas

Aim: Scholarly monograph exploring the rise of a gun control movement in nineteenth-century Texas and the regulatory strategies which it embraced. Widespread acceptance of strict, ambitious gun control laws in the "Wild West" belies current assumptions about Texas and challenges the reigning interpretation of the Second Amendment as a guarantor of expansive gun rights

Status: Editing manuscript

"The Texas Anti-Trust Movement: Antimonopoly, Populism, and Reform in the Long Progressive Era"

Aim: Scholarly article interpreting Texas antitrust policy an example of innovative reform in the Great Plains and trans-Mississippi West

Status: Research and writing in progress

University Teaching Experience

Instructor of Record

Lecturer in American History, Texas Christian University

2019-2020

- "American History to 1877: Social Movements & the Politics of Slavery" (HIST 10603)
- "American History since 1877: The Quest for Equality" (HIST 10613)
- "History of Texas: A Transnational Look at the American Southwest" (HIST 40743)

Graduate Student Instructor

Teaching Assistant, Texas Christian University

2017-2018

American History to 1877 (HIST 10603)

American History since 1877 (HIST 10613)

Teaching Interests

American History, Legal History, Southwestern Borderlands, Civil War Era, American West, Gilded Age & Progressive Era, Women's History

Conference Presentations & Invited Talks

- "Second Amendment Panel—Issues in Cases Post-*Bruen*," Strategic Litigation Convening: Anti-Democracy Efforts and Political Violence Post-*Bruen*, Institute for Constitutional Advocacy and Protection, Georgetown Law, Washington, D. C., June 2023
- "A Case for More Case Studies," Originalism, the Supreme Court, Gun Laws, and History, Late-Breaking Roundtable, American Historical Association Annual Meeting, Philadelphia, Pennsylvania, January 2023
- "Military Disarmament Orders and the Role of Reconstruction Historiography after *Bruen*," Current Perspectives on the History of Guns and Society Symposium, Wesleyan University, Middletown, Connecticut, October 2022
- "Reassessing Assumptions about Historical Arkansas and Tennessee Handgun Regulations," Race and Guns Roundtable, Duke Center for Firearms Law, Durham, North Carolina, November 2021
- "Enforcement of Public Carry Restrictions: Texas as a Case Study," The Second Amendment at the Supreme Court: 700 Years of History and the Modern Effects of Guns in Public, Davis, California, October 2021
- "Race & Guns," Newberry Library Colloquium, Chicago, Illinois, October 2021
- "Unlawful Carrying: Enforcing the Pistol Law in Texas, 1870-1920," Texas State Historical Association Annual Meeting, Corpus Christi, Texas, February 2019
- "Regulating Deadly Weapons in Nineteenth-Century Texas," Invited Lecturer, Los Bexareños Hispanic Genealogical and Historical Conference, San Antonio, Texas, September 2018
- "Impregnable Citadels of Capital: American Monopolies in the British Radical Press," Southern Conference on British Studies Annual Meeting, St. Pete Beach, Florida, November 2016

"Dating Violence in Texas: Why the State Family Code Obstructs Accurate Reporting about Sexual Assault," TCU Women & Gender Studies Research Symposium, 2015

Service

Invited Guest, "How to Make the Most of Your Time in Graduate School," Dept. of History Orientation Day, 2020

~ Advise incoming graduate students on strategies for success in the PhD program, emphasizing importance of intellectual development

Panelist, "Everything You Wanted to Know about TCU but Were Too Afraid to Ask," Dept. of History Orientation Day, 2016

- \sim Provide honest and confidential information to prospective graduate students Graduate Student Mentor, 2015
 - ~ Informal departmental program designed to ease the transition for incoming graduate students

Second Amendment Subject Matter Expert

Duncan et al v. Bonta, California, Case No. 17-1017-BEN-JLB, S.D. Cal.

Miller et al v. Bonta, California, Case No. 3:19-cv-01537-BEN-JLB, S.D. Cal.

Angelo et al v. District of Columbia et al, Washington, D.C., Civ. Act. No. 1:22-cv-01878-RDM, D. D.C.

Hanson et al v. District of Columbia et al, Washington, D.C., Civ. Act. No. 1:22-cv-02256-RC, D. D.C.

Christian et al v. Nigrelli et al, New York, No. 22-cv-00695 (JLS), W.D. N.Y.

Frev et al v. Nigrelli et al, New York, Case No. 21 Civ. 5334 (NSR), S.D. N.Y.

Brumback et al v. Ferguson et al, Washington, No. 1:22-cv-03093-MKD, E.D. Wash.

Sullivan et al v. Ferguson et al, Washington, Case No. 3:22-cv-5403, W.D. Wash.

Siegel v. Platkin, New Jersey, No. 22-CV-7463 (RMB) (AMD), D. N.J.

NAGR v. Campbell, Massachusetts, No. 1:22-cv-11431-FDS, D. Mass.

Oregon Firearms Federation, Inc. v. Kotek, Oregon, No. 2:22-cv-01815-IM, D. Ore.

NSSF v. Jennings, Delaware, No. 22-cv-01499-RGA, D. Del.

Chavez v. Bonta, California, No. 3:19-cv-01226-L-AHG, S.D. Cal. (f/k/a Jones v. Bonta)

Nguyen v. Bonta, California, No. 3:20-cv-02470-WQH-BGS, S.D. Cal.

Baird v. Bonta, California, No. 2:19-cv-00617-KJM-AC, E.D. Cal.

Nichols v. Bonta, California, No. 3:11-cv-09916-SJO-SS, C.D. Cal.

Wiese v. Bonta, California, No. 2:17-cv-00903-WBS-KJN, E.D. Cal.

Professional Memberships

Society for Historians of the Gilded Age and Progressive Era Texas State Historical Association Southern Historical Association American Historical Association

Languages

Spanish (Proficient)

Latin (Proficient)

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Justices of Assise and Gaol

Oyers and

Riding or going armed in Affray of the Peace,

27 Ed. I. c. 3. Grandfather to our Lord the King that now is, wherein is contained, that Justices assigned to take Assises, if they be Laymen, shall make Deliverance; and if the one be a Clerk, and the other a Layman, that the Lay Judge, with another of the Country associate to him, shall deliver the Gaols: Wherefore it is enacted, That such [Justices '] shall not be made against the Form of the said Statute; and that the Assises, Attaints, and Certifications be taken before the Justices commonly assigned, which should be good Men and lawful, having Knowledge of the Law, and none other, after the Form of another Statute made in the Time of the said [King Edward the First;'] and that the Oyers and Terminers shall not be granted but before Justices of the one Bench or the other, or the Justices Errants, and that for great [hurt,] or horrible Trespasses, and of the King's special Grace, after the Form of the Statute thereof ordained in Time of the said Grandfather, and none otherwise. ITEM, It is enacted, That no Man great nor small, of

what Condition soever he be, except the King's Servants in his presence, and his Ministers in executing of the King's Precepts, or of their Office, and such a be in their Company assisting them, and also [upon a Cry made for Arms to keep the Peace, and the same in such places where such Acts happen,³] be so hardy to come before the King's Justices, or other of the King's Ministers doing their office, with force and arms, nor bring no force in affray of the peace, nor to go nor ride armed by night nor by day, in Fairs, Markets, nor in the presence of the Justices or other Ministers, nor in no part elsewhere, upon pain to forfeit their Armour to the King, and their Bodies to Prison at the King's pleasure. And that the King's Justices in their presence, Sheriffs, and other Ministers (*) in their Bailiwicks, Lords of Franchises, and their Bailiffs in the same, and Mayors and Bailiffs of Cities and Boroughs, within the same Cities and Boroughs, and Borough Holders, Constables, and Wardens of the Peace within their Wards, shall have Power to execute this Act. And that the Justices assigned, at their coming down into the Country, shall have Power to enquire how such Officers and Lords have exercised their Offices in this Case, and to punish them whom they find that have not done that which pertained to their Office.

ITEM. Because the Peace cannot be well kept without good Ministers, as Sheriffs, Bailiffs, and Hundreders, which ought to do Execution as well of the King's Privities as of other Things touching our Lord the King and his People; It is ordained and established, That the Statute made in the time of King Edward, Father to the King that now is, at Lincoln, containing that Sheriffs, Hundreders, and Bailiffs shall be of such People as have Lands in the same Shires or Bailiwicks, shall be observed in all Points after the Form thereof; and that Sheriffs and Bailiffs of Fee shall cause their Counties and Bailiwicks to be kept by such as have

ITEM, Where it was ordained by the Statute of Westminster the Second, that they which will deliver their Writs to the Sheriff, shall deliver them in the full County, or in the Rere County, and that the Sheriff or under Sheriff shall thereupon make a Bill; It is accorded and established, that at what Time or Place in the County a Man doth deliver any Writ to the Sheriff or to the Under-Sheriff, that they shall receive the same Writs, and make a Bill, after the form contained in the same Statute, without taking any Thing therefore; and if they refuse to make a Bill, others that be present shall set to their Seals; and if the Sheriff or Under-Sheriff do not return the said Writs, they shall be punished after the form contained in the same Statute; and also the Justices of Assises shall have power to enquire thereof at every Man's Complaint, and to award Damages, a having respect to the Delay, and to the loss and peril that might happen

**Commissions ** **Crandfather ** upon a Proclamation of Deeds of direct in time of Peace, and that in Places where such Deeds are to be done.—See Lib. Rub. Sea. Westü. fo. 122 b. a Writ reciting a Grant of K. Richard J. ** qd Torneañta sint in Angl in v. placias : In Sarf & Wilton in Warrewich & Kenelingworth : In Stanford & Warreford : In Brahele & Misch? : In Blie & Tykchith. Ita qd pax Prenic no infringet, n° potestas Justiciaria minorabit Nec de freestis niis dapnā inferet." ** of the King

nre Seign le Roi qore est, en quele est contenuz q les Justices as assises pindre assignez sils soient las facent les delivances; et si lun soit clerc, & lautre las, q le dit lais, associe a lui un autre du pais, facent la delivance des gaols; p qui acorde est & establi, q tids Justiceries ne soient mes g'ntees countre la forme du dit estatut, & q les assises, atteintes, & clifications soient p'ses devant les Justices comunement assignez, q scient bones gentz & loialx & conissantz de la lei, & nemie autres; solonc la forme dun autre statut fait en temps meisme le ael ; et q les oiers & Pminers ne soient grantees forsq, -- -- devant les Justices de lun Baunk & le lautre, ou les Justices errantz; & ce p' led & orrible tres. pas, & de lespeciale gece le Roi, solone forme de statut de ce ordene en temps meisme le ael; & nemie autrement.

Ensement acorde est & establi, q nul, g'nt ne petit de quele condicion qil soit, sauve les siantz le Roi en la psence le Roi, & les Ministres le Roi, enfesantz execucion des mandementz le Roi, ou de lour office, & ceux qi sont en lour compaignies, cidantz as ditz ministres, & auxint au cri de fait darmes de pees, & ce en lieux ou tielx faitz se ferront, soit si hardi de venir devant les Justices le Roi, ou sucres Ministres le Roi enfesant lour office, a force & armes; ne force mesner en affrai de la pees, ne de chivaucher ne daler arme, ne de nuit ne de jour, en faires, marchees, nen Psence des Justices, ne dautres Ministres, ne nule part aillours, sur peine de pdre lour armures au Roi & de lour corps a la prisone a la volunte le Roi. Et q Justices le Roi en lour Psences, viscountes & autres Ministres le Roi en lour baillies, scign's des fraunchises & lour baillifs en yceles, & Meire & Baillifs des Citees & Burghs deinz meismes les Citees & Burghs, Burghaldres, conestables, & gardeins de la pees deinz lour gardes, eient poair affaire execucion de cest acord. Et q les Justices assignez, a lour venu en pais, eient poair denquere coment tielx Ministres & seign's ont use lour office en ce, & de punir ceux qils trovont, qi nount mie fait ce q a lour office appent.

Et p'ce q la pees ne poet mie estre bien garde sauntz bons ministres, come Viscountes, Baillifs, & Hundreders qi deivent faire execucion, auxibien des p'vetez le Roi come dautres choses tochantes le Roi & son poeple, acorde est & establi q lestatut fait en temps le Roi Edward, piere le Roi qore est, a Nicole, contenant q Viscontes, Hundreders & Baillifs soient des gentz eantz Pres en meismes les Countez, ou baillies, soit garde en touz pointz solone la forme dycel, & auxint q les Viscountes & Baillifs de fee, facent garder meismes lour Countez & Baillies p gentz cantz Pres en yceles.

Ensement la ou ordine est, p statut de Westmons? le secund, q ceux q liver volent lour briefs as viscountes, les livent en plein Counte, ou en rerecounte, & q visconte ou southvisconte facent sur ce bille; acorde est & establi q a quele heure ou a queu lieu deinz le Counte home livre a viscountes, ou a southviscontes, briefs, qils les resectivent & facent bille en la forme contenue en le dit estatut, & ce sanz rien p'indre; et sils refusent de faire bille, mettent autres lour sealx qi Bront Psentz; et si le Viscounte ou le Southviscounte ne retorne mie les briefs, soient puniz solone la forme contenue en le dit estatut; & jadumeins eient les Justices as assises pndre assignez poair denquer de ce a chescuny pleinte & de agarder damages, eant regard au delai, & a les ptes & pils qi p'ront avenir.

IV. The Statute of Lincoln, 9 Edw. 11. concerning Sheriffs, &c. confirmed.

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The Statute Westminster the Second. (3 Ldw. I. chapter 39, concerning the Delivery of Writsto

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THE

STATUTES

OF

THE REALM.

PRINTED BY COMMAND

OF HIS MAJESTY

KING GEORGE THE THIRD.

IN PURSUANCE OF AN ADDRESS OF

THE HOUSE OF COMMONS
OF GREAT BRITAIN.

From Original Records and Authentic Manuscripts.

VOLUME ONE

Statutu anud Westm in p'liamento in festo S'ci hillarii anno regni Regis E. t'cii vicesimo qinto tento, f'cm.

In Margine

A STATUTE made at WESTMINSTER; In the Parliament holden in the Feast of Saint Hilary; In the TWENTY-FIFTH Year of the Reign of K. EDWARD the THIRD.

Ex magno Rot. Stat. in Turr. Lond. m. 16.

U plement somonz a Westm, en la feste de Seint A Hiller lan du regne nre Seign' le Roi Edward Denglerre vintisme quint, & de France douzisme, nre & le Roi del assent des Prelatz, Ducs, Countes, Barons, & de tout la comunalte de son Roialme Denglerre, au dit plement somons, al hon' de Dieu & de Seinte Eglise, & en amendement de son dit Roialme, ad ordeine & establi les choses soutzescriptes.

En p'mes, p'ce q tresg'untz & tresout geouses damages & grevances sont faites au poeple p les pno's & p'veo's des vitailles p' les hosteux nre & le Roi, ma dame la Roigne, & de lo' enfantz, Si est acorde & assentuz en le dit plement, q les pno's & p'veio's des bledz p' les ditz hosteux les Pignent p mesure rase, selonc ceo q home use pmy le Roialme. Et q touz bledz, feyns, litere & bestaill, & touz aut's vitailles & choses quecuqes, queles sont aprendre p' meismes les hosteux, soient p'sez a la Proie value, p les Conestables & aurs bons gentz des villes ou tieles prises se feront, sanz ce q p manaces, ou duresces soient les preisours chacez a mettre autre pris q lour Sement ne voet, & come curt coement en les pscheins marchees: et q entre les Purveours et ceux des queux les biens Front prises, en la Psence des Conestables & preisours, soient tailles tantost faites, saunz ceo $\tilde{\mathbf{q}}$ les gentz des queux les biens Pront prises soient aillours traitz ou t'vaillez; & meismes les tailles ensealez des seals les pnours des choses issint prises, p les queles tailles gre soit fait as ceux des queux les choses gront issint prises: et si nul pnour ou P'veour p' les ditz hosteux face p autre mane, soit meintenant arestu p la villee ou la prise gra faite, et mesne a la pscheine gaole, et si de ceo soit atteint, soit la fait de lui come de laron, si la quantite des biens le demand; solonc ceo gen un estatut fait en temps meisme nre €' le Roi lan de son regne quint, & en un autre estatut fait en temps laiel nre Seign' le Roi s' tieles prises, est contenuz plus au plein: et q desore soit contenuz es comissions des tieux P'veours et pnours, lentent et la peine contenuz en cest estatut: et q nule comission soit faite forso, soulement souz les gent ou prive sealx le Roi; ne q nul home soit tenuz de obeier a autre comission nen autre mane q nest dit en avant; et q meisme lestatut tiegne lieu en toutz pointz devs chescun pnour & p'veour, de chescune mane des vittailles en chescune ptie du Roialme de quele condition qil soit.

Auxint p'ceo q divses opinions ount este einz ces heures quu cas, q'nt il avient doit estre dit treson, & en quel cas noun, le Roi a la requeste des Seign's & de la Cõe, ad fait declarissement q ensuit, Cest assavoir; STATUTE THE FIFTH.

T the Parliament summoned at Westminster in the Feast of St. Hilary, the Year of the Reign of our Lord King Edward the Third [after the Conquest,] of England the Five and twentieth, and of France the Twelfth; our said Lord the King, by the assent of the Prelates, Earls, Barons, and of all the Commonalty of his Realm of England summoned to the Parliament, to the honour of God and Holy Church, and in Amend-ment of his said Realm. hath ordained and established

the Things underwritten.
FIRST, Forasmuch as great and outrageous damage and grievance hath been done to the People by the Takers and Purveyors of Victuals, for the Houses of Takers and Purveyors of Victuals, for the Houses of our Sovereign Lord the King, the Queen, and their Children; It is accorded and assented in the said Parliament, That the Takers (') of Corn for the said Houses shall take the same by Measure striked according as it is used through the Land. And that such Corn, Hay, Litter, Bestall and all other Victuals and Things, which shall be taken for the said Houses, shall be [taken '] shall be taken for the saio thouses, shall be taken by the very Value, by the Constable and other good People of the Towns where such Taking shall be made, without that that the Praisers by Menace or Duress shall be driven to set any other Price than their Oath will, and as commonly runneth in the next Markets. And that betwirt the Purveyors and them whose Goods will be taken in the presence of the Constable of shall be taken in the presence of the Constables and Praisers, Tallies be made incontinently, without that that the People whose Goods shall be taken, shall be drawn or travelled elsewhere, and the same Tallies sealed with the Seals of the Takers of the Things so taken, by which Tallies Gree shall be made to them whose Goods shall be so taken; and if any Purveyor or Taker for the said Houses, do in any other Manner, he shall be [maintenant'] arrested by the Town where the Taking shall be made, and brought to the next Gaol; and if he be thereof attainted, it shall be done of him as of a Thief, if the Quantity of the Goods the same require; according as in a Statute made in the Time of our Sovereign Lord the King that now is, the Fifth Year of his Reign, and in another Statute made in the Time of the King's Grandfather upon such Takings, is contained more at the full: and that from henceforth in the Commissions of such Takers and Purveyors, the Intent and Pain limited in this Statute shall be contained: and that no Commission be made, but only under the King's great Seal or Privy Seal; nor that no Man be bound to obey [any such Commissions, other or in what Manner 1] than is aforesaid; and that the same Statute take place in all Points against every Taker and Pur-veyor of every Manner of Victual in every part of the Realm, of what Condition soever he be.

ITEM, Whereas divers Opinions have been before this Time [in what Case Treason shall be said, and in what not;] the King, at the Request of the Lords and of the Commons, hath made a Declaration in the Manner as hereafter followeth, that is to say; When a Man

Purveyors by Messure striked

Corn shall be taken by

Things taken by Purveyors shall be appraised at the very Value.

Tallies of the Goods

Commissions shall be under the Great or

Declaration what Offences shall be

^{&#}x27;praysed 'immediately 'any other Commyssions, or in other manner MS. Tr. 2. what case should be adjudged 'Freason, and what not;

Compassing the Death of the King, Oueen, or their eldest Son; their eldest Son; their eldest Daughter unmarried, or his eldest Daughter unmarried, or his eldest Son's Wife; levying War; adhering to the King's Enemie; counterfeiting the King's Seals, or Money; importing counterfeit Money; killing the Chancellor, Judges in Execution ion of their Duty. The King shall have the Forfeiture of all the Offenders' Petit Treason. Forfeiture of the Lands to the Lords. New Questions of Treasons shall be

doth compass or imagine the Death of our Lord the King, or of our Lady his [Queen '] or of their eldest Son and Heir; or if a Man do violate the King's [Companion,'] or the King's eldest Daughter unmarried, or the Wife (') the King's eldest Son and Heir; or if a Man do levy War against our Lord the King in his Realm, or be adherent to the King's Enemies in his Pealm eviluate them. Aid and Confort in the Realm Realm, or be adherent to the Aling's Linemies in his Realm, giving to them Aid and Comfort in the Realm, or elsewhere, and thereof be [probably'] attainted of open Deed by [the People'] of their Condition: And if a Man counterfeit the King's Great or Privy Seal, or his Money; and if a Man bring false Money into this Realm, counterfeit to the Money of England, as the Money of England, knowing the Money to be false, to merchandise or make Payment in Deceit of our said Lord the King and of his People; and if a Man slea the Chancellor, Treasurer, or the King's Justices of the one Bench or the other, Justices in Eyre, or Justices of Assise, and all other Justices assigned to hear and determine, being in their Places, doing their Offices: And it is to be understood, that in the Cases above rehearsed, [that'] ought to be judged Treason which extends to our Lord the King, and his Royal Majesty: And of such Treason the Forfeiture of the Escheats pertaineth to our Sovereign Lord, as well of the Lands and Tene-Realm, giving to them Aid and Comfort in the Realm, to our Sovereign Lord, as well of the Lands and Tenements holden of other, as of himself: And moreover there is another manner of Treason, that is to say, when a Servant slayeth his Master, or a Wife her Husband, or when a Man secular or Religious slayeth his Prelate, to whom he oweth Faith and Obedience; and [of such Treason the Escheats ought to pertain 1 to every Lord of his own Fee: And because that many other like Cases of Treason may happen in Time to come, which a Man cannot think nor declare at this present Time; a man cannot think for declare at time; It is accorded, That if any other Case, supposed Treason, which is not above specified, doth happen (') before any Justices, the Justices shall tarry without any going to Judgement of the Treason, till the [Cause '] be shewed [and declared before the King and his Parliasnewed and cetared before the king and his Fana-ment, "] whether it ought to be judged Treason or [other"] Felony. And if percase any Man of this Realm ride armed [covertly"] or secretly with Men of Arms against any other, to slay him, or rob him, or take him, or retain him till he hath made Fine or Ran-som for to have his Deliverance, it is not the Mind of the King nor his Council, that in such Case it shall be judged Treason, but shall be judged Felony or Trespass, according to the Laws of the Land of old Time used, and according as the Case requireth. And if in such Case, or other like, before this Time any Justices have judged Treason, and for this Cause the Lands and Tenements have comen into the King's hands as Forfeit, the chief Lords of the Fee shall have the Escheats of the Tenements holden of them, whether that the same Tenements be in the King's hands, or in others, by Gift or in other Manner; Saving always to our Lord the King the Year, and the Waste, and the Forfeitures the King the Year, and the Waste, and the Forfeitures of Chattels, which pertain to him in the Cases above named; and that [the Writs] of Scire facias be granted in such Case against the Land-tenants, without other Original, and without allowing [any Protection] in the said Suit; and that of the Lands which be in the King's hands, Writs be granted to the Sheriffs of the Counties where the Lands be, to deliver them out of the King's hands without Delay. the King's hands without Delay.

In such Cases already happened, the Chief Lords shall have the Escheats.

Saving the King's Year and Waste.

Scire facias tenants, &c.

Challenge of in Indictor

ITEM, It is accorded, That no Indictor shall be put in Inquests upon Deliverance of the Indictees of Felonies or Trespass, if he be challenged for that same cause by him which is so indicted.

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· Wife
                               * of
proveably MS. Tr. 2.
                               • People
                                                    s it
such Manner of Treason giveth Forfeiture of Escheats
7 of new, MS. Tr. 2.
                               * Case
before the King in his Parliament, and it be declared
··· else
                              " openly
" Writs
                    " the Protection of our Lord the King
```

q'nt home fait compasser ou ymaginer la mort nre Seign' le Roi, ma dame sa compaigne, ou de lour fitz primer & heir; ou si home violast la compaigne le Roi, ou leisnesce filt le Roi nient marie, ou la compaigne leisne fitz & heir du Roi; & si home leve de guerre contre nre dit Seign' le Roi en son Roialme, ou soit aherdant as enemys nre Seign' le Roi en le Roialme, donant a eux eid ou confort en son Roialme ou p aillours, & de ceo pvablement soit atteint de ovt faite p gentz de lour condicion: et si home contreface [les g'nt ou prive sealx le Roi,'] ou sa monoie, et si home apport faus monoie en ceste Roialme contrefaite a la monoie Dengletre, sicome la monoie appelle [Lucynburgh'] ou autre semblable a la dite monoie Dengletre, sachant la monoie estre faus, p' marchander, ou paiement faire en deceit nre dit Seign' le Roi & son poeple; et si home tuast Chanceller, Tresorer, ou Justice nre Seign' le Roi del un Baunk ou del autre, Justice en Eir & des assises & toutes auts Justices assignez a oier & Pminer esteiantz en lours places en fesantz lours offices: ct fait a entendre qen les cases suisnomez doit estre ajugge treson [q sestent] a nre Seign' le Roi & a sa roial majeste; et de tiele mane de treson la forfait'e des eschetes apptient a nie Seign' le Roi, si bien des Pres & tenz tenuz des aurs, come de lui meismes : et ovesq ceo il yad autre mane de treson, cest assavoir q'nt un Bvant tue son meistre, une feme q tue son baron, q'nt home seculer ou de religion tue son Prelat, a qi il doit foi & obedience; & tiele mane de treson donn forfait'e des eschetes a chescun Seign' de son fee ppre: et p' ceo q plusurs auts cases de semblable treson p'ront escheer en temps a venir, queux home ne p'ra penser ne declarer en Psent, assentu est q si autre cas supposee treson q nest especifie p amount aviegne de novel devant ascunes Justices, demoerge la Justice saunz aler au juggement de treson, tanq p devant nre Scign' le Roi [en] son plement soit le cas monstree & desclarre le quel ceo doit estre ajugge treson ou autre felonie. Et si p cas ascun home de cest Roialme chivach arme descovert ou secrement od gentz armees contre ascun autre, p' lui tuer ou derober, ou p' lui Pndre & retenir tanqil face fyn ou raunceon p' sa deliverance avoir, nest pas lentent du Roi & de son conseil q en tiel cas soit ajugge treson, einz soit ajugge felonie ou Pspas solone la lei de la Pre auncienement usee, & solonc ceo q le cas demand: et si en tieu cas, ou autre semblable devant ces heures, ascune Justice eit ajugge treson, & p celle cause les Pres & tenz soient devenuz en la main nre Seign' le Roi come forfaitz, eient les chiefs Seign's de fee lours eschetes des tenz de eux tenuz, le quel q les tenz soient en la main nre Seign' le Roi, ou en la main des auts, p donn ou en autre mane; Sauvant totefoitz a nie Seign' le Roi lan & le wast, & aut's forfait'es des chateux q a lui attenent en les cases suisnomez; et q briefs de Scire fac vs les Pres tenantz soient g'ntez en tieu cas, saunz autre originale & saunz allower la pteccion nee Seign' le Roi en la dite seute; et q de les Pres q sont en la main le Roi, soit g'nte brief as viscontes des Countees la ou les Pres Bront de ostier la main le Roi saunz outre delaie.

Auxint acorde est, q nul enditour soit mys en enquest s' la delivance del endite de Pspas ou de felonie, sil soit chalange p tiele cause p celui qest endite.

le grant seal e Roi, Ret, Parl. 25 E.3. P. II. nu. vij. (17.)
* Lusseburgh Ret. Parl.
* & Ret. Parl.

A C T S

PASSED AT A

General Assembly

OF THE

COMMONWEALTH

VIRGINIA.

pf RICHMOND, on Monday the fixteenth Day of October, in the Year of our LORD, One Thousand Seven Hundred and Eighty-fix.

G



R I C H M O N D;
PRINTED BY DIXON, HOLT, NICOLSON AND DAVIES.

EXHIBIT D (Rivas)

[35]

fame offenders come not as afore is faid, and the proclamation made and returned, they shall be convict and attained of the riot, assembly, or rout aforesaid: And moreover the Justices of Peace in every county or corporation, where such riot, assembly, or rout of people shall be made, in case the same be made in their presence, or if none be present, then the Justices having notice thereof, together with the sheriss, under sheriss, or serjeant, of the same county or corporation, shall do execution of this act, every one upon pain of twenty pounds, to be paid to the Commonwealth, as often as they shall be found in default of the execution of the said act; and on such default of the justices and sheriss, under sheriss, or serjeant, a commission shall go from the General Court at the instance of the party grieved, to enquire as well of the truth of the case, and of the original matter for the party complainant, as of the default or defaults of the said justices, sheriss; under sheriss, or serjeant, in this behalf supposed, to be directed to sufficient and indifferent persons at the nomination of the Judges; and the said commissioners presently shall return into the General Court the inquests and matters before them in this behalf taken and found: But no persons convicted of a riot, rout, and unlawful assembly, shall be imprisoned for such offence by a longer space of time than one year. Persons legally convicted of a riot, rout, or unlawful assembly, otherwise than in the manner directed by this act, shall be punished by imprisonment and amercement, at the discretion of a jury, under the like limitation.

C H A P. XLIX.

An ACT forbidding and punishing AFFRAYS.

BE it inatted by the General Assembly, That no man; great nor finall, of what condition fover he be, except the Ministers of Justice in executing the precepts of the courts of justice, or in executing of their office, and such as be in sheircompany affishing them, be so hardy to come before the justices of any court, or either of their Ministers of Justice, doing their office, with force and arms, on pain, to forseit their armour to the Commonwealth, and their bodies to prison, at the pleasure of a court; nor go nor ride armed by night nor by day, in fairs or markets, or in other places, in terror of the county, upon pain of being arrested and committed to prison by any Justice on his own view, or proof by others, there to abide for so long a time as a jury, to be sworn for that purpose by the said Justice, shall direct, and in like manner to forseit his armour to the Commonwealth; but no person shall be imprisoned for such offence by a longer space of time than one month:

CHAP. L.

An ACT against CONSPIRATORS.

BE it declared and enacted by the General Assembly, That conspirators be they that do consederate and bind themselves by oath, covenant, or other alliance, that every of them shall aid and bear the other falsely and maliciously, to move or cause to be moved any enticement or information against another on the part of the Commonwealth, and those who are convicted thereof at the suit of the Commonwealth, shall be punished by imprisonment and amercement, at the discretion of a jury.

CHAP. LI.

An ACT against conveying or taking PRETENSED TITLES.

BE it enacted by the General Assembly. That no person shall convey or take; or bargain to convey or take, any pretensed title to any lands or tenements, unless the person conveying or bargaining to convey, or those under whom he claims shall have been in possession of the same, or of the reversion or remainder thereof one whole year next before; and he who offendeth herein knowingly, shall forfeit the whole value of the lands or tenements; the one moiety to the Commonwealth, and the other to him who will sue as well for himself as for the Commonwealth: But any person lawfully possession tenements; or of the reversion or remainder thereos, may nevertheless take or bargain to take the pretensed title of any other person, so far and so far only as it may confirm his former estate.

CHAP. LII.

An ACT to punish BRIBERY and EXTORTION.

BE it enacted by the General Affembly, That no Treasurer, Keeper of any Public Seal, Councillot of State, Council for the Commonwealth, Judge, or Attornies at law, practifing either in the General Court, High Court of Chancery, Court of Appeals, Court of Admiralty, or Inferior Courts, Clerk of the Peace, Shetiff, Coroner, Echeator, nor any officer of the Commonwealth, shall, in time to come, take, in any form, any manner of gift, brokage, or reward for doing his office, other than is, or shall be allowed by some act of General Assembly, passed after the institution of the Commonwealth, that is to say, after the sitteenth day of May, in the year of our Lord, one thousand seven hundred and seventy six; and he that doth, shall pay unto the party grieved, the treble value of that he hathreceived, shall be amerced and imprisoned at the discretion of a jury, and shall be discharged from his office forever; and he who will see in the said matter, shall have fuit as well for the Commonwealth as for himself, and the third part of the amercement.

REVISED STATUTES

OF THE

Commonwealth of Massachusetts.

EXHIBIT E (Rivas)

THE

REVISED STATUTES

OF THE

Commonwealth of Massachusetts,

PASSED NOVEMBER 4, 1835;

TO WHICH ARE SUBJOINED,

AN ACT IN AMENDMENT THEREOF, AND AN ACT EXPRESSLY TO REPEAL THE ACTS WHICH ARE CONSOLIDATED THEREIN,

BOTH PASSED IN FEBRUARY 1836;

AND TO WHICH ARE PREFIXED.

THE CONSTITUTIONS

OF THE

United States and of the Commonwealth of Massachusetts.

PRINTED AND PUBLISHED, BY VIRTUE OF A RESOLVE OF NOV. 3, 1835;

UNDER THE SUPERVISION AND DIRECTION OF

THERON METCALF AND HORACE MANN.



Boston:

PUBLISHED BY DUTTON & WENTWORTH, STATE PRINTERS

37 Congress Street.

1836.

PART IV.

750

said, may, on giving the security required, appeal to the court of common pleas, next to be held in the same county, or, in the city of Boston, to the municipal court.

On appeal, witnesses to recognize.

SECT. 10. The magistrate, from whose order an appeal is so taken, shall require such witnesses, as he may think necessary to support the complaint, to recognize for their appearance at the court to which the appeal is made.

Proceedings on appeal.

The court, before which such appeal is prosecuted, SECT. 11. may affirm the order of the justice, or discharge the appellant, or may require the appellant to enter into a new recognizance, with sufficient sureties, in such sum, and for such time, as the court shall think proper, and may also make such order, in relation to the costs of prosecution, as may be deemed just and reasonable.

Recognizance, when to remain in force.

SECT. 12. If any party appealing shall fail to prosecute his appeal, his recognizance shall remain in full force and effect, as to any breach of the condition, without an affirmation of the judgment or order of the magistrate, and shall also stand as a security for any costs, which shall be ordered, by the court appealed to, to be paid by the appellant.

Persons committed for not recognizing,

SECT. 13. Any person, committed for not finding sureties, or refusing to recognize, as required by the court or magistrate, may be how discharged. discharged by any judge or justice of the peace, on giving such security as was required.

Recognizances to be transmitted to the court.

SECT. 14. Every recognizance, taken pursuant to the foregoing provisions, shall be transmitted by the magistrate to the court of common pleas for the county, or, in the city of Boston, to the municipal court, on or before the first day of the next term, and shall be there filed of record by the clerk.

- when to be required on view of the court or magistrate.

Sect. 15. Every person who shall, in the presence of any magistrate mentioned in the first section of this chapter, or before any court of record, make an affray, or threaten to kill or beat another, or to commit any violence or outrage against his person or property, and every person, who in the presence of such court or magistrate, 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 good behavior, for a term not exceeding three months, and in case of refusal, may be committed, as before directed.

Persons who go armed may be sureties for the peace, &c. 1794, 26, § 2.

Sect. 16. If any person shall go armed with a dirk, dagger, sword, pistol, or other offensive and dangerous weapon, without reasonable cause to fear an assualt or other injury, or violence to his person, or to his family or property, he may, on complaint of any person having reasonable cause to fear an injury, or breach of the peace, be required to find sureties for keeping the peace, for a term not exceeding six months, with the right of appealing as before provided.

Court may remit part of penalty. 7 Mass. 397. 1810, 80.

SECT. 17. Whenever, upon a suit brought on any such recognizance, the penalty thereof shall be adjudged forfeited, the court may remit such portion of the penalty, on the petition of any defendant, as the circumstances of the case shall render just and reasonable.

Surety may surrender his

SECT. 18. Any surety in a recognizance to keep the peace, or for good behavior, or both, shall have the same authority and right A

COLLECTIO

OFTHE



STATUTES

OF THE PARLIAMENT O.

E N G L A N D

IN FORCE IN THE STATE OF "

NORTH-CAROLINA.

By FRANCOIS-XAVIER MAKEN, Esq.
COUNSELLOT LAW.

NEWBERN:

1792.

EXHIBIT F (Rivas)

(60)

C H A P. VIII.

Nothing Shali be taken for Beaupleader.

ITEM, Whereas some of the realm have grievously complained, that they be grieved by Sherists, naming themselves the King's approvers, which take money by extortion for Beaupleader, the King will, that the statute of Mariebridge that be observed and kept in this point.

C H A P. XIV.

None Shall commit Maintenance.

TEM, Because the King desireth that common right be administered to all persons, as well poor as rich, he commandeth and defendeth, that none of his Counsellors, nor of his house, nor none other of his Ministers, nor no great man of the realm by himself, nor by other, by sending of letters, nor otherwise, nor none other in this land, great nor small, shall take upon them to maintain quarrels nor parties in the country, to the let and disturbance of the common law.

Statutes made at Northampton, tribus Septimanis Patchae, in the Second Year of the Reign of Edward the Third, and in the Year of our Lord 1328.

C H A P. I.

A Confirmation of the Great Charter and the Charter of the Forest.

[Unnecessary to be inserted.]

C H A P. III,

No Man shall come before the Justices, or go or ride armed.

TEM, It is enacted, that no man great nor small, of what condition soever he be, except the King's servants in his presence, and his Ministers in executing of the King's precepts, or of their office, and such as be in their company assisting them, and also upon a cry made for arms to keep the peace, and the same in such places where such acts happen, be so hardy to come before the King's Justices, or other of the King's

(61)

Ministers doing their office with force and arms, nor bring no force in an astray of peace, nor to go nor ride armed by night nor by day, in fairs, markets, nor in the presence of the King's Justices, or other ministers, nor in no part elsewhere, upon pain to forseit their armed r to the King, and their bodies to prison at the King's pleasure. And that the King's Justices in their presence, Sherists and other ministers, in their bailiwicks, Lords of Franchises, and their bailists in the same, and Mayors and Bailists of cities and boroughs, within the same ettles and boroughs, and borough-holders, constables and wardens of the peace within their wards shall have power to execute this act. And that the Justices assigned, at their coming down into the country, shall have power to enquire how such officers and lords have exercised their offices in this case, and to punish them whom they find that have not done that which pertain to their office.

C Ha A P. V.

The Manner how Writs shall be delivered to the Sheriff to be enecuted.

TEM where it was ordained by the statute of Westminster the second, that they which will deliver their writs to the Sheriff shall deliver them in the sull county, or in the rere county, and that the Sheriff or Under-Sheriff shall thereupon make a bill: it is accorded and established, that at what time or place in the county a man doth deliver any writ to the Sheriff or to the Under-Sheriff, that they shall receive the same writs, and make a bill after the form contained in the same statute, without taking any thing therefore. And if they resule to make a bill, others that be present shall set to their seals, and if the Sheriff or Under-Sheriff do not return the said writs, they shall be punished after the form contained in the said statute. And also the Justices of Assize shall have power to enquire thereof at every man's complaint, and to award damages, as having respect to the delay, and to the loss and peril that might happen.

C H A P. VI.

Juflices shall have Power to punif Breakers of the Peace.

TEM, as to the keeping of the peace in time to come, it is ordained and enacted that the statutes made in time past, with the statute of Winchester, shall be observed and kept in every point: and where it is contained in the end of said statute of Winchester, that the Justices assigned shall have power to enquire of defaults, and to report to the King in his next parliament, and the King to remedy it, which no man hath yet seen, the same Justices shall have power to punish the offenders and disobeyers.

LAWS

OF THE

STATE OF MAINE;

TO WHICH ARE PREFIXED

THE

CONSTITUTION OF THE U. STATES

AND OF SAID STATE,

WITH AN APPENDIX.

HALLOWELL:
PUBLISHED BY CALVIN SPAULDING.

1822.

GOODALE, GLAZIER & CO.—PRINTERS.

EXHIBIT G (Rivas)

CHAPTER LXXVI.

An Act describing the power of Justices of the Peace in Civil and Criminal Cases.

BE it enacted by the Senate, and House of Repre-General jurissentatives, in Legislature assembled, That it shall be within diction of Justice of the power, and be the duty of every Justice of the Peace Prace, and their duty in criminwithin his county, to punish by fine not exceeding five dol- al cases, in arresting, trying. lars, all assaults and batteries that are not of a high and ag-recognizing and gravated nature, and to examine into all homicides, mur-tenders. ders, treasons, and felonies done and committed in his county, and commit to prison all persons guilty, or suspected to be guilty of manslaughter, murder, treason or other capital offence; and to cause to be staid and arrested, all affrayers, rioters, disturbers or breakers of the peace, and such as shall ride or go armed offensively, to the fear or terror of the good citizens of this State, or such others as may utter any menaces or threatening speeches; and upon view of such Justice, confession of the delinquent, or other legal conviction of any such offence, shall require of the offender to find sureties to appear and answer for his offence, at the Supreme Judicial Court, or Circuit Court of Common Pleas, next to be held within or for the same county, at the discretion of the Justice, and as the nature or circumstances of the case may require; and for his keeping the peace, and being of the good behaviour, until the sitting of the Court he is to appear before; and to hold to bail all persons guilty or suspected to be guilty of lesser offences which are not cognizable by a Justice of the Peace; and require sureties for the good behaviour of dangerous and disorderly persons; and commit all such persons as shall refuse so to recognize, and find such surety or sureties as aforesaid; and take cognizance of, or examine into all other crimes, matters and offences, which by particular laws are put within his jurisdiction.

SEC. 2. Be it further enacted, That all fines and forfeitures byc-laws of accruing for the breach of any bye-law, in any town within towns may be this State, may be prosecuted for, and recovered before any fore Justices of Justice of the Peace in the town or county where the offence shall be committed, by complaint or information, in the same way and manner other criminal offences are prosecuted be-

fore the Justices of the Peace within this State.

SEC. 3. Be it further enacted, That any person aggrieved Persons aggreed may at the sentence given against him, by any justice of the Peace, appeal to the C. Court of may appeal therefrom to the next Circuit Court of Common Com. Pleas. Pleas to be held within the same county, and shall, before his appeal is granted, recognize to the State in such reasonable with sureties, sum, not less than twenty dollars, as the Justice shall order, with sufficient surety or sureties for his prosecuting his appeal; and shall be held to produce the copy of the whole process, and produce and all writings filed before the Justice, at the Court appeal-at C. C. Com-

ecute his ap-peal, his de-fault to be entered.

Court may order such case to be laid be-

Justices may command assistance of sheriff, deputies and conatables at riots, affrayı, &c.

Justices may, on their own view, (in absence of sheriff) stables,) require any pear son to appre-hend offenders.

fusing to obey such Justice.

If the Justice be known or his office not udmissible.

Justices may

But not on behalf of the State without consent of Attorney Gener-Attorney, except before himself.

Justices to account annually ty and Town all fines, &c.

Penalty for negleci.

Failing to prose ed to. And if he shall not there prosecute his appeal, and produce the copies as aforesaid, the Court shall order his default to be noted upon their record. And the said Court may order the same case to be laid before the Grand Jury, or may issue an attachment against the body of such appellant, and fore Grand Ju- cause him thereby to be brought before them, and when he ry, or arrest appellant, and is so in Court, shall affirm the sentence of the Justice against affirm sentence, him, with all additional costs.

> Sec. 4. Be it further enacted, That each Justice shall have authority to command the assistance of every Sheriff, Deputy Sheriff, Constable, and all other persons present at any affray, riot, assault or battery, and may fine any person refusing such assistance, in a sum not exceeding six dollars; to be disposed of for the use of the town where the offence shall be committed; and levied by warrant of distress on the offender's goods and chattels, and for want thereof on his body.

Sec. 5. Be it further enacted, That any Justice of the Peace for the preservation thereof, or upon view of the breach theredeputies or control of, or upon view of any other transgression of law, proper to his cognizance, done or committed by any person or persons whatever, shall have authority, (in the absence of the Sheriff, Deputy Sheriff or Constable,) to require any person or persons to apprehend and bring before him such offender or of-Penalty for re- fenders. And every person so required, who shall refuse or neglect to obey the said Justice, shall be punished in the same manner as for refusing or neglecting to assist any Sheriff, Deputy Sheriff or Constable in the execution of his office as aforesaid. And no person who shall refuse or neglect to obey such declared-plea Justice, to whom he shall be known, or declare himself to be a Justice of the Peace, shall be admitted to plead excuse on any pretence of ignorance of his office.

Sec. 6. Be it further enacted, That Justices of the Peace grant subpor-nas for witnes, within their respective counties, be, and they are hereby auses in criminal thorized and empowered to grant subpœnas for witnesses in all criminal causes pending before the Supreme Judicial Court and Circuit Court of Common Pleas, and before themselves or any other Justice: Provided, That no Justice of the Peace shall grant subpoenas for witnesses to appear in any Court, except before himself, to testify on behalf of the State, unless by the request of the Attorney General or County Attorney. And all Sheriffs, Constables and other officers are directed and empowered to serve any warrant issuing from a Justice of the Peace.

SEC. 7. Be it further enacted, That the Justices of the to state, Coun- Peace shall account annually with the Treasurer of the State, Treasurers for the Treasurer of their respective counties, and the town Treasurer, as the case may be, for all fines by them received or imposed, upon pain of forfeiting the sum of thirty dollars, to be sued for and recovered by the Treasurer of the State, the county or town Treasurer for the time being, to which the said fines may respectively belong.

SEC. 8. Be it further enacted, That all civil actions, where-diction in civil in the debt or damage does not exceed twenty dollars, (and actions, (where wherein the title of real estate is not in question, and special-test is not in ly pleaded by the defendant,) shall, and may be heard, tried, question,) to adjudged and determined by any Justice of the Peace within dollars. his county; and the Justices are severally empowered to grant Justices may issummons, capias and attachment, at the request of any per-capias, attach-son applying for the same, directed to some proper officer ment, &c. within the same county, empowered by law to execute the same. And such summons or capias and attachment shall be to be served seven days her duly served by such officer, seven days at the least before the fore trial. day therein set for trial, otherwise the party sued shall not be held to answer thereon; and if after such process shall be proceedings beduly served, the party sued, after being duly called, shall not fore Justice. appear to answer to the same suit, the charge against him in the declaration shall be taken to be true, and the Justice shall Judgment, &c. give judgment against him for such damages as he shall find it plaintiff prothe plaintiff to have sustained, with costs; and if the person sued shall appear to defend the suit or oppose the same, the Justice shall award such damages as he shall find the plaintiff Damages not to have sustained: Provided, That no more damages than the exceed 20 dolsum of twenty dollars shall be awarded in any action origin-lars. ally brought or tried before a Justice of the Peace; but if the Judgment in case defendant plaintiff shall not support his action, shall fail to prosecute, or prevail. become nonsuit, the Justice shall award to the party sued, his reasonable costs, taxed as the law directs. And upon all Executions judgments given by a Justice of the Peace in civil actions, he shall award execution thereon in form by law prescribed.

SEC. 9. Be it further enacted, That the amount of the sum Justice to have or several sums, specified, expressed or supposed to be de-where the ad manded by the plaintiff in his declaration, shall not be con-denoted as any objection against the Justice's jurisdiction, pro-dollars. vided the ad damnum, or damage is not laid or stated to exceed twenty dollars.

Sec. 10. Be it further enacted, That any party aggrieved Party aggrieve at the judgment of any Justice of the Peace, in a civil action, ed may appeal at the judgment of any Justice of the Peace, in a civil action, c. c. com. where both parties have appeared and plead, may appeal Pleas. therefrom to the next Circuit Court of Common Pleas to be held within the same county; and shall before his appeal is nize to prose-allowed, recognize with a surety or sureties, in such reasona-cute. ble sum as the Justice shall order, not exceeding thirty dollars, to pay all intervening damages and costs, and to prosecute his appeal with effect; and shall be held to produce a copy of the whole case, at the Court appealed to, and both pies at c. c. c. parties shall be allowed to offer any evidence upon the trial Proceedings in at the Circuit Court of Common Pleas, in the same manner as that Court. if the cause had been originally commenced there. And no No further apother appeal shall be had on such action after one trial at the peak Circuit Court of Common Pleas. And the Circuit Court of Defendant in Common Pleas, when any person recognized as before men-trespass failing for-

ward the acdamages.

cute, on com-plaint judg-ment may be afilrmed.

In action of trespass when defendant fileads title to real estatemode of proceeding before Justice.

Appeal allowed in such cases from C. C. C. Pleas to S. J. Court.

General issue may be plead in all actions before Justices and special where title to real estate is relied on by defendant.

Justices may grant subposactions.

No Justice to be of counsel in any suit be-fore himself.

tioned to bring forward an action of trespass, doth neglect to tion according to his recog. do it, upon complaint thereof made in writing by the plaintiff, nizance. Plain shall give judgment for such sum in damages, as the plaintiff hath declared for, together with all reasonable costs which accrued both in the same Court and before the Justice. And Appellant fail- the Circuit Court of Common Pleas shall, when any appellant thereto shall fail to prosecute his appeal, or if he shall neglect to produce a copy of the case, affirm the former judgment upon the appellee's complaint, and award such additional damages as shall have arisen in consequence of the said appeal, and cost.

> Sec. 11. Be it further enacted, That when an action of trespass shall be brought before any Justice of the Peace, and the defendant shall plead the general issue, he shall not be allowed to offer any evidence that may bring the title of real estate in question. And when the defendant in any such action shall plead the title of himself or any other person in justification, the Justice upon having such plea plead, shall order the defendant to recognize to the adverse party in a reasonable sum, with sufficient surety or sureties to enter the said action at the next Circuit Court of Common Pleas to be holden within the same county, and to prosecute the same in the same manner as upon an appeal from a Justice's judgment; and if such pleader shall refuse so to recognize, the Justice shall render judgment against him, in the same manner as if he had refused to make answer to the same suit. And either party in such cause, shall be allowed to appeal from the judgment of the Circuit Court of Common Pleas, in the same manner as if the suit had been originally commenced there.

Sec. 12. Be it further enacted, That in all civil actions triable before a Justice of the Peace, except such actions of trespass wherein the defendant means to avail himself, by pleadand special in ing the title of himself or any other person under whom he evidence except claims in justification of the trespass or trespasses alleged to be committed on real estate; the defendant shall be entitled to all evidence, under the general issue, which by law he might avail himself of under any special plea in excuse or justification, any law, usage or custom to the contrary notwithstanding.

Sec. 13. Be it further enacted, That each Justice of the Peace may grant subpoens for witnesses in all civil actions and causes pending before the Supreme Judicial Court, Circuit Court of Common Pleas, Court of Sessions, and before him or any other Justices, and in all civil actions and causes May adjourn pending before arbitrators or referees. And every Justice of proclamation: the Peace shall have power by public proclamation to adjourn the trial of any action brought before him, from time to time, when equity may require it; but he shall not be of counsel to either party, or undertake to advise or assist any party in suit before him.

Sec. 14. Be it further enacted, That when an executor or In case of administrator shall be guilty of committing waste, whereby under adminish is not less than the second of waste by execution of waste he is rendered unable to pay the judgment recovered before may proceed as any Justice of the Peace, against the goods and estate of the may in such deceased in his hands out of the same the Justice of the may in such deceased in his hands, out of the same, the Justice may pro- cases. ceed against the proper goods and estate of such executor or administrator, in the same manner as the Circuit Court of

Common Pleas are empowered to do.

SEC. 15. Be it further enacted, That each Justice of the Justice to keep Peace shall keep a fair record of all his proceedings; and record of his when any Justice of the Peace shall die before a judgment given by him is paid and satisfied, it shall be in the power of shall die before any Justice of the Peace in the same county to grant a scire given by him is facias upon the same judgment, to the party against whom satisfied what proceedings to such judgment was rendered up, for him to show cause if any be had. he hath, why execution should not be issued against him. And although the costs and debt awarded by the deceased Justice when added together, shall amount to more than twenty dollars, it shall be no bar upon such scire facias, but judgment shall be given thereon for the whole debt and cost, together with the cost arising upon the scire facias. Provided always, That either party may appeal from the judgment as Appeal allowed in other personal actions, where judgment is given by a Jus- to either party. tice of the Peace. And every Justice of the Peace who shall Justice to whom have complaint made to him, that a judgment given by a Jus- complaint is tice of the same county then deceased, remains unsatisfied, cases, may sumshall issue his summons to the person in whose possession the possessing the record of the same judgment is, directing him to bring and to record to proproduce to him the same record; and if such person shall contemptuously refuse to produce the same record, or shall refuse Punishment for to be examined respecting the same, upon oath, the Justice may punish the contempt by imprisonment, until he shall produce the same, or until he submits to be examined as afore- Duty of the said; and when the Justice is possessed of such record, he the record is shall transcribe the same upon his own book of records, be-transcribe it fore he shall issue his scire facias; and shall deliver the orig- into his own inal back again to the person who shall have produced it, and Copy of such a copy of such transcription, attested by the transcribing Just evidence. tice, shall be allowed in evidence in all cases, where an authenticated copy of the original might be received.

SEC. 16. Be it further enacted, That all Justices of the Justices, whose Peace before whom actions may be commenced under for expire before mer commissions, and such commissions shall expire before satisfaction, judgment shall be rendered thereon, or judgment being ren-interest under a new dered, the same remains in whole or in part unsatisfied, such commission, seasonably ob-Justices of the Peace who shall hereafter have their said tained, to rencommissions seasonably renewed, and being duly qualified &c. agreeably to the Constitution of this State, to act under such commissions, be and they hereby are authorized and empowered to render judgment, and issue execution on all such ac-

RECOVERY OF DEBTS.

tions, commenced as aforesaid, in the same manner as if the commissions under which such actions may be commenced. were in full force.

[Approved March 15, 1821.]

CHAPTER LXXVII.

An Act providing a speedy Method of recovering Debts, and for preventing unnecessary costs attending the same.

Sec. 1. DE it enacted by the Senate and House of Representa-Justices may take recogniz. tives, in Legislature assembled, That every Justice of the Peace

ances for debts. in this State shall have power within his county to take recognizances for the payment of debts of any person who shall come before him for that purpose: which recognizance

may be in substance as follows:-

, in the County of Know all men, that I, A. B. of Form of recog- do owe unto C. D. of , the sum of , to be paid to the nizance. ; and if I shall fail of day of said C. D. on the the payment of the debt aforesaid, by the time aforesaid, I will and grant that the said debt shall be levied of my goods and chattels, lands and tenements, and in want thereof of my body. Dated at day of , this in the year of our Witness, my hand and seal Lord

ss. Acknowledged the day and year last abovesaid.

Before E. F. Justice of the Peace.

To be recorded by the Justice.

Sec. 2. Be it further enacted, That every Justice of the Peace taking any such recognizance, shall immediately record the same at large in a book to be kept by him for that purpose; and after the same is recorded, may deliver it to Execution may the Conusec; and upon the Conusee's lodging the same with issue thereon within 3 years, the said Justice, at any time within three years from the time when the same is payable, and requesting a writ of execution, it shall be the duty of such Justice to issue a writ of execution thereon for such sum as shall appear to be due on the same; which writ of execution shall be in substance as follows:

State of Maine.

(SEAL.) To the Sheriff of the County of , or his deputy, or either of the Constables of the town of , in said County. Greeting.

Form of execu-

, in the County of Because A. B. of , on the , in the year of our Lord before E. F. Esq. one of the Justices of the Peace for the said County of acknowledged that he was indebted to C. D. of in the sum of which he ought to have paid county of on the day of , and remains unpaid as it is said : We command you therefore, that of the goods, chat-

tels or real estate of the said A. B. within your precinct, you cause to be paid and satisfied unto the said C. D. at the value

ACTS

PASSED

AT THE SECOND SESSION

OF THE

FIRST LEGISLATURE

OF THE

STATE OF LOUISIANA.

EXHIBIT H (Rivas)

Render account

greeable to the assessment; and the said trustees shall at the end of the time for which they were elected, render an account of the same to the parish judge, and should any sums be unappropriated, the same shall be paid into the hands of the parish judge in trust for the succeeding trustees, and in case of de-Penalty for fault of the trustees whose term of time is thus expired, it shall be the duty of the parish judge to summon them to a settlement, enter judgment and issue execution for arrearages if necessary.

default.

Clerk and collector.

SECT. 3. And be it further enacted, That the trustees shall appoint one clerk and one collector, whose term of service shall expire at the same time with that of the trustees, which said officers shall be entitled to such fees as the said trustees may deem proper to allow them.

Fecs.

STEPHEN A. HOPKINS, Speaker of the house of representatives. J. POYDRAS,

President of the senates

Approved, March 25th, 1813.

WILLIAM C. C. CLAIBORNE, Governor of the state of Louisiana.

AN ACT

Against carrying concealed weapons, and going armed in hublic places in an unnecessary monner.

Preamble

Whereas assassination and attempts to commit the same, have of late been of such frequent occurrence as to become a subject of serious alarm to the peaceable and well disposed inhabitants of this state; and whereas the same is in a great measure to be attributed to the dangerous and wicked practice of carrying about in public places concealed and deadly weapons, or going to the same armed in an unnecessary manner, therefore;

SECT. 1. Be it enacted by the senate and house of representatives of the state of Louisiana, in general assembly convened, That from and after the passage of this act, any person who shall be found with any concealed weapon, such as a dirk, dagger, knife, pistol or any other deadly weapon concealed in his bosom, coat or in any other place about him that do not appear in full open view, any person so offending, shall on conviction thereof before any justice of the peace, be subject to pay a fine not to exceed fifty dol-

Penalty for carrying concealed weapons.

esclaves) et pour son usage, d'une piastre sur chaque mille piastres, suivant le tableau des taxes; et lesene administrateurs, à l'expiration du terme pour lequel ils auront été élus, en rendront compte au juge de la Redition de paroisse, et, s'il restait en caisse des fonds disponi- compte. bles, ils seront versés entre les mains du juge de paroisse qui les gardera jasqu'à la nomination d'autres administrateurs, et si lesdits administrateurs, à l'expiration du terme pour lequel ils auront été élus, négligeaient de rendre le compte susdit, il sera du de- Peines pour voir du juge de paroisse de les sommer de rendre defaut. leurs comptes et de les poursuivre en justice et de lancer contre eux des mandats d'execution pour les sommes arriérées, s'il le juge necessaire.

SECT. 3. Et il est de filus decreté, Que lesdits ad- Commis et ministrateurs nommeront un commis et un collecteur collecteur. de taxe, dont le tems ac service finira en même tems que celui des administrateurs et qui auront droit à la Compensacompensation que les administrateurs jugeront à pro- tion, pos de leur accorder.

STEPHEN A. HOPKINS, Orateur de la Chambre des Représentans, J. POYDRAS, Président du Senat.

Approuvé le 25 Mars 1813.

WM. C. C. CLAIBORNE, Gouverneur de l'Etat de la Louisiane.

PARTIE DE DE DE DE DE DE DE LE DE LE DE DE DE DE DE DE DE DE LE DES DE DE DE DE LE DES DE LE DE LE DES DE LE DE LE DES DE LE DES DE LE DE LE

ACTE

Pour défendre de porter des armes cachées et de se présenter arme d'une manière inutile dans les endroits publics.

Vu qu'il s'est commis dernièrement des assassinats Preambule. et qu'il a eté essayé d'en commettre d'autres de manière à causer de sérieuses allarmes aux habitans paisibles et bien disposes de cet état, et vu qu'on doit en grande partie attribuer la cause de ces assassinats à la coûtume pernicieuse et condananable de porter dans des endroits publics, des armes cachées et dangereuses, ou de s'y rendre armé d'une manière inutile,

Secr. Vère. Il est décrété par le sénat et la chambre des Représentans de l'Atat de la Louisiane réunis en Assemblée Générale, Qu'à dater de la passation de cet acte, toute personne qui sera trouvée armée d'aucune arme cachée, tels que poignard, dague, conteau, pistolet ou toute autre arme meurtrière dans Peines comson habit ou ailleurs sur lui et qui ne seront point os- tre ceux qui tensibles, toute personne coupable de cette contra- portent des vention, sera, sur conviction du fait, devant un jugo- chees. cade-paix, condamné à une amende qui n'excédera pas armes -

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tributed.

For the second offence.

How dis- lars nor less than twenty dellars, one half to the use of the state, and the balance to the informer; and should any person be convicted of being guilty of a second offence before any court of competent jurisdiction, shall pay a fine not less than one hundred dollars to be applied as aforesaid, and be imprisoned for a time not exceeding six months.

ac.

SECT. 2. And he it further enacted, That should Penalty any person stab or shoot, or in any way disable anofor stabbing ther by such concealed weapons, or should take the life of any person, shall on conviction before any competent court suffer death, or such other punishment as in the opinion of a jury shall be just.

Suspecti ed persons may be searched.

Fine.

Sureties of the peace.

Sucr. 3. And be it further enacted, That when any officer has good reason to believe that any person or persons have weapons concealed about them, for the purpose of committing murder, or in any other way armed in such a concealed nranner, on proof thereof being made to any justice of the peace, by the oath of one or more credible witnesses, it shall be the duty of such judge and justice to issue a warrant against such offender and have him searched, and should he be found with such weapons, to fine him in any sum not exceeding fifty collars nor less than twenty dollars, and to bind over to keep the peace of the state, with such security as may appear necessity for one year; and on such offender failing to give good and sufficient security as aforesaid; the said justice of the peace shall be authorised to commit said offender to prison for any time not exceeding twenty days.

STEPHEN A. HOPKINS, Speaker of the house of representatives. J. POYDRAS,

President of the senate. Approved, March 25th, 1815. WILLIAM C. C. CHAIBORNE, Governor of the state of Louisiana,

AM ACT

To establish a formulant seat of justice in and for , the parish of St. Tammany.

Sect. 1. Be it enacted by the senate and house of representatives of the state of Louisiana, in general assembly convened, That Thomas Spell, Robert Badony, Benjamin Howard, Joseph Hertraire and Ben-

A consistency of the statement of the factors of the statement of the stat

Commissieners.

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dinquante plastres et qui ne sera pas moindre de vingt piastres, dont moitié au profit de l'état, et le reste au profit du dénonciateur; et toute per- pistribution sonne convaincue de récidive devant toute cour de ju- Recidive. risdiction compétente, sera condamnée à une amende qui ne pourra être moindre de cent piaetres dont il sera disposé comme ci-dessus et à un emprisonnement qui ne pourra excéder six mois.

SECT. 2. Et il est de plus décréte, Que toute personne qui poignardera, blessera ou tirera en aucune manière sur toute autre personne ou personnes avec des armes ainsi cachées, ou qui leur étera la vie, sur conviction du fait devant toute cour de jurisdiction compétente, sera condamnée à mort ou à toute autre Peine de peine que le jury pourra trouver juste dans son opi- mert. nion.

Sect. S. Et il est de filus décrété, Que lorsque tout officier public à des raisons suffisantes de croire qu'une ou plusieurs personnes portent des armes cachées dans l'intention de commettre un meurtre, ou que d'aucune manière cette personne ou personnes portent des armes cachées, sur preuve authentique du fait et sur le témoignage d'une ou plusieurs personnes dignes de foi, devant un juge-de-paix, il sera du devoir dudit juge-de-paix de faire conduire parde- Pouvoir de. vant lui le coupable, le faire fouiller, et en cas qu'il fouiller. soit trouvé sur lui des armes cachées, il aura le pouvoir de le condamner à une amende qui ne pourra Amende. excéder cinquante piastres, ni être moindre de vingt plastres et de lui faire donner telle caution qu'il pourra trouver convenable pour conserver la tranquillité de l'état pendant une année, et si ledit coupable Caution, ne fournit pas bonne et suffisante caution, ledit jugede-paix est autorisé de le faire emprisonner pour un tems qui ne pourra excéder vingt jours.

STEPHEN A. HOPKINS, Orateur de la Chambre des Représentants J. POYDRAS, Président du Sénat,

Approuvé 25 Mars 1813.

WM. C. C. CLAIBORNE, Gouverneur de l'Etat de la Lauisiane.

ACTE

Pour fixer d'une manière permanente le lieu des séances de la cour de paroisse de St.-Tammany.

Secr. 1ère. Il est décrété par le sénat et la chambre des refirésentans de l'état de la Louisiane rémis en assemblee génerale, Que Thomas Spell, Ro- Commissale bert Badony, Benjamin Howard, Joseph Kertraire et res.

REVISED STATUTES

0 F

THE STATE OF ARKANSAS,

ADOPTED

AT THE OCTOBER SESSION

OF THE

GENERAL ASSEMBLY OF SAID STATE, A. D. 1837,

IN THE YEAR OF OUR INDEPENDENCE THE SIXTYSECOND, AND OF THE STATE THE SECOND YEAR.

REVISED BY WILLIAM McK. BALL AND SAM. C. ROANE
NOTES AND INDEX BY ALBERT PIKE.

PUBLISHED BY AUTHORITY OF THE GENERAL ASSEMBLY.

BOSTON:
WEEKS, JORDAN AND COMPANY, PUBLISHERS.
1838.

EXHIBIT I (Rivas)

ENTERED according to Act of Congress, on the 10th day of March, A. D. 1838, in the Clerk's Office, for the State of Arkansas.

BOSTON:

TUTTLE, DEFNETT AND CHISHOLM, PRINTERS, No. 17 School Street.

SEC. 12. Every person who shall be convicted of any misdemeanor, the punishment of which is not defined in this or some other statute, shall be punished by imprisonment, not exceeding one year, or by fine not exceeding two hundred and fifty dollars, or by fine and imprisonment both.

SEC. 13. Every person who shall wear any pistol, dirk, butcher or large knife, or a sword in a cane, concealed as a weapon, unless upon a journey, shall be adjudged guilty of a misdemeanor, and upon conviction thereof, in the county in which the said offence shall have been committed, shall be fined in any sum not less than twentyfive dollars, nor more than one hundred dollars, one half to be paid into the county treasury, the other half to the informer, and shall also be imprisoned not less than one, nor more than six months.

ART. II. - LIBEL.

SECTION

- 1. Definition of.
- 2. Punishment of
- The truth of the libel may be given in evidence.
- 4. Proclaiming a person a coward, for not fighting a duel, &c.

SECTION

5. Publisher or printer required to testify.

Page

- Punishment of publisher or printer refusing to testify.
- 7. Their testimony not to be used against themselves.
- SEC. 1. A libel is a malicious defamation, expressed either by writing, 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, veracity, virtue or reputation, or to publish the natural defects, of one who is living, and thereby expose him to public hatred, contempt and ridicule.
- SEC. 1. Every person, whether writer, printer or publisher, convicted of the crime of libel, shall be fined in any sum not exceeding five thousand dollars, and may also be imprisoned, not exceeding one year, at the discretion of the jury who shall pass on the case; and when any such case shall be decided without the intervention of a jury, then at the discretion of the court.
- SEC. 3. In all prosecutions for libel, under the provisions of the preceding sections, the truth thereof may be given in evidence in justification.
- SEC. 4. If any person shall, in any newspaper, handbill or other advertisement, written or printed, publish or proclaim any other person as a coward, or use any other opprobrious or abusive language, for not

GENERAL LAWS

OF THE

TWELFTH LEGISLATURE,

OF THE

STATE OF TEXAS.

CALLED SESSION.

BY AUTHORITY.



A U S T I N:
PRINTED BY TRACY, SIEMERING & CO.
1870.

EXHIBIT J (Rivas)

GENERAL LAWS.

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 ball 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 bowleknife, dirk or butcher-knife, or fire-arms, whether known as a six shooter, gun or pistel 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

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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 apprepriated, 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.

GENERAL LAWS

OF THE

TWELFTH LEGISLATURE

OF THE

STATE OF TEXAS.

FIRST SESSION-1874

BY AUTHORITY



AUSTIN:

PRINTED BY J. G. TRACY, STATE PRINTER.

EXHIBIT K (Rivas)

Page

GENERAL LAWS.

CHAPTER XXXIV.

AN ACT TO REGULATE THE KEEPING AND BEARING OF DEADLY WEAPONS.

Section 1. Be it enacted by the Legislature of the State of Texas, That any person carrying on or about his person, saddle, or in his saddle bags, any pistol, dirk, dagger, slung-shot, sword-cane, spear, brass-knuckles, bosic-knife, or any other kind of knife manufactured or sold for the purposes of offense or defense, unless he has reasonable grounds for fearing an unlawful attack on his person, and that such ground of attack shall be immediate and pressing; or unless having or carrying the same on or about his person for the lawful defense of the State, as a militiaman in actual 'service, or as a peace officer or policeman, shall be guilty of a misdemeanor, and, on conviction thereof shall, for the first offense, be punished by fine of not less than twenty-five nor more than one hundred dollars, and shall forfeit to the county the weapon or weapons so found on or about his person; and for every subsequent offense may, in addition to such fine and forfeiture, be in prisoned in the county jail for a term not exceeding sixty days; and in every case of fine under this section the fines imposed and collected shall go into the treasury of the county in which they may have been imposed; provided, that this section shall not be so construed as to prohibit any person from keeping or bearing arms on his or her own premises, or at his or her own place of business, nor to prohibit sheriffs or other revenue officers, and other civil officers, from keeping or bearing arms while engaged in the discharge of their official duties, nor to prohibit persous traveling in the state from keeping or carrying arms with their baggage; provided further, that members of the Legislature shall not be included under the term "civil officers" as used in this act.

- SEC. 2. Any person charged under the first section of this act, who may offer to prove, by way of defense, that he was in danger of an attack on his person, or unlawful interference with his property, shall be required to show that such danger was immediate and pressing, and was of such a nature as to alarm a person of ordinary courage; and that the weapon so carried was borne openly and not concealed beneath the clothing; and if it shall appear that this danger had its origin in a difficulty first commenced by the accused, it shall not be considered as a legal defense.
- SEC. 3. If any person shall go into any church or religious assembly, any school room, or other place where persons are assem-

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bled for amusement or for educational or scientific purposes, or into any circus, show, or public exhibition of any kind, or into a ball room, social party, or social gathering, 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, (except as may be required or permitted by law,) or to any other public assembly, and shall have or carry about his person a pistol or other firearm, dirk, dagger, slung shot, sword cane, spear, brass-knuckles, bowie-knife, or any other kind of knife manufactured and sold for the purposes of offense and defense, unless an officer of the peace, he shall be guilty of a misdemeanor, and, on conviction thereof, shall, for the first offense, be punished by fine of not less than fifty, nor more than five hundred dollars, and shall forfeit to the county the weapon or weapons so found on his person; and for every subsequent offense may, in addition to such fine and forfeiture, be imprisoned in the county jail for a term not more than ninety days.

SEC. 4. This act shall not apply to, nor be enforced in any county of the State, which may be designated, in a proclamation of the Governor, as a frontier county, and liable to incursions of hostile

Indians.

SEC. 5. All fines collected under the provisions of this act shall be paid into the treasury of the county, and appropriated exclusively to the keeping in repair and maintenance of public roads, and all weapons forfeited to the county under the provisions of this act shall be sold as may be prescribed by the county court, and the pro-

ceeds appropriated to the same purpose.

It shall be the duty of all sheriffs, constables, marshals, SEC. 6. and their deputies, and all policemen, and other peace officers, to arrest any person violating the first or third sections of this act, and to take such person immediately before a justice of the peace of the county where the offense is committed, or before a mayor or recorder of the town or city in which the offense is committed, who shall investigate and try the case without delay. On all such trials the accused shall have the right of a trial by jury, and of appeal to the district court; but, in case of appeal, the accused shall be required to give bond with two or more good and sufficient sureties in a sum of not less than one hundred nor more than two hundred dollars, if convicted under the first section and in a sum of not less than two hundred nor more than one thousand dollars, if convicted under the third section of this act; said bond to be payable to the State of Texas, and approved by the magistrate, and conditioned that the defendant will abide the judgment of the district court that may be rendered in the case; and in case of forfeiture the proceedings thereon shall be as is or may be prescribed by law in similar cases; and all moneys collected on any bond or judgment upon the same, shall be paid over and appropriated as provided in the fifth section of this act.

SEC. 7. Any officer named in the sixth section of this act who shall refuse or fail to arrest any person whom he is required to arrest by said section on his own information, or where knowledge is conveyed to him of any violation of the first or third sections of this act, shall be dismissed from his office on conviction in the district court, on indictment or information, or by such other proceedings or tribunal as may be provided by law, and in addition, shall be fined in any sum not exceeding five hundred dollars, at the discretion of the court or jury.

SEC. 8. That the district courts shall have concurrent jurisdiction under this act, and it is hereby made the duty of the several judges of the district courts of this State to give this act especially in charge to the grand juries of their respective counties.

SEC. 9. It is hereby made the duty of the Governor to publish this act throughout the State; and this act shall take effect and be in force from and after the expiration of sixty days after its passage.

Approved April 12, 1871.

CHAPTER XXXV.

AN ACT TO AUTHORIZE THE COUNTY COURT OF ROBERTSON COUNTY TO LEVY AND COLLECT A SPECIAL TAX FOR THE TERM OF TWO YEARS TO BUILD A COURT HOUSE AND JAIL IN THE CITY OF CALVERT, THE COUNTY SEAT OF SAID COUNTY.

Section 1. Be it enacted by the Legislature of the State of Texas, That the County Court of Robertson county be and the same is hereby authorized to levy and collect, annually, for the term of two years, a special ad valorem tax upon all property, real, personal and mixed, in said county, not to exceed one half of one per certum in addition to all general and special taxes now authorized to be levied and collected by law, which tax shall be levied and collected the same as other taxes, and shall be appropriated and paid out solely for the purpose of building a substantial court house and jail at Calvert, the county seat of Robertson county, Texas.

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

Approved April 12, 1871.

THE

PENAL CODE

OF THE

STATE OF TEXAS

PASSED BY THE

SIXTEENTH LEGISLATURE,

FEBRUARY 21, 1879,

TOOK EFFECT JULY 24, 1879.

GALVESTON: A. H. BELO & CO., STATE PRINTERS, 1879.

EXHIBIT L (Rivas)

42 TITLE IX.—OFFENSES AGAINST PUBLIC PEACE.—CH. 3, 4.

who continue so unlawfully assembled, or engaged in a riot, after being warned to disperse, shall be punished by the addition of one-half the penalty to which they would otherwise be liable, if no such warning had been given.

CHAPTER THREE.

AFFRAYS AND DISTURBANCES OF THE PEACE.

Article	Article
"Affray" defined	Shooting in public place

"Affray" defined. P.C. 381.

Disturbance of the peace. (Act June 20, 1876, p. 24.) P.C. 382. ARTICLE. 313. If any two or more persons shall fight together in a public place, they shall be punished by fine not exceeding one hundred dollars.

ART. 314. If any person shall go into any public place, or into or near any private house, or along any public street or highway near any private house, and shall use loud and vociferous or obscene, vulgar or indecent language, or swear, or curse, or expose his person, or rudely display any pistol or other deadly weapon in such public place, or upon such public street or highway, or near such private house, in a manner calculated to disturb the inhabitants thereof, he shall be fined in a sum not exceeding one hundred dollars.

"Public place" defined, P.C. 383, ART. 315. A public place within the meaning of the two preceding articles, is any public road, street or alley, of a town or city, inn, tavern, store, grocery, work-shop, or any place to which people commonly resort for purposes of business, recreation or amusement.

Shooting in public place. (Act Nov. 12, 1866, p. 210.)

ART. 316. If any person shall discharge any gen, pistol, or fire-arms of any description, on or across any public square, street or alley in any city, town or village in this state, he shall be fined in a sum not exceeding one hundred dollars.

Horse-racing on public road or street. (Act May 19, 1873, pp. 83-4.) ART. 317. Any person who shall run, or be in any way concerned in running any horse race in, along, or across any public square, street or alley in any city, town or village, or in, along or across any public road within this state, shall be fined in a sum not less than twenty-five nor more than one hundred dollars.

CHAPTER FOUR.

UNLAWFULLY CARRYING ARMS.

Article	Artide
Not applicable, when and to whom 319	Arrest without warrant

Unlawfully carrying arms. (Act April 12, 1871, p. 25.) ARTICLE 318. If any person in this state shall carry on or about his person, saddle, or in his saddle-bags, any pistol, dirk, dagger, slung-shot, sword-cane, spear, brass-knuckles, bowie-knife, or any other kind of knife manufactured or sold for purposes of offense or defense, he shall be punished by fine of not less than twenty-five nor more than one hundred dollars; and, in addition thereto, shall forfeit to the county in which he is convicted, the weapon or weapons so carried.

Not applicable when and to whom. (Act April 12, 1871, p. 25.)

Arr. 319. The preceding article shall not apply to a person in actual service as a militiaman, nor to a peace officer or policeman, or person summoned to his aid, nor to a revenue or other civil officer engaged in the discharge of official duty, nor to the carrying of arms on one's own prem-

TITLE IX.—OFFENSES AGAINST PUBLIC PEACE.—CH. 4.

ises or place of business, nor to persons traveling, nor to one who has. reasonable ground for fearing an unlawful attack upon his person, and the danger is so imminent and threatening as not to admit of the arrest of the party about to make such attack, upon legal process.

ART. 320. If any person shall go into any church or religious assem- Carrying arms bly, any school room, or other place where persons are assembled for other assembly amusement or for educational or scientific purposes, or into any circus, (Act April 12, show or public oxhibition of any kind or into a hall room social party 1871, p. 25.) show, or public exhibition of any kind, or into a ball-room, social party, or social gathering, 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 to any other public assembly, and shall have or carry about his person a pistol or other fire-arm, dirk, dagger, slung-shot, sword-cane, spear, brass-knuckles, bowie-knife, or any other kind of a knife manufactured and sold for the purposes of offense and defense, he shall be punished by fine not less than fifty nor more than five hundred dollars, and shall forfeit to the county the weapon or weapons so found on his person.

ART. 321. The preceding article shall not apply to peace officers, or Not applicable to whom, other persons authorized or permitted by law to carry arms at the places (Act April 12, 1871, p. 25.)

therein designated.

ART. 322. Any person violating any of the provisions of articles 318 Arrest without and 320, may be arrested without warrant by any peace officer, and carried before the nearest justice of the peace for trial; and any peace officer det April 12, who shall fail or refuse to arrest such person on his own knowledge, or 1871, p. 20.) upon information from some credible person, shall be punished by fine not exceeding five hundred dollars.

ART. 323. The provisions of this chapter snan not apply enforced in any county which the governor may designate, by proclamacounties.

(Act April 12, 1871, p. 20.) ART. 323. The provisions of this chapter shall not apply to or be Not applicable to frontier

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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.

EXHIBIT M (Rivas)

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, Hotels and be so amended as to impose a tax of fifty cents on each 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 Representives.
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 or Ward. may reside. Any person violating this Act shall be guilty 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

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

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.

SEC. 4. Be it further enacted, That no liquor shop in Liquor Shops 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.

SEC. 5. Be it further enacted, That the grand juries of Grand Juries 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.

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.

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.

Proviso.

Judges.

Penalty.

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:
PRINTED BY THE PUBLIC PRINTER.
1870.

EXHIBIT N (Rivas)

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.
- Violation—misdemeanor—penalty.
 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 permit-pons to certed or allowed to carry about his or her person any dirk, bowie-tain places 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, Exception. except militia muster-grounds.

SEC. 2. Be it further enacted, That if any person or persons shall violation a violate any portion of the above recited section of this act, he, or penalty 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.

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 chain-gang on the public works," which occur in fourth and fifth punishment lines of section 4245 of Irwin's Code, be, and the same are hereby,

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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.

Page

SEC. 2. Be it further enacted, That said section be further amendrunishment ed, by substituting for the words herein stricken out, the words
in lieu of "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 1. Be it enacted, etc., That section four hundred and section 415 fifteen (415) of Irwin's Revised Code of Georgia, which said section of Code, as authorizes Solicitors-General in this State to enter a nolle prosequi, repeal qui 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, Judge shall in which case the presiding Judge shall order another bill of inorder and bill of indictment to be forthwith submitted to the grand jury.

SEC. 2. And be it further enacted by the authority aforesaid, That All indict-all cases of indictments, or special presentments, shall be submitments and to ted 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 ment—when 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.

THE

REVISED STATUTES

OF THE

STATE OF MISSOURI.

1879.

TO WHICH ARE PREFIXED THE DECLARATION OF INDEPENDENCE, WASHINGTON'S FAREWELL ADDRESS, ARTICLES OF CONFEDERATION, CONSTITUTION OF THE UNITED STATES, ACT OF CONGRESS FOR THE FORMATION OF A STATE GOVERNMENT, ORDINANCE OF THE CONVENTION ASSENTING THERETO, AND CONSTITUTION OF MISSOURI: WITH AN APPENDIX CONTAINING CERTAIN ACTS OF CONGRESS, AND PRACTICAL FORMS, REQUIRED TO BE PUBLISHED THEREIN.

REVISED AND PROMULGATED BY THE XXXTH GENERAL ASSEMBLY.

VOLUME ONE.

COLLATED AND ANNOTATED BY JOHN A. HOCKADAY, THOMAS H. PARRISH, BENJAMIN F. McDANIEL AND DANIEL H. McINTYRE, COMMITTEE APPOINTED FOR THAT PURPOSE.

PUBLISHED BY AUTHORITY OF CHAPTER 4C, ARTICLE V, OF THE REVISED STATUTES OF THE STATE OF MISSOURI.

CITY OF JEFFERSON:
CARTER & REGAN, STATE PRINTERS AND BINDERS.
1879.

EXHIBIT O (Rivas)

Sec. 1271. Abandonment of children.—If any father or mother of any child under the age of six years, or any other person to whom such child shall have been confided, shall expose such child in a street, field or other place, with intent wholly to abandon it, he or she shall, upon conviction, be punished by imprisonment in the penitentiary not exceeding five years,

or in the county jail not less than six months. (G. S. 781, § 39.)

Sec. 1272. Mistreatment of apprentices.—If any master or mistress of an apprentice or other person having the legal care and control of any infant, shall, without lawful excuse, refuse or neglect to provide for such apprentice or infant, necessary food, clothing or lodging, or shall unlawfully and purposely assault such apprentice or infant, whereby his life shall be endangered, or his health shall have been or shall be likely to be permanently injured, the person so offending shall, upon conviction, be punished by imprisonment in the penitentiary not exceeding three years, or by imprisonment in the county jail not exceeding one year, or by a fine of not more than one thousand dollars, or by both such fine and imprisonment. (New section.)

Sec. 1273. Abandonment of wife or child.—If any man shall, without good cause, abandon or desert his wife, or abandon his child or children under the age of twelve years born in lawful wedlock, and shall fail, neglect or refuse to maintain and provide for such wife, child or children, he shall, upon conviction, be punished by imprisonment in the county jail not more than one year, or by a fine of not less than fifty, nor more than one thousand dollars, or by both such fine and imprisonment. No other evidence shall be required to prove that such husband was married to such wife, or is the father of such child or children, than would be necessary to prove such fact or facts in a civil action. (Laws 1867, p. 112, amended—m.)

Sec. 1274. Carrying deadly weapons, etc.—If any person shall carry concealed, upon or about his person, any deadly or dangerous weapon, or shall go into any church or place where people have assembled for religious worship, or into any school room or place where people are assembled for educational, literary or social purposes, or to any election precinct, on any election day, or into any court room during the sitting of court, or into any other public assemblage of persons met for any lawful purpose, other than for militia drill or meetings called under the militia law of this state, having upon or about his person any kind of firearms, bowie-knife, dirk, dagger, slung-shot, or other deadly weapon, or shall, in the presence of one or more persons, exhibit any such weapon in a rude, angry or threatening manner, or shall have or carry any such weapon upon or about his person when intoxicated or under the influence of intoxicating drinks, or shall, directly or indirectly, sell or deliver, loan or barter to any minor, any such weapon, without the consent of the parent or guardian of such minor, he shall, upon conviction, be punished by a fine of not less than five nor more than one hundred dollars, or by imprisonment in the county jail not exceeding three months, or by both such fine and imprisonment. (Laws 1874, p. 43; laws 1875, p. 50, and laws 1877, p. 240, amended.)

Sec. 1275. Above section not to apply to certain officers.—The next preceding section shall not apply to police officers, nor to any officer or person whose duty it is to execute process or warrants, or to suppress breaches of the peace, or make arrests, nor to persons moving or traveling peaceably through this state, and it shall a good defense to the charge of carrying such weapon, if the defendant shall show that he has been threatened with great bodily harm, or had good reason to carry the same in the necessary

defense of his person, home or property. (New section.)

Sec. 1276. Fire arms not to be discharged near court house.—Hereafter it shall be unlawful for any person in this state, except he be a sheriff or other officer in the discharge of official duty, to discharge or fire off any

⁽m) Wife held to be a competent witness to prove fact of abandonment. 43 Mo. 429. The fact that the defendant has brought suit for divorce is no defense. 52 Mo. 172.

gun, pistol or fire arms of any description, in the immediate vicinity of any court house, church or building used for school or college purposes. (Laws

1879, p. 90, § 1.)

Sec. 1277. Punishment.—Any person, guilty of a violation of the preceding section, shall be deemed guilty of a misdemeanor, and, upon conviction, shall be punished by a fine of not less than five dollars nor more than twenty dollars, or by imprisonment in the county jail not exceeding twenty days. (Laws 1879, p. 91, § 2.)

SEC. 1278. Immediate vicinity defined.—The term immediate vicinity, as used in this article, shall be construed and held to mean a distance not

exceeding two hundred yards. (Laws 1879, p. 91, § 3.)

Sec. 1279. Intoxicated stage driver.—Every person who, whilst actually employed in driving any stage, coach, wagon, omnibus, hack or other vehicle, shall be intoxicated to such a degree as to endanger the safety of any person therein, shall be deemed guilty of a misdemeanor, and shall, upon conviction, be punished by fine not less than twenty nor more than one hundred dollars. (G. S. 814, § 31.)

Sec. 1280. Intoxicated pilot or engineer.—Every person who, whilst actually employed in discharging the duties of a pilot or engineer on any steamboat, or of a conductor or engineer on railroad cars, shall be intoxicated to such a degree as to endanger the safety of such steamboat or cars, or of any person or passenger therein, shall, upon conviction, be punished by imprisonment in the penitentiary not exceeding three years, or in the county jail not exceeding one year, or by fine not exceeding one thousand (G. S. 814, § 32.)

Drunken conductor, whilst in charge of train.—If any person shall, while in charge of a locomotive engine running upon the railroad of any such corporation, or while acting as the conductor of a car, or train of cars, on any such railroad, be intoxicated, he shall be deemed guilty of

a misdemeanor. (G. S. p. 342, § 40.)

Sec. 1282. Punishment for certain offenses.—Every person who shall be convicted of murder in either degree, or manslaughter in the first degree, or who shall be convicted and sentenced to the penitentiary for any of the offenses specified in sections twelve hundred and fifty-three, twelve hundred and fifty-four, twelve hundred and fifty-five, twelve hundred and fifty-six, twelve hundred and fifty-seven, twelve hundred and fifty-eight, twelve hundred and fifty-nine, twelve hundred and sixty, twelve hundred and sixty-one, twelve hundred and sixty-two and twelve hundred and sixtysix, shall be forever disqualified from voting at any election, or holding any office of honor, trust or profit under the laws of this state, or of any city, or town thereof, or sitting as a juror in any case. (G. S. 782, § 40, am'd.)

ARTICLE III.

OFFENSES AGAINST PUBLIC AND PRIVATE PROPERTY.

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1296. Burglary, second degree, continued.
1297. Burglary, second degree, continued.
1298. Burglary, second degree, continued.
1299. What breaking not burglary.
1300. Burglary in first and second degrees, how
punished.
1301. Burglary and larceny.
1302. Robbery in first degree.
1303. Robbery in second degree.
1204. Robbery in third degree.
1205. Robbery, how punished.
1306. Attempt to blackinsil, how punished.
1307. Grand larceny defined.
                                                                                                                                                                                                                                                                                                                           SECTION
SECTION
1283. Arson in first degree.
1284. Dwelling house, defined.
1285. Arson in second degree.
1286. Building containing public records.
1287. Arson in third degree.
1288. Burning brewery, etc.
1289. Burning boat or vessel.
1290. Arson in fourth degree.
1291. Punishment for arson.
12902. Burgdary in first degree.
  SECTION
  1291.
1292.
 1291. Runginy in first degree.
1293. Burglary in second degree.
1294. Burglary, second degree, continued.
1295. Burglary, second degree, continued.
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THE

STATUTES OF OKLAHOMA

1890.

Compiled under the supervision and direction of Robert Martin, Secretary of the Territory,

—ВУ---

WILL T. LITTLE, L. G. PITMAN and R. J. BARKER,

--FROM--

The Laws Passed by the First Legislative Assembly of the Territory.

GUTHRIE, OKLAHOMA:
THE STATE CAPITAL PRINTING CO.,
PUBLISHERS.
1891.

EXHIBIT P (Rivas)

(2430) § 6. Every person who, with intent to extort any Chap. 25. money or other property from another, sends to any person any Sending lecter or other writing, whether subscribed or not, expressing or threatening letimplying, or adapted to imply, any threat, such as is specified in ter. the second section of this article, is punishable in the same manner as if such money or property were actually obtained by means of such threat.

(2431) § 7. Every person who unsuccessfully attempts by means Attempting to export money. of any verbal threat such as is specified in the second section of this article, to extort money or other property from another is guilty of a misdemeanor.

ARTICLE 47.—CONCEALED WEAPONS.

SECTION.

- 1. Prohibited weapons enumerated.
- 2. Same.
- Minors.
- Minors.
 Public officials, when privileged.
- 5. Arms, when lawful to carry.

SECTION.

6. Degree of punishment.

- Public buildings and gatherings.
- Intent of persons carrying weapons. Pointing weapon at another.
- 10. Violation of certain sections.

(2432) § 1. It shall be unlawful for any person in the Terri-Prohibited tory of Oklahoma to carry concealed on or about his person, sad-weapons enu-merated. dle, or saddle bags, any pistol, revolver, bowie knife, dirk, dagger, slung-shot, sword cane, spear, metal knuckles, or any other kind of knife or instrument manufactured or sold for the purpose of defense except as in this article provided.

(2433) § 2. It shall be unlawful for any person in the Territory of Oklahoma, to carry upon or about his person any pistol, revolver, bowie knife, dirk knife, loaded cane, billy, metal knuckles, or any other offensive or defensive weapon, except as in this article provided.

(2434) § 3. It shall be unlawful for any person within this Territory, to sell or give to any minor any of the arms or weapons designated in sections one and two of this article.

(2435) § 4. Public officers while in the discharge of their Public officials, duties or while going from their homes to their place of duty, or returning therefrom, shall be permitted to carry arms, but at no other time and under no other circumstances: Provided, however, That if any public officer be found carrying such arms while under the influence of intoxicating drinks, he shall be deemed guilty of a violation of this article as though he were a private person.

(2436) § 5. Persons shall be permitted to carry shot-guns or Arms, when rifles for the purpose of hunting, having them repaired, or for killing animals, or for the purpose of using the same in public muster or military drills, or while travelling or removing from one place to another, and not otherwise.

(2437) § 6. Any person violating the provisions of any one of Degree of the foregoing sections, shall on the first conviction be adjudged punishment. guilty of a misdemeanor and be punished by a fine of not less than twenty-five dollars nor more than fifty dollars, or by imprisonment in the county jail not to exceed thirty days or both at the discretion of the court. On the second and every subsequent con-

Chap. 25.

viction, the party offending shall on conviction be fined not less than fifty dollars nor more than two hundred and fifty dollars or be imprisoned in the county jail not less than thirty days nor more than three months or both, at the discretion of the court.

(2438) § 7. It shall be unlawful for any person, except a peace Public buildings and gather officer, to carry into any church or religious assembly, any school room or other place where persons are assembled for public worship, for amusement, or for educational or scientific purposes, or into any circus, show or public exhibition of any kind, or into any ball room, or to any social party or social gathering, or to any election, or to any place where intoxicating liquors are sold, or to any political convention, or to any other public assembly, any of the weapons designated in sections one and two of this article.

Intent of persons carrying weapons.

(2439) § 8. It shall be unlawful for any person in this Territory to carry or wear any deadly weapons or dangerous instrument whatsoever, openly or secretly, with the intent or for the avowed purpose of injuring his fellow man.

Pointing other.

(2440) § 9. It shall be unlawful for any person to point any weapons at an- pistol or any other deadly weapon whether loaded or not, at any other person or persons either in anger or otherwise.

Violation of section seven.

(2441) § 10. Any person violating the provisions of section seven, eight or nine of this article; shall on conviction, be punished by a fine of not less than fifty dollars, nor more than five hundred and shall be imprisoned in the county jail for not less than three not more than twelve months.

ARTICLE 48.—FALSE PERSONATION AND CHEATS.

SECTION.

- 1. False impersonation, punishment for.
- 2. False impersonation and receiving money.

Personating officers and others.

- 4. Unlawful wearing of grand army badge.
- Fines, how paid.
- Obtaining property under false pretenses.

SECTION.

- 7. False representation of charitable purposes.
- Falsely representing banking corporations.
- Using false check.
- Holding mock auction. IO.

Punishment for false impersonation.

(2442) § 1. Every person who falsely personates another, and in such assumed character, either:

Marries or pretends to marry, or to sustain the marriage relation toward another, with or without the connivance of such other person; or,

Second. Becomes bail or surety for any party, in any proceeding whatever, before any court or officer authorized to take such bail or surety; or,

Third. Subscribes, verifies, publishes, acknowledges or proves, in the name of another person, any written instrument, with intent that the same may be delivered or used as true; or,

Fourth. Does any other act whereby, if it were done by the person falsely personated, he might in any event become liable to any suit or prosecution, or to pay any sum of money, or to incur any charge, forfeiture or penalty, or whereby any benefit might accrue to the party personating, or to any other person.

THE ANNOTATED CODE

—OF THE—

GENERAL STATUTE LAWS

___OF___

THE STATE OF MISSISSIPPI,

---PREPARED BY---

R. H. THOMPSON, GEORGE G. DILLARD, and R. B. CAMPBELL,

-----AND------

Reported to and amended and adopted by the Legislature at its Regular Session in 1892.

PUBLISHED BY AUTHORITY OF THE LEGISLATURE.

NASHVILLE, TENN.:
MARSHALL & BRUCE, LAW PUBLISHERS.
1892.

EXHIBIT Q (Rivas)

- 1025 (2766). The same; opening graves for certain purposes.—Every person who shall open a grave or other place of interment with intent to move the dead body of any human being for the purpose of selling the same, or for the purpose of dissection, or to steal the coffin or any parf thereof, or the vestments or other articles interred with the dead body, or any of them, shall, upon conviction, be punished by imprisonment in the penitentiary not exceeding two years, or in the county jail not more than six months, or by fine of not more than three hundred dollars, or both.
- 1026 (2985). Deadly weapons; carrying of concealed. (Laws 1888, p. 89).—Any person who carries concealed, in whole or in part any bowie-knife, dirk-knife, butcher-knife, pistol, brass or metallic knuckles, slung-shot, sword, or other deadly weapon of like kind or description, shall be guilty of a misdemeanor, and, on conviction, shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars, or be imprisoned in the county jail not less than one month nor more than three months, or both.
 - 1027. The same; not applicable to certain persons.—Any person indicted or charged for a violation of the last section may show as a defense—
 - (a) That he was threatened, and had good and sufficient reason to apprehend a serious attack from an enemy, and that he did so apprehend; or
 - (b) That he was traveling and was not a tramp, or was setting out on a journey, and was not a tramp; or
 - (c) That he was a peace officer or deputy in the discharge of his duties; or
 - (d) That he was at the time in the discharge of his duties as a mail carrier; or
 - (e) That he was at the time engaged in transporting valuables for an express company or bank; or
 - (f) That he was in lawful pursuit of a felon.

And the burden of proving either of said defenses shall be on the accused.

The "traveling or setting out on a journey" in the statute means a travel of such distance as to take one beyond the circle of his friends and acquaintances. McGuirk v. State, 64 Miss., 209.

The pursuit of a fugitive daughter, begun without knowing where it will lead, is "traveling on a journey." Haywood v. State, 66 Miss., 402.

"Threatened with an attack" does not contemplate mere denunciation, but menace such as to cause a reasonable apprehension of an attack that might properly be resisted with the deadly weapon. Tipler v. State, 57 Miss., 685.

Even if the accused be "threatened" and entertain the "apprehension," it will be no defense if he carried the weapon for some other reason, and for some other purpose. McGuirk v. State, 64 Miss., 209.

The threats must not be too remote. McGuirk v. State, 64 Miss., 210.

The act of 1888, amendatory of the Code, 1880, on the subject of carrying weapons concealed, was ex post facto in its application to offenses previously committed. (1) It cut off a defense, and (2) it changed, but did not mitigate, the penalty. Lindsey v. State, 65 Miss., 542; Hodnett v. State, 66 Miss., 26.

The statute makes the fact of carrying a weapon concealed criminal, regardless of intent. Strahan v. State, 68 Miss., 347.

1028 (2986). The same; and cartridges not sold to infant or drunk person.—It shall not be lawful for any person to sell, give, or lend to any minor or person intoxicated, knowing him to be a minor or in a state of intoxication, any deadly weapon, or other weapon the carrying of which concealed is prohibited, or pistol cartridge; and, on conviction thereof, he shall be punished by a fine not less than twenty-five dollars nor more than two hundred dollars, or imprisoned in the county jail not exceeding three months, or both.

1029 (2987). The same; father not to suffer infant son to have or carry.—Any father who shall knowingly suffer or permit any son under the age of sixteen

years to have or to own, or to carry concealed, in whole or in part, any weapon the carrying of which concealed is prohibited, shall be guilty of a misdemeanor, and, on conviction, shall be fined not less than twenty dollars nor more than two hundred dollars, or may be imprisoned not more than sixty days in the county jail, or both.

1030 (2988). The same; college students not to have, etc.—A student of any university, college, or school, who shall carry, bring, receive, own, or have on the campus, college or school grounds, or within two miles thereof, any weapon the carrying of which concealed is prohibited, or a teacher, instructor, or professor who shall knowingly suffer or permit any such weapon to be carried, or so brought, received, owned, or had by a student or pupil, shall be guilty of a misdemeanor, and, on conviction, be fined not exceeding three hundred dollars or imprisoned in the county jail not exceeding three months, or both.

1031 (2804). The same; exhibiting in rude, angry, or threatening manner, etc.—If any person, having or carrying any dirk, dirk-knife, sword, sword-cane, or any deadly weapon, or other weapon the carrying of which concealed is prohibited, shall, in the presence of three or more persons, exhibit the same in a rude, angry, or threatening manner, not in necessary self-defense, or shall in any manner unlawfully use the same in any fight or quarrel, the person so offending, upon conviction thereof, shall be fined in a sum not exceeding five hundred dollars or be imprisoned in the county jail not exceeding three months, or both. In prosecutions under this section it shall not be necessary for the affidavit or indictment to aver, nor for the state to prove on the trial, that any gun, pistol, or other fire-arm was charged, loaded, or in condition to be discharged.

The omission of the word "manner," after the words "rude, angry, and threatening," in an indictment, is a formal defect, and may be amended as such. In such indictment it is unnecessary to aver that the defendant was "carrying" the weapon. Gamblin v. State, 45 Miss., 658.

1032 (2769). Disturbance of family; noises and offensive conduct.—A person who willfully disturbs the peace of any family or person by an explosion of gunpowder or other explosive substance, or by loud or unusual noise, or by any tumultuous or offensive conduct, shall be punished by fine and imprisonment, or either; the fine not to exceed one hundred dollars, and the imprisonment not to exceed six months in the county jail.

What constitutes the offensive conduct, or the nature or character of the offensive conduct, should be stated in the affidavit or indictment. Finch v. State, 64 Miss., 461.

This section and the next one are intended to protect the peace of families. An affidavit or indictment averring the disturbance merely of an individual, charges no offense under either section. Brooks v. State 67 Miss., 577.

1033 (2770). The same; using abusive, etc., language, etc.—Any person who enters the dwelling-house of another, or the yard or curtilage thereof, or upon the public highway, or any other place near such premises, and in the presence or hearing of the family of the possessor or occupant thereof, or of any member thereof, or of any female, makes use of abusive, profane, vulgar, or indecent language, or is guilty of any indecent exposure of his person at such place, shall be punished for a misdemeanor.

Place is material. An indictment charging the use of abusive language in a yard, is not sustained by proof of its use near the yard. Quin v. State, 65 Miss., 479.

1034 (2767). Disturbance of worship; proceedings and penalty.—If any person shall willfully disturb any congregation of persons lawfully assembled for reli-

ACTS AND RESOLVES

PASSED BY THE

GENERAL ASSEMBLY

OF THE

STATE OF VERMONT,

AT THE

TWELFTH BIENNIAL SESSION, 1892.



PUBLISHED BY AUTHORITY.

BURLINGTON:

THE FREE PRESS ASSOCIATION, PRINTERS AND BINDERS-

EXHIBIT R (Rivas)

1892.]

PUBLIC ACTS.

95

This act shall take effect on the first day of May, SEC. 5. 1893.

Approved November 22, 1892.

No. 84.—AN ACT IN AMENDMENT OF SECTION 4074 OF THE REVISED LAWS, RELATING TO GAMES.

It is hereby enacted by the General Assembly of the State of Vermont:

Section four thousand and seventy-four of the Revised Laws is hereby amended by inserting therein, after the word "billiard table," in the first line of said section, the words "pool table."

Approved November 15, 1892.

ACT AGAINST CARRYING CONCEALED No. 85.—AN WEAPONS.

It is hereby enacted by the General Assembly of the State of Vermont:

Section 1. A person who shall carry a dangerous or deadly weapon, openly or concealed, with the intent or avowed purpose of injuring a fellow man, shall, upon conviction thereof, be punished by a fine not exceeding two hundred dollars, or by imprisonment not exceeding two years, or both, in the discretion of the court.

Sec. 2. A person who shall carry or have in his possession while a member of and in attendance upon any school, any firearms, dirk knife, bowie knife, dagger or other dangerous or deadly weapon shall, upon conviction thereof, be fined not exceeding twenty dollars.

Approved November 19, 1892.

No. 86.—AN ACT TO PREVENT FRAUD AT AGRICUL-TURAL FAIRS AND EXHIBITIONS OF HORSES.

Societies authorized to hold public fairs may offer premiums or purses for competition of horses in respect to speed, and may make rules for the conduct of their exhibitions.

SECTION.

Section.
 Societies may classify horses respecting previous exhibitions of speed.
 Penalty for entering disguised horse, representing animal to be another horse; or entering horse in a class in which he is not elligible.
 When to take effect.

It is hereby enacted by the General Assembly of the State of Vermont:

SECTION 1. Agricultural societies, corporations and associations, authorized under the laws of this State to hold public fairs for the competition of horses or horse kind in respect to speed, are hereby authorized to offer premiums or purses for success in such competition, and to conduct and manage their exhibitions in accordance with their own rules and regulations, publicly advertised, and not in conflict with the laws of this State.

- SEC. 2. Such societies, corporations and associations are hereby authorized to establish and designate classes of horses or horse kind, with respect to the previous exhibitions of speed of such animals, or to any other reasonable and lawful grounds of classification, particularly set forth in such publicly advertised rules or regulations.
- SEC. 3. Whoever, for the purpose of competing for any purse or premium, offered by any such society, corporation or association within this State, shall knowingly and designedly enter or drive any horse or animal of the horse kind that shall have been painted or disguised; or who, for such purpose, shall falsely and fraudulently represent any animal of the horse kind to be another or different animal from the one it really is; or who knowingly or designedly, for the purpose of competing for any such premium or purse, shall enter or drive any horse, or animal of the horse kind, in a class where it is not entitled to be entered, under the said rules and regulations of the society, corporation or association offering such premium or purse, shall be deemed guilty of an offense under section four thousand one hundred and fifty-four (4154) of the Revised Laws of Vermont; and upon conviction, shall be punished by a fine of not more than five hundred dollars, or by imprisonment not exceeding six months.
 - SEC. 4. This act shall take effect from its passage. Approved November 16, 1892.

No. 87.—AN ACT TO PREVENT FRAUD IN THE SALE OF LARD.

It is hereby enacted by the General Assembly of the State of Vermont:

SECTION 1. No manufacturer or other person shall sell, deliver, prepare, put up, expose or offer for sale any lard, or any article intended for use as lard, which contains any ingredient but the pure fat of swine, in any tierce, bucket, pail, or other vessel or wrapper, or under any label bearing the words "pure," "refined," "family," or either of them, alone or in combination with other words, unless every vessel, wrapper or label, in or under which such article is sold, delivered, prepared, put up or exposed for sale, bears on the top or outer side thereof, in letters not less than one-half inch in length and plainly exposed to view, the words "compound lard."

ADOPTED BY THE

State Constitutional Convention

OF THE

STATE OF LOUISIANA,

MAROH 7, 1868.

Printed by the New Orleans Republican, in accordance with a resolution of the Constitutional Convention, adopted March 7th, 1868.

NEW ORLEANS:

PRINTED AT THE REPUBLICAN OFFICE, 57 ST. CRABLES STREET.

EXHIBIT S (Rivas)

No. 100.

AN ACT

To regulate the conduct and to maintain the freedom and purity of elections; to prescribe the mode of making, and designate the officers who shall make the returns thereof; to prevent fraud, violence, intimidation, riot, tumult, bribery or corruption at elections or at any registration or revision of registration; to limit the powers and duties of the sheriffs of the parishes of Orleans and Jefferson; to prescribe the powers and duties of the Board and officers of the Metropolitan Police in reference to elections; to prescribe the mode of entering on the rolls of the Senate and House of Representatives the names of members; to empower the Governor to preserve peace and order, to enforce the laws; to limit the powers and duties of the Mayors of the cities of New Orleans and Jefferson with regard to elections; to prohibit District or Parish Judges from issuing certain writs to Commissioners of Election; to make an appropriation for the expenses of the next revision of the registration and of the next election; and to enforce article one hundred and three of the constitution.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Louisiana, in General Assembly convened, That all Time of holding elections for State, parisi, and judicial officers, members of the Gen-elections. eral Assembly, and for members of Congress shall be held on the first Monday in November, and said elections shall be styled the general elections.

Page

They shall be held in the manner and form, and subject to the regulations hereinafter prescribed, and no other.

Sec. 2. Be it further enacted, etc., That elections for Representatives in the General Assembly shall be held on the first Monday of Beetions for November, one thousand eight hundred and seventy, and every two representatives in the General (2) years thereafter; and all elections to supply the place of Sena-Assembly. ators in the General Assembly, whose terms of service shall have expired, shall be held at the same time as herein provided for the State senators. election of Representatives.

Sec. 3. Be it further enacted, etc., That all elections shall be held in each parish at the several election polls or voting places to be estab. When held lished as is hereinafter prescribed.

Sec. 4. Be it further enacted, etc., That all elections shall be completed in one day, and the polls shall be kept open at each poll When completor voting place, from the hour of six in the morning until six o'clock ed -potts open. in the afternoon.

SEC. 5. Be it further enacted, etc., That each parish in this State, except the parishes of Orleans and Jefferson, is hereby fixed as an Election preelection precinct, and the supervisor of registration in each of said parishes shall direct what number of polls or voting places shall be voting places. established in each precinct, fix the places of holding the election, and appoint commissioners of election for each poll or voting place. In the city of New Orleans, each ward shall constitute a precinct, and in the remaining part of the parish of Orleans, the supervisor of registration for the said parish shall fix both the precincts and voting places in each precinct, and in the parish of Jefferson, the supervisor of registration shall fix both the precincts and the voting places in each precinct; in the parishes of Orleans and Jefferson the supervisor of registration of each parish shall appoint commissioners of election therefor, as in the other parishes. Any duly registered voter may vote at any poll or voting place within his precinct.

Sec. 6. Be it further enacted, etc., That the elections at each poll or voting place shall be presided over by three commissioners of commissioners election, residents of the parish, who shall be able to read and write, of election, to be appointed by the supervisor of registration for the parish,

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who shall, before entering upon the discharge of their duties, take and subscribe the outli or outlis prescribed for State officers. Should only one of the commissioners appointed be present, he shall appoint unother, and both together shall appoint a third, and the commissioners so appointed shall take the oath, and perform all the duties of commissioners of election in the same manner as if they had been appointed by the supervisor of registration.

Duties of commissioners.

Sec. 7. Be it further enacted, etc., That it shall be the duty of the commissioners of election to receive the ballots of all legal voters who shall offer to vote, and deposit the same in the ballot box to be provided for that purpose. The commissioners shall deposit the ballot of each voter in the ballot box in the full and convenient view of the voter himself.

Votes—how taken and deposited.

Sec. 8. Be it further enacted, etc., That in all cases the vote of the person offering to vote shall be taken from the hand of the voter by one of the commissioners of election, and any commissioner of election receiving a vote from the hands of any person other than the voter, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than one hundred dollars nor more than three hundred dollars; and any person taking a vote from a voter for the purpose of handing the same to the commissioner of election, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than one hundred dollars nor more than three hundred dollars; Provided, That any voter shall have the right to deposit his own vote in the ballot box with his own hand,

Penalty.

Sec. 9. Be it further enacted, etc., That any commissioner of election, constable, police officer or election officer, who shall see any person taking from the hands of a voter his ballot with intent to pass it to the commissioners of election, or attempting so to pass such ballot, shall forthwith arrest such person and convey him at least one quarter of a mile from the polls, and keep him there under guard until the close of the polls.

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Sec. 10. Be it further enacted, etc., That the commissioners of Order and de election shall preserve order and decorum at the election, and shall commit to prison, or if at any place over one mile from the parish prison, to the custody of the officer, who shall convey the prisoner to a place at least a quarter of a mile from the polls, any disorderly person or persons for a term not to extend beyond the hour of closing the polls, provided he be permitted to vote before being imprisoned. It shall be the duty of the commissioners of election, or any of them, to issue a warrant forthwith for the arrest of such person or persons, and the officer making the arrest shall commit such person or persons as above provided until the close of the polls. Such warrants may be directed to any sheriff, constable or police officer, and shall be executed immediately by such officer. As soon as practicable after the closing of the polls, such person or persons shall be brought before the proper magistrate for examination, who shall proceed forthwith to examine the case.

Arrest of disorderly persons.

voting.

Sec. 11. Be it further enacted, etc., That it shall be the duty of the Lists of persons commissioners of election at each poll or voting place to keep a list of the names of the persons voting at such poll or voting place, which list shall be numbered from one to the end, and said lists of voters, with their names and number as aforesaid, signed and sworn to as correct by such commissioners, shall be delivered to the supervisor of registration at the same time the box containing the ballots is delivered to him.

Sec. 12. Be it further enacted, etc., That any commissioner of election shall have power to administer oaths and affirmations to persons oaths and offering to vote at any election conducted by them, and to examine afternations. such persons under oath touching their right to vote at such election; and in all cases the supervisor of registration for the parish commissioner shall appoint one of the commissioners of election to keep a record of the voters during the election, and another to receive the votes, Record of perand whenever a vote is received the commissioner of election keep-sons votinging the record shall call the name of the voter aloud, and shall mark how kept. the letter "V" opposite said name on the record.

Sec. 13. Be it further enacted, etc., That all supervisors of registration, assistant supervisors of registration, commissioners of election, one of elecand officers attending supervisors of registration or commissioners then free from arrest. of election, shall be free from arrest during the time of registration or of the revision of the registration, or of holding the election, or in going to or returning from the place of registration or poll or voting place, unless he or they shall be charged with an offense Exception. punishable with death or imprisonment in the peniten 'ary.

Sec. 14. Be it further enacted, etc., That each commissioner of election shall receive as compensation the sum of five dollars per day compensations: for the number of days he is actually employed in the discharge of commissioners. the duties of his office, for which he shall make a written and specific account, which shall be examined, and if found correct shall be approved and countersigned by the supervisor of registration of the parish and by the Governor, and upon presentation of such account to the Auditor of Public Accounts, said Auditor shall issue his warrant upon the Treasurer for the amount named therein. All Expenses. proper expenses incurred for the rent of polling or voting places, and the hire of such furniture and incidental expenses necessary for the holding an election, shall be paid by the city or parish authorities in which the elections are held, upon the presentation of a detailed account, duly sworn to and approved by the supervisors of registration for the parish.

Sec. 15. Be it further enacted, etc., That any person duly appointed as a commissioner of election, who shall refuse or fail to serve as rather of comsuch, shall be fined in the sum of one hundred dollars, to be recov-missioners to act-penalty. ered by prosecution before any court of competent jurisdiction.

SEC. 16. Be it further enacted, etc., That no person shall be per-person must be mitted to vote at any election to be held in this State, who has not registered in been duly registered as a qualified voter in accordance with law.

SEC. 17. Be it further enacted, etc., That any voter shall vote in the Where a person parish wherein he resides, except in the parishes of Orleans and Jef- may vote. ferson, wherein he shall vote at the election precinct in which he shall be a registered voter.

Sec. 18. Be it further enacted, etc., That all the names of persons voted for by each voter shall be written or printed on one ticket, on Tickets. which the names of the persons voted for, together with the office for which they are voted for, shall be accurately specified; and should two (2) or more tickets be folded together, the tickets so folded shall be rejected. The commissioners of election shall require certificates of every person offering to vote to exhibit his certificate of registration, registration to be stamped. and when the vote of such person is received, the commissioners of election shall write on or stamp on such certificate or affidavit the

Penalty for crasure of atamp

word "voted," and the date of the vote, which shall be signed by one of the commissioners; and any person being guilty of erasing or altering any stamp or mark thus made by the commissioners of election, or any one of them, shall upon conviction be deemed guilty of a misdemeaner, and fined and imprisoned at the discretion of the

may be required as to previous voting.

ister oath.

Sec. 19. Be it further enacted, etc., That the commissioners shall coaths of voters have the right to require that any person attempting to vote shall be put on his oath, and made to declare whether he has voted at another poll or voting place, and in case such person shall make a false oath, he shall be subjected to the penalties provided by law for Fenalty for resperjury. And it is hereby made the duty of any commissioner of tusing to admin-election, upon the request of any voter, to administer the oath herein required, and any commissioner of election refusing or neglecting to administer the oath, when so requested, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than one hundred dollars, and by imprisonment for a term of not less than three months.

Sec. 20. Be it further enacted, etc., That any person offering to vote As to certificate may be required by the commissioners to make oath and declare that he is the person to whom was issued the registration certificate. or other paper upon which he offers to vote, and that he has not voted at any other poll or voting place; and in case he shall make a false oath, he shall be liable to the pains and penalties of perjury prescribed by law.

Sec. 21. Be it further enacted, etc., That the supervisor of registra-Printed lists of tion for each parish throughout the State shall furnish to the comregulater dvoters missioners of election, at each poll or voting place within his parish, to be furnished to commission a written or printed list, in alphabetical order, of all the registered voters, and the number of the certificate of registration of each voter of the precinct in which the poll or voting place may be situated; and it shall be the duty of the commissioners of election, as soon as a voter has deposited his vote, to erase his name from said trazure penal list. Any person, except a commissioner of election, who shall mark, disfigure or erase any part of said list, shall be immediately arrested and confined until the close of the polls. It is made the duty of all supervisors and assistant supervisors of registration, commissioners of election, and public officers, to enforce the penalty of this section.

Sec. 22. Be it further enacted, etc., That the police jury of each Ballot loves, by parish in the State, except the parish of Orleans, shall furnish to the whom broushed supervisor of registration as many ballot boxes as may be requisite for the holding of all elections in the parish, and in the parish of Orleans it shall be the duty of the Common Council of the city of New Orleans to furnish the supervisor of registration as many ballot boxes as may be necessary for the holding of all elections in the parish.

One for each poll.

Sec. 23. Be it further enacted, etc., That it shall be the duty of the supervisor of registration of each parish to provide for each election poll or voting place within the parish, one suitable ballot box, at the expense of the parish, if not furnished by the parish.

Sec. 24. Be it further enacted, etc., That it shall be the duty of the tawto be posted supervisor of registration in each parish, at least ten days before any election, to cause to be printed and posted up in conspicuous places throughout his parish, and at or near the polls or voting

places, a sufficient number of copies of the provisions of this law imposing penalties for offenses against the freedom and purity of elections.

Sec. 25. Be it further enacted, etc., That the State Registrar of Voters shall furnish to all supervisors of registration all printed blanks Blanks and inand instructions, in conformity with this act, which may be neces- structions. sary for conducting elections and making returns thereof, which shall be printed by some person to be appointed by the Governor, Lieutenant Governor and Speaker of the House of Representatives, and paid for at the rates allowed for the State printing. The print- now paid for ing shall be measured and approved by the officers aforesaid, and etc. the Auditor of Public Accounts shall issue his warrants therefor upon the State Treasurer only when so approved, in such sums as may be convenient, of not less than fifty dollars nor more than one hundred dollars each.

Sec. 26. Be it further enacted, etc., That all elections held in this State to fill any vacancies shall be conducted and managed, and actures of electrons to fill vacancies returns thereof shall be made in the same manner as (if) [is] pro-caucies. vided for general elections

Sec. 27. Be it further enacted, etc., That the supervisor of registration for the parish shall conduct all city, town, parish or charter city, town, pare elections, which may be held in his parish, and forward statements ish and charter elections. thereof to the returning officers in the same manner and form as is prescribed for general elections.

Sec. 28. Be it further enacted, etc., That the Governor shall com- commissions of mission all officers elect, except members of the General Assembly officers elect. and the Governor.

Sec. 29. Be it further enacted, etc., That in any parish, precinct, ward, city or town, in which during the time of registration or revi- statement or sion of registration, or on any day of election, there shall be any rots and disturbances to riot, tumult, acts of violence, intimidation, armed disturbance, be made. bribery or corrupt influences, at any place within said parish, or at or near any poll or voting place, or place of registration or revision of registration, which riot, tunult, acts of violence, intimidation, armed disturbance, bribery or corrupt influences, shall prevent, or tend to prevent, a fair, free, peaceable and full vote of all the qualified electors of said parish, precinct, ward, city or town, it shall be the duty of the commissioners of election, if such riot, tumult, acts of violence, intimidation, armed disturbance, bribery or corrupt influences, occur on the day of election, or of the supervisor of registration, or any assistant supervisor of registration of the parish, if they occur during the time of registration or revision of registration, to make in duplicate, and under oath, a clear and full statement of all the facts relating thereto, and of the effect produced by such riot, tumult, acts of violence, intimidation, armed disturbance, bribery or corrupt influences in preventing a fair, free, peaceable and full registration or election, and of the number of qualified cleetors deterred by such riot, tumult, acts of violence, intimidation, armed disturbance, bribery or corrupt influences, from registering or voting, which statement shall also be corroborated, under oath, by three respectable citizens, qualified electors of the parish.

When such statement is made by a commissioner of election or assistant supervisor of registration, he shall forward both copies to the supervisor of registration, immediately on the close of the election. The supervisor of registration shall forward one copy of

all such statements, whether made by himself or by a commissioner of election, or by an assistant supervisor of registration, to the Governor, and shall deposit one copy with the clerk of a District Court of the parish.

tion, etc.

. Sec. 30. Be it further enacted, etc., That no parish or district judge wests of injune. shall interfere, by writ of injunction or mandamus, or order of court to compel any commissioner of election to do any act or prohibit him from doing any act in his official capacity as commissioner of election, or relating in any manner to the conduct of the election. Any judge so interfering shall be guilty of a misdemeanor in office, and upon conviction thereof shall be punished by a fine of not less than one hundred dollars and imprisonment in the parish prison for not less than three months; Provided, That nothing in this section shall be so construed as to exempt any commissioner from a suit for damages or prosecution for violation of the law.

Proviso.

Penalty,

Prosecution of Judge, wrong-fully granting certain writs.

Sec. 31. Be it further enacted, etc., That it shall be the duty of the Governor to cause the Attorney General, or in case of his failure or refusal, to employ competent counsel to prosecute any judge who shall violate the provisions of the foregoing section of this act. In the parish of Orleans such prosecutions shall be before the district court having criminal jurisdiction. Whenever the judge of a district court having jurisdiction of such prosecutions shall be prosecuted for such an offense, the Governor shall appoint some practicing attorney to prosecute the cause. Any attorney so employed, as above directed by the Governor, shall, for each successful prosecution in which he shall have been engaged, receive as compensation a sum to be fixed by the Governor, the judge of a district court and two judges of the Supreme Court, which shall be paid to him upon the warrant of the Governor and such judges, out of any funds in the treasury not otherwise appropriated.

Members of Congress.

Sec. 32. Be it further enacted, etc., That all general elections for members of Congress shall be held at the same time, and conducted in the same manner, as is provided for the general elections.

Returns for Con-

Sec. 33. Be it further enacted, etc., That as soon as possible after the expiration of the time of making the returns of the election for gressional Rep- representatives in Congress, a certificate of the returns of the election for such representatives shall be entered on record by the Secretary of State, and signed by the Governor, and a copy thereof, subscribed by said officers, shall be delivered to the person so elected, and another copy transmitted to the House of Representatives of the Congress of the United States, directed to the clerk thereof.

fice of Representative in Congress.

Sec. 34. Be it further enacted, etc., That in case of vacancy, by Vacancy in of death or otherwise in the said office of Representatives in Congress, between the general elections, it shall be the duty of the Governor by proclamation, to cause an election to be held according to law, to fill the vacancy.

Presidential elections.

Sec. 35. Be it further enacted, etc., That in every year in which an election shall be held for electors of President and Vice President of the United States, such election shall be held on the Tuesday next after the first Monday in the month of November, in accordance with an act of the Congress of the United States, approved January twenty-third, one thousand eight hundred and forty-five, entitled "An Act to establish a uniform time for holding elections for electors of President and Vice President, in all States of the Union;" and

such elections shall be held and conducted, and returns made thereof in the manner and form prescribed by law for the general elections.

Sec. 36. Be it further enacted, etc., That whenever the seat of any senator or representatives shall become vacant, and there shall be a vacancies in session of the General Assembly then sitting or to be held before members of General Assembly that the second seco the next general election, it shall be the duty of the Governor, by. within five days after being officially informed of such vacancy, to issue his writ of election, directed to the supervisors of registration in and for the parish or parishes in which such vacancy may exist, whose duty it shall be, within three days after its receipt, to give public notice that an election will be held to fill such vacancy on a day to be named by them, which day shall not be less than eight nor more than fifteen days after the publication of such notice, if such election be held during or within fifteen days next preceding a session of the General Assembly, but if not, then the election shall be held not less than twenty nor more than thirty days after the publication of such notice, and shall be held and conducted, and the returns thereof made in the manner and form provided by law for general elections.

Sec. 37. Be it further enacted, etc., That in all future elections for senators, representatives, sheriffs, coroners, clerks of the dis- Tie vote. trict courts and other officers, if there should be an equal number of votes given to two or more candidates for the same office, the election for such office or offices thus not filled shall be again returned to the people in the parish or district, as the case may be, public notice of ten days to be first given in the same manner as in the general elections.

Sec. 38. Be it further enacted, etc., That the provisions of this act, except as to the time of holding elections, shall apply in the Elections not election of all officers whose election is not otherwise provided for. specified.

SEC. 39. Be it further enacted, etc., That it shall be the duty of the Governor, at least six weeks before every general election, to Proclamation of issue his proclamation, giving notice thereof, which shall be published election. in the official journal of the State, and copies thereof forwarded to the several supervisors of registration throughout the State.

Sec. 40. Be it further enacted, etc., That notice of every general election held under the provisions of this act shall be given at least Notices of electhirty days before the election, by notices posted up in each precinct, tion. or if there be an official newspaper published in the parish, by publishing the notice in such paper.

Sec. 41. Be it further enacted, etc., That the supervisors of registration, or commissioners of election, shall, on the day of election, printing close all drinking saloons, dram shops, groggeries or places where saloons. liquor is sold by the glass or bottle, situated within a radius of two miles of any poll or voting place. And said supervisors or commissioners of election shall have the power to call on any sheriff, constable or police officer to enforce this regulation. If such sheriff, constable or police officer shall refuse to obey any order issued under the authority of this section, the commissioner or supervisor giving the order shall summarily arrest and imprison such sheriff, constable or police officer, such imprisonment not to extend beyond the hour of closing the polls. And such sheriff, constable or police officer so refusing to obey such order shall be deemed guilty of a misdemeanor in office, and upon conviction thereof, shall be punished by imprisonment for a term not to exceed six months, nor less than three months, and by a fine of not more than (\$500) five hundred dollars, nor less than (\$100) one hundred dollars.

issue warrant for closing drinking houses

Sec. 42. Be it further enacted, etc., That the Governor, any justice Peace officers to of the peace, alderman, mayor, judge, or any State officer who may be present at, or have knowledge of any drinking saloon, dram shop, groggery, or place where liquor is sold by the glass or bottle, which is open contrary to the provisions of the foregoing section within the limits therein prescribed, may in writing order any police officer or constable to seize any such liquors, or any carriages or vessels containing the same, or any booths or tents erected within said limits for the purpose of exposing such intoxicating liquors for sale.

liquors.

Sec. 43. Be it further enacted, etc., That the constable or police offiomeers to seize cer to whom such order shall be delivered, shall thereupon seize all such liquor, carriages, vessels, and the materials of any such tent or booth and hold and detain the same until twenty-four hours after the close of the election, then to be delivered on demand to the owner or the person from whom they were taken, on the payment of ten dollars for the safe keeping of said articles.

Sec. 44. Be it further enacted, etc., That if these effects be not thus sale of liquors, demanded, the same shall be sold at public auction by the police officer or constable making the seizure, and the proceeds of such sale, after deducting costs of sale and safe keeping, shall be paid to the owner of the articles sold, or the person from whom the same were taken.

er not to be challenged as to residence.

Sec. 45. Be it further enacted, etc., That no voter whose name is Registered vot registered according to law shall be challenged at the polls on any question of residence, but it shall be the duty of the commissioners of elections to require every person whose name appears on the registration books to prove his identity if required by the commissioners of election; and any commissioner of election who shall receive a second vote on the same day by virtue of the same certificate of registration, and any person who shall offer to vote a second time upon any certificate of registration, shall be deemed guilty of a misdemeanor, and on conviction thereof be fined or imprisoned, or both, at the discretion of the court, but the fine shall not exceed one hundred dollars in each case, nor the imprisonment one year, and the like punishment shall, on conviction, be inflicted on Endorsement on any commissioner of election who shall neglect or refuse to make the

Voting twice.

, certificate.

certificates.

endorsement required as aforesaid, on the said registration certificate. Sec. 46. Be it further enacted, etc., That if any elerk of a court, or Wrongful issue deputy of any such clerk, or any other person, shall affix the seal or particularization of office to any naturalization paper or permit the same to be affixed, or give out, or cause or permit the same to be given out, in blank, whereby it may be fraudulently used, or furnish a naturalization certificate to any person who shall not have been duly examined and sworn in open court, in the presence of some of the judges thereof, according to the act of Congress, or shall aid in, connive at, or in any way permit the issue of fraudulent naturalization certificates. he shall be guilty of a misdemeanor; or if any one shall fraudulently use any such certificate of naturalization, knowing it to have been fraudulently issued, or shall vote, or attempt to vote thereon, or if any one shall vote, or attempt to vote, on any certificate of naturalization not issued to him, he shall be guilty of a misdemeanor; and either or any of the persons, their aiders or abettors, guilty of either of the misdemeanors aforesaid, shall, on conviction, be fined in a sum not exceeding one thousand dollars, and imprisoned in the penitentiary for a period not exceeding three days.

Sec. 47. Be it further enacted, etc., That if any person, on oath or affirmation, in or before any court in the State, or officer authorized to administer oaths, shall, to procure a certificate of naturalization procure certififor himself or any other person, willfully depose, declare or affirm cate of naturalization. any matter to be fact, knowing the same to be false, or shall in like manner deny any matter to be fact, knowing the same to be true, he shall be deemed guilty of perjury, and any certificate of naturalization issued in pursuance of any such deposition or affirmation, shall be null and void; and it shall be the duty of the court issning the same, upon proof being made before it that it was fraudulently obtained, to take immediate measures for recalling the same for cancellation; and any person who shall vote, or attempt to vote, on any paper so obtained, or who shall in any way aid in, connive at, or have any agency whatever in the issue, circulation or use of any fraudulent naturalization cirtificate, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall undergo an imprisonment in the penitentiary for not more than two years, and pay a fine, not more than one thousand dollars, for every such offense, or either or both, at the discretion of the court.

Sec. 48. Be it further enacted, etc., That at all general elections the names of all candidates to be voted for in the cities of New Or- Names of candileans and Jefferson shall be written or printed on one ticket, or slip dates on one ticket, of paper, and the number of the ward and election precinct in which the ticket is to be voted, shall be printed or written on the outside fold thereof.

Sec. 49. Be it further enacted, etc., That the supervisors of regis- copy lists of tration in the parishes of Orleans and Jefferson shall, during registration in tration and at least within six days preceding any general election, ferson, ferson. furnish to the Board of Metropolitan Police Commissioners a copy of the lists of registered voters in each precinct in said parishes.

Sec. 50. Be it further enacted, etc., That the Board of Metropolitan Police Commissioners shall forthwith proceed by means of the party of Metripolice to inquire into and report to said supervisers the names of all holtan Police. persons falsely, fraudulently or improperly registered; and to this end the Board of Metropolitan Police Commissioners shall divide each ward into convenient subdivisions or blocks, and shall assign to each subdivision one or more police officers, whom they shall direct and cause to compare the names of the actual residents of said subdivisions or blocks with the names of the registered voters thereof, and to report to them the names of all persons whom they shall find to be falsely, fraudulently or improperly registered, and the Board of Metropolitan Police Commissioners shall report the same in an alphabetical list, with the names and residences thereof as registered, to the supervisors of registration of said parishes of Orleans and Jefferson, respectively, who shall immediately make publication thereof in the official journal of the State, with notice to all such persons to appear forthwith at the office of the supervisor of registration of said parishes, respectively, and show canse why their names should not be erased from the registry list. If any such person shall appear and show to the satisfaction of the Supervisor of Registration that he has been unjustly reported as falsely, fraudulently or improperly registered, or show other sufficient cause why his name should remain on the registry list, his name shall not be erased; otherwise the supervisor of registration shall cause all

names so reported to be erased from the registry list, and no person whose name is so erased shall vote at that election.

ed from conand Jefferson.

Sec. 51. Be it further enacted, etc., That the mayors of the cities of Mayor prohibit. New Orleans and Jefferson are hereby prohibited from appointing commissioners or (thair) [other] officers to hold or conduct any ducting election whatever, and from doing any act toward the holding or conducting of any election.

> Any mayor who shall do any act contrary to the provisions of this section shall be deemed guilty of a misdemeanor in office, and, upon conviction thereof, shall be punished by imprisonment for not less than three months, and by a fine of not less than three hundred Any citizen may prosecute any person violating this dollars. section.

Sheriffs not to interfere in elecand Jefferson and St. Bernand

Sec. 52. Be it further enacted, etc., That it shall be unlawful for the sheriffs of the parishes of Orleans, Jefferson and St. Bernard, tions in Orleans or either of them, to appoint any deputies to conduct or in any manner to interfere with the elections in said parishes, or to station any deputies or their officers at any poll or voting place or at any office of registration, for the purpose of receiving or carrying the ballot boxes, or to do any act toward conducting the elections, or toward maintaining or preserving the peace on the day of election. The whole care of the peace and order of the cities of New Orleans, Jefferson and Carrollton, and in the parishes of Orleans, Jefferson and St. Bernard, on the days of election, shall be in the charge of the Metropolitan Police, subject to the orders of the Governor.

Any sheriff who shall do any act contrary to the provisions of this section shall be deemed guilty of a misdemeanor in office, and, upon conviction thereof, shall be removed from office, and be imprisoned for not less than three months, and be fined not less than three hundred dollars. Any citizen may prosecute any person

violating the provisions of this section.

Scaling of ballot boxes.

Penalty.

Delivery of bullot hoxes.

Counting of haljote.

Statement of votes.

Sec. 53. Be it further enacted, etc., That immediately upon the close of the polls on the day of election, the commissioners of election at each poll or voting place shall seal the ballot box by pasting slips of paper over the key hole and the opening in the top thereof, and fastening the same with scaling wax on which they shall impress a seal, and they shall write the names of the commissioners on the said slips of paper; they shall forthwith convey the ballot box so sealed to the office of, and deliver said ballot box to the supervisor of registration for the parish, who shall keep his office open for that purpose from the hour of the close of the election until all the votes from the several polls or voting places of the precinct shall have been received and counted. The supervisor of registration shall immediately upon the receipt of said ballot box note its condition and the state of the seals and fastenings thereof, and shall then in the presence of the commissioners of election and three citizens freeholders of the parish for such poll or voting place, open the ballot box and count the ballots therein, and make a list of all the names of the persons and offices voted for, the number of votes for each person, the number of ballots in the box, and the number of ballots rejected, and the reason therefor. Said statement shall be made in triplicate, and each copy thereof shall be signed and sworn to by the commissioners of election of the poll and by the supervisor of registration. As soon as the supervisor of registration shall have made

the statement above provided for for each poll in his precinct or parish, and it shall have been sworn to and subscribed as above directed, the supervisor of registration shall inclose in an envelop of strong paper or cloth, securely sealed, one copy of such statement from each poll and one copy of the list of persons voting at each poll, and one copy of any statements as to violence or disturbance, bribery or corruption, or other offenses specified in section twenty-nine of this act, if any there be, together with all memoranda and tally lists used in making the count and statement of the votes, and shall send such package by mail, properly and plainly addressed, to the Governor of the State. The supervisor of registration shall send a second copy of said statement to the Governor of the State by the next most safe and speedy mode of conveyance, and shall retain the third copy in his own possession.

Sec. 54. Be it further enacted, etc., That the Governor, the Lieutenant Governor, the Secretary of State, and John Lynch and T. C. Returning offi-Anderson, or a majority of them, shall be the returning officers for all elections in the State, a majority of whom shall constitute a quorum and have power to make the returns of all elections. In case of any vacancy by death, resignation or otherwise by either of the board, then the vacancy shall be filled by the residue of the board

of returning officers.

The returning officers shall, after each election, before entering upon their duties, take and subscribe to the following oath before

a judge of the Supreme or any District Court:

I, A. B., do solemnly swear (or affirm) that I will faithfully and diligently perform the duties of a returning officer as prescribed by our. law; that I will carefully and honestly canvass and compile the statements of the votes and make a true and correct return of the

election. So help me God.

Within ten days after the closing of the election said returning officers shall meet in New Orleans to canvass and compile the state- Meetings. ments of votes made by the supervisors of registration, and make returns of the election to the Secretary of State. They shall continue in session until such returns have been completed. The Governor shall at such meeting open, in the presence of the said returning officers, the statements of the supervisors of registration, and the said returning officers shall, from said statements, canvass and com- compiled repile the returns of the election in duplicate. One copy of such turns. returns they shall file in the office of the Secretary of State, and of one copy they shall make public proclamation by printing in the official journal and such other newspapers as they may deem proper, declaring the names of all persons and offices voted for, the number of votes for each person, and the names of the persons who have been duly and lawfully elected. The returns of the elections thus made and promulgated shall be prima facie evidence in all courts of justice and before all civil officers until set aside, after a contest according to law of the right of any person named therein to hold and exercise the office to which he shall by such return be declared elected.

The Governor shall within thirty days thereafter issue commissions to all officers thus declared elected who are required by law to commissions. be commissioned.

Sec. 55. Be it further enacted, etc., That in such canvass and compilation the returning officers shall observe the following order: ing officers. They shall compile first the statements from all polls or voting

places at which there shall have been a fair, free and peaceable registration and election. Whenever from any poll or voting place there shall be received the statement of any supervisor of registration, assistant supervisor of registration, or commissioner of election, in form as required by section twenty-nine of this act, on affidavit of three or more citizens, of any riot, tumult, acts of violence, intimidation, armed disturbance, bribery or corrupt influences, which prevented or tended to prevent a fair, free, and peaceable and full vote of all qualified electors entitled to vote at such poll or voting place, such returning officers shall not canvass, count or compile the statement of votes from such poll or voting place until the statements from all other polls or voting places shall have been canvassed and compiled. The returning officers shall then proceed to investigate the statements of riot, tumult, acts of violence, intimidation, armed disturbance, bribery or corrupt influences at any such poll or voting place, and if from the evidence of such statements they shall be convinced that such riot, tumult, acts of violence, intimidation, armed disturbance, bribery or corrupt influences, did not materially interfere with the purity and freedom of the election at such poll or voting place, or did not prevent a sufficient number of qualified voters thereat from registering or voting to materially change the result of the election, then, and not otherwise, said returning officers shall canvass and compile the vote of such poll or voting place with those previously canvassed and compiled; but if said returning officers shall not be fully satisfied thereof, it shall be their duty to examine further testimony in regard thereto, and to this end they shall have power to send for persons and papers. If, after such examination, the said returning officers shall be convinced that said riot, tumult, acts of violence, intimidation, armed disturbance, bribery or corrupt influences did materially interfere with the purity and freedom of the election at such poll or voting place, or did prevent a sufficient number of the qualified electors thereat from registering and voting, to materially change the result of the election, then the said returning officers shall not canvass or compile the statement of the votes of such poll or voting place, but shall exclude it from their returns.

Clerks.

The returning officers may appoint such clerks as may be necessary, for a length of time not to exceed thirty days, who shall be paid five dollars per day each for the time actually served, which time shall be specified in a written account, subscribed and sworn to by such clerk, and approved by the returning officers. The Auditor of Public Accounts shall issue his warrant upon the treasury for the amount of such account so subscribed and sworn to and approved.

sembly men.

Sec. 56. Be it further enacted, etc., That it shall be the duty of the neturns of As- Secretary of State to transmit to the Clerk of the House of Representatives and the Secretary of the Senate of the last General Assembly a list of the names of such persons as, according to the returns, shall have been elected to either branch of the General Assembly, and it shall be the duty of said clerk and secretary to place the names of the representatives and senators elect, so furnished. upon the roll of the House and of the Sonate respectively, and those representatives and senators whose names are so placed by the clerk and secretary, respectively, in accordance with the foregoing provisions, and none other, shall be competent to organize the House of Representatives or Senate. Nothing in this act shall be construed to conflict with article thirty-four of the constitution of the State.

Sec. 57. Be it further enacted, etc., That should any of the returning officers named in this act be a candidate for any office at any election, Candidates not he shall be disqualified to act as returning officer for that election, to be returning officers, and a majarity of the remaining returning officers shall summon some respectable citizen to act as returning officer in place of the one so disqualified.

Sec. 58. Be it further enacted, etc., That any civil officer or other person who shall assume or pretend to act in any capacity as a com- Intrusion into missioner or other officer of election, to receive or count votes, to receive returns or ballot boxes, or to do any other act toward the holding or conducting of elections, or the making returns thereof, in violation of or contrary to the provisions of this act, shall be deemed guilty of a felony, and upon conviction thereof shall be punished by imprisonment in the penitentiary for a term not to exceed three years nor less than one year, and by a fine not exceeding three hundred dollars nor less than one hundred dollars.

Sec. 59. Be it further enacted, etc., That any person or persons who shall obstruct, hinder, or by violence or threats of violence, intimidation, abusive language, or other species of intimidation, interfere with a etc. supervisor or assistant supervisor of registration or commissioner of election, or with any person or persons duly appointed to execute orders of the supervisor of registration or commissioners of elections, in the discharge of their duties, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding three hundred dollars nor less than one hundred dollars, and by imprisonment for a period not exceeding three months nor less than one month.

Sec. 60. Be it further enacted, etc., That any person or persons who shall counsel, aid, connive at, abet, encourage or participate in Abetting acts of "any riots, tumults, acts of violence, intimidation, or armed disturb- violence. ance at or near the office of any supervisor or assistant supervisor of registration, on any day of registration or revision of registration, or at or near any poll or voting place, on any day of election, shall be deemed guilty of a felony, and on conviction thereof shall be punished by a fine not exceeding five hundred dollars nor less than one hundred dollars, and by imprisonment in the penitentiary for a period not exceeding two years nor less than six months.

Sec. 61. Be it further enacted, etc., That any person who shall register or cause to be registered his name, or that of any other per- raise registry son as a legal voter, in violation of law, or vote, or induce or cause and voting. another to vote, in violation of the laws, or of the constitutional provisions in such cases made and provided, shall be deemed guilty of a felony, and on conviction thereof shall be punished by a fine of not more than five hundred dollars nor less than one hundred dollars, and by imprisonment in the penitentiary for a period not less than one year nor more than three years.

Sec. 62. Be it further enacted, etc.. That any person or persons who shall purchase or cause to be purchased the registration papers purchase of regor certificate of registration of any person duly registered according istration papers, to law, shall be deemed guilty of a felony, and on conviction thereof shall be punished by a fine not exceeding five hundred dollars nor less than one hundred dollars, and by imprisonment in the penitentiary for a term not less than one year nor more than three years.

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False certificates, etc.

Sec. 63. Be it further enacted, etc., That any person who shall vote or attempt to vote on any false or fraudulent paper or certificate of registration, or upon any paper or certificate of registration issued to a person other than the one voting or attempting to vote on said paper or certificate of registration, shall be deemed guilty of a felony, and on conviction thereof shall be punished by a fine not exceeding five hundred dollars nor less than one hundred dollars, and by imprisonment in the penitentiary for a term not less than one year nor more than three years.

Bribery and vio-

SEC. 64. Be it further enacted, etc., That any person who shall induce, by offer of reward, by threats of violence, or otherwise, any person to vote or attempt to vote on any false or fraudulent paper or certificate of registration, or upon any papers or certificate of registration belonging to a person other than the one voting or attempting to vote on said paper or certificate of registration, shall be deemed guilty of a felony, and on conviction thereof shall be punished by a fine not exceeding five hundred dollars nor less than one hundred dollars, and by imprisonment in the penitentiary for a period not exceeding three years nor less than one year.

Twice voting.

Sec. 65. Be it further enacted, etc., That any person who shall vote or attempt to vote more than once at the same election, shall be deemed guilty of a felony, and upon conviction thereof shall be punished by a fine of not less than one hundred dollars, and by imprisonment in the penitentiary for a term of not less than three

Arrest of offend-CUE.

Sec. 66. Be it further enacted, etc., That it shall be the duty of any commissioner of election to forthwith arrest any person who shall vote or attempt to vote more than once, and commit him to the parish prison, and to immediately file an information against such person with the district attorney or district attorney pro tempore whose duty it shall be to prosecute such person before the proper court; and upon his failure so to do, the Attorney General shall appoint some attorney to prosecute such person, and also to prosecute such district attorney or district attorney pro tempore for such failure. Any supervisor of registration, commissioner of election, district attorney, or district attorney pro tempore who shall refuse, neglect or fail to comply with the provisions of this section of this act, shall be deemed guilty of a misdemeanor in office, and upon conviction thereof shall be removed from office, and punished by a fine of not less than one hundred dollars, and imprisonment for not less than three nor more than six months.

Influencing voters.

Sec. 67. Be it further enacted, etc., That any person who shall, by threats of discharge from employment, of withholding wages, or proscription in business, influence or attempt to influence any voter in the casting of his vote at any election, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than five hundred dollars, which shall go to the school fund of the parish, and by imprisonment in the parish prison for not less than three months.

employment of

. Sec. 68. Be it further enacted, etc., That any person who shall Discharge from discharge from his employment any laborer, employe, tenant or mechanic, who shall have been working for such person under contract, written or oral, for a specified time before such time shall have expired, or who shall withhold from any laborer, employe, tonant or 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 com- with commismissioner of election or person in charge of the ballot boxes, while siners, etc. 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.

SEC. 70. Be it further enacted, etc., That any person not authorized Disturbing the by this law to receive or count the ballots at an election, who shall, counting of balduring or after any election, and before the votes have been counted lots. 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.

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 elec- with ballot tion who shall take, receive, conceal, displace or [in] any manner han-boxes. dle 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.

Sec. 72. Be it further enacted, etc., That if any person shall by bribery, menace, willful falsehood, or other corrupt means, directly or interference indirectly attempt to influence any elector of this State in the giving with free exer-his vote or ballot, or to induce him to withhold the same, or disturb suffrage. 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.

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 weapons, 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-

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.

Edquors.

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.

Be it further enacted, etc., That whoever, knowing that he Sec. 75. 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.

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.

Double votes,

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.

Bribery to influence voters.

> 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.

Obtaining illegal voting.

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.

Disorderly houses.

> 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.

Meelings of ettizens.

> Any sheriff, constable or police officer present at the violation of this section shall forthwith arrest the offender or offenders, and conyey 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.

Imprisonment.

Src. 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 Cloy-

Perjury.

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

Document 55-23 Filed 07/14/23 Page 18 of 18 Case 1:23-cv-00265-LEK-WRP PageID.722

trol of the peace and order of the State, over all peace and police officers, and shall have the command and direction in chief of all police officers, by whomsoever appointed, and of all sheriffs and constables

in their capacity as officers of the peace.

SEC. 84. Be it further enacted, etc. That to defray the expenses of the next revision of registration, and of the next general election, Expenses there is hereby appropriated out of any funds in the treasury not otherwise appropriated, the sum of fifty thousand dollars (\$50,000), or so much thereof as may be necessary.

SEC. 85. Be it further enacted, etc., That all laws or parts of laws contrary to the provisions of this act, and all laws relating to the nepal. same subject matter are hereby repealed, and that this act shall take

effect from and after its passage.

MORTIMER CARR, (Signed)

Speaker of the House of Representatives.

OSCAR J. DUNN, (Signed) Libutement Governor and President of the Senate.

Approved March 16, 1870.

(Signed)

H. C. WARMOTH,

Governor of the State of Louisiana.

A true copy:

GEO. E. BOVEE.

Secretary of State.

No. 101.]

AN ACT

To define and regulate the cost of the Clerks, Sheriffs, Recorders and Notaries Public throughout the State of Louisiana, and providing forfeitures and penalties for overcharging or failing to perform their duties, and the mode of collecting their fees.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Louisiana, in General Assembly convened, That the rest of clerks. clerks of the district courts throughout the State shall be entitled to demand and receive the following fees of office, and no more; and they shall not be entitled to charge any other fees of office than those specially set forth therein, for any services as clerks which they may be required to render:

For indorsing, registering and filing petition, for all, ten cents. For indorsing, registering and filing answer, for all, ten cents. For issuing citation, with copy of same, with certificate and seal on

each, fifty cents, one charge for both.

For issuing attachment, with copy of same, with certificates and seals on both, one dollar, one charge for both.

For issuing fieri facias, with seal, fifty cents.

For issuing writ of seizure and sale, with seal, one dollar.

For issuing writ of sequestration, with copy of same, with certificates and seals, one dollar, one charge for both.

For issuing writ of certiorari, with copy of same, with certificates and seals, one dollar, one charge for both.

A DIGEST

OF THE

LAWS OF TEXAS:

CONTAINING THE LAWS IN FORCE,

AND

THE REPEALED LAWS

ON WHICH RIGHTS REST,

From 1864 to 1872,

CAREFULLY ANNOTATED.

BY GEORGE W. PASCHAL,

OF AUSTIN, TEXAS,

LATE REPORTER OF THE SUPREME COURT OF TEXAS, AUTHOR OF PASCHAL'S ANNOTATED CONSTITUTION, PASCHAL'S DIGEST OF DECISIONS, ETC., ETC.

Third Edition-Volume II.

WASHINGTON, D. C.:
W. H. & O. H. MORRISON,
LAW BOOKSELLERS AND PUBLISHERS.
1873.

EXHIBIT T (Rivas)

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CRIMINAL CODE.

ceeding one thousand dollars, and imprisoned in the penitentiary for a period not exceeding three years.

CHAPTER IV.—RIOTS AND UNLAWFUL ASSEMBLIES AT ELECTIONS, VIOLENCE 11 July, 1870. Art. USED TOWARDS ELECTORS.

1317

ART. 6485. [28] Any person who may, by threats, intimida- Punishment of tion, or violence, resist or impede a registrar, or board of appeals threats and intimidation imor revision, in the discharge of their duties, shall be deemed peding registraguilty of a misdemeanor, and, on conviction, shall be punished Art. 6684. by fine of not less than fifty, nor more than one hundred dollars, and by imprisonment of not less than sixty days, or more than six months, in the county jail.

ART 6486. [28] Any registrar who, by violence or threats, is Registrars to reimpeded in the discharge of his duty, shall report the same to the sheriff, who shall furnish a sufficient force to enable him to proceed in the discharge of his duty.

ART. 6487. [38] Any person or persons who shall disturb the Disturbers of regular of discharge of istrars punished. registrars or boards of revision in the full and fair discharge of their duties, by acts of intimidation, by inciting or encouraging a tumult or mob, or who shall cause such disturbance, or encourage, or abet any tumult, mob, or violence in the vicinity of any place of registry, shall be deemed guilty of a felony, and, on conviction thereof, shall be punished by fine not exceeding five Fine or imprisonhundred dollars, or by imprisonment in the penitentiary for a period not exceeding two years, nor less than six months

ART. 6488. [46] (cl. 1) Any person who shall, by threats of Intimidation of discharge from employment, of withholding wages, or of proscription in business, influence, or attempt to influence, any voter in the casting of his vote at any election, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not less than five hundred dollars, one-half of which shall go to the informer, and the other half to the school fund of the state, and by imprisonment in the county prison for not less and 3 months im-

punished as mis-Art. 1893.

than three months. ART. 6489. [43] (cl. 2) Any person who shall discharge from Punishment for his employment any laborer, employé, tenant, or mechanic, who discharging laborer on account of his vote; made a misde-mean and punished by or who shall withhold from any laborer, employé, tenant, or mechanic, any part of the wages due to such laborer, employé, tenant, or mechanic, on account of any vote which such laborer, employé, 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, fine not less than one-half of which shall go to the informer, and the other half to the school fund of the state, and by imprisonment in the county and 3 months' imjail for not less than three months.

conviction shall be punished by a fine of not less than one hundred dollars, and by imprisonment in the county jail for not less

prisonment.

ART. 6490. [55] (1) 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, within a distance of one half mile of any place of election. (2) Any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and on

punished. Art. 1891.

Penalty for violating this section.

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CRIMINAL CODE.

Officers of elecexempted.

than one month: Provided, That the provisions of this section shall not apply to any officer of the election, police officer, or other person authorized to preserve the peace on the days of election.

Belling liquor on

ART. 6491. [56] No person shall give, sell, or barter any spirituous or intoxicating liquor to any person on the days of election; and any person found guilty of violating the provisions of this section shall be fined in a of sum not less than one hundred dollars, nor more than three hundred dollars, which shall go to the school fund.

School fund.

ART. 6492. [49] Any person or persons who shall disturb an election, by inciting or encouraging a tumult or mob, or shall cause such disturbance in the vicinity of any poll or voting place, shall be deemed guilty of a felony, and, on conviction thereof, shall be punished by a fine not exceeding five hundred dollars, nor less than two hundred dollars, and by imprisonment in the penitentiary for a period not exceeding two years, nor less than six months.

15 Aug., 1870; art. 6481 for caption. Disturbing election by mob pun-ished. Arts. 1891-1894.

Alterations. changes, and mu-tilations of registration books or imprisonment.

Art. 6480.

Punishment for false registration and illegal voting. Perjury. **A**rí 1898.

Penalty.

Giving false name punished by fine or imprisonment.

15 Aug., 1870. Art. 6481 for cap-tion. Disturbing balfine or imprisonment.

At discretion.

Repeaters punished by fine and imprisonment. Art. 1897.

11 July, 1870. Art. CHAPTER V.—MISCELLANEOUS OFFENSES AFFECTING THE RIGHT OF SUFFRAGE. 6476 for caption.

ART. 6493. [26] If any person shall alter, change, mutilate, or in any manner deface any book of registration, or shall take and carry away the same from the office of the clerk of the district court, registrar, or judge of election, or other place where the same may be lawfully deposited, or from the lawful possession of any person whomsoever, with intent to destroy, suppress, alter, or conceal, or in any wise mutilate or destroy the same, so as to prevent the lawful use of such book or books of registration, such person shall be deemed guilty of felony, and, upon conviction thereof, shall be punished as prescribed in section twenty-five of this act.

ART. 6434. [32] (cl. 1) Any person who shall take and subscribe the registration oath falsely shall, upon conviction thereof, be punished as provided by law for the crime of perjury, and any person who shall knowingly and willfully vote, or attempt to vote, upon the registration certificate of another, or of one who may be dead, shall, upon conviction thereof, forfeit and pay a fine of five hundred dollars, and in default thereof shall be imprisoned in the county jail for a term not exceeding one year.

ART. 6495. [32] (cl. 2) Any person giving a false name, with intent to deceive a registrar, shall, upon conviction thereof, be deemed guilty of a misdemeanor, and fined in a sum not to exceed one hundred dollars, or be punished by imprisonment in the county jail for a term not to exceed one year.

ART. 6496. [47] Any person not authorized by this law to receive or count ballots at an election, who shall, during or after any election, and before the votes have been counted by the judges of election, disturb, displace, conceal, destroy, handle, or touch any ballot, after the same has been received from the voter by the judge 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.

ART. 6497. [48] Any person who shall vote, or attempt to vote, more than once at the same election, shall be deemed guilty of a felony, and, upon conviction thereof, shall be pun-

THE MARYLAND CODE.

Public Local Laws,

CODIFIED BY

JOHN PRENTISS POE.

ADOPTED BY THE GENERAL ASSEMBLY OF MARYLAND MARCH 14, 1888.

Including also the Public Local Acts of the Session of 1888 incorporated therein.



VOLUME II,

CONTAINING ARTICLE 11, FREDERICK COUNTY, TO ARTICLE 24, WORCESTER COUNTY.

BALTIMORE:

KING BROS., PRINTERS AND PUBLISHERS. 1888.

EXHIBIT U (Rivas) ·

1874, ch. 250.

99. It shall not be lawful for any person in Kent county to carry, on the days of election, secretly or otherwise, any gun, pistol, dirk, dirk-knife, razor, billy or bludgeon; and any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and on conviction thereof before any justice of the peace of said county, shall be fined not less than five nor more than twenty dollars, and on refusal to pay said fine shall be committed by such justice of the peace to the jail of the county until the same shall be paid.

Thid.

100. The fines collected under the preceding section shall be paid by the officer collecting the same, to the school commissioners of the county, for school purposes.

Ibid.

101. Any constable of said county, or the sheriff thereof, who shall refuse to arrest any person violating section 99, upon information of such offence, shall be deemed guilty of a misdemeanor, and on conviction thereof before the circuit court shall be fined not less than twenty nor more than fifty dollars, and shall forthwith be discharged from office.

FENCES.

P. L. L., (1860,) art. 14, sec. 91.

102. Wherever joint fences have been or may be established in said county, for the mutual advantage of different owners or possessors of adjoining lands, each party shall keep in good repair his proper proportion thereof, in manner following, that is to say: all post and rail or plank fences shall be at least four feet six inches high, and not more than four inches between the lower and second, and not more than five inches between the second and third rails; and all worm or other fences shall be five feet high; the height of said fences to be in every case computed from the ground or base of any embankment upon which they may be erected.

Tbid. sec. 92.

103. If either of the parties so making or keeping a joint fence shall not comply with the provisions of the preceding

LAWS

OF THE

STATE OF MARYLAND,

MADE AND PASSED AT A SESSION OF THE GENERAL ASSEMBLY,

Begun and held at the City of Annapolis, on the Sixth day of January, and ended on the Fifth day of April, 1886.

1886



BALTIMORE:

JOHN MURPHY & CO.

Publishers of the New Revised Code of Maryland, Hinkley's Testamentary Law, &c.

182 BALTIMORE STREET.

GEORGE T. MELVIN, STATE PRINTER. 1886.

EXHIBIT V (Rivas)

G. L. Copeland; and also to issue his warrant upon the Treasurer for the sum of sixty dollars, payable to the order of Abram Zarks; and also to issue his warrant upon the Treasurer for the sum of sixty dollars, payable to the order of C. E. Gordon; the said sums of money having been paid for State license erroneously issued to said persons by the Clerk of the Circuit Court of Anne Arundel county.

SEC. 2. And be it enacted, That this act shall take effect from the date of its passage.

Effective.

Approved April 7, 1886.

CHAPTER 189.

AN ACT to prevent the carrying of guns, pistols, dirk-knives, razors, billies or bludgeons by any person in Calvert county, on the days of election in said county, within one mile of the polls.

Section 1. Be it enacted by the General Assembly of Maryland, That from and after the passage of this act, it shall not be lawful for any person in Calvert county to carry, on the days of election and primary election, within three hundred yards of the polls, secretly, or otherwise, any gun, pistol, dirk, dirk-knife, razor, billy or bludgeon, and any person violating the provisions of this act, shall be deemed guilty of a misdemeanor, and on conviction thereof by the Circuit Court of Calvert county having criminal jurisdiction thereof, or before any Justice of the Peace in said county, shall be fined not less than ten nor more than fifty dollars for each offence, and on refusal or failure to pay said fine, shall be committed to the Jail of the county until the same is paid.

Unlawful to carry weapons to the polls.

SEC. 2. And be it enacted, That the fines collected under this act shall be paid by the offi-

ACTS

AND

JOINT RESOLUTIONS

PASSED BY

THE GENERAL ASSEMBLY

OF THE

STATE OF VIRGINIA

DURING THE

SESSION OF 1877-78.

RICHMOND:
R. F. WALKER, SUPERINTENDENT PUBLIC PRINTING.
1878.

EXHIBIT W (Rivas)

304

ACTS OF ASSEMBLY.

Penalty

ished by a fine not exceeding one hundred dollars, or by imprisonment in jail not exceeding six months.

Cruelty to animals; profanity and drunkenness.

Cruelty to ani-

15. If a person cruelly beat or torture any horse, animal or other beast, whether his own or that of another, he shall be fined not exceeding fifty dollars.

Penalty
Profanity and
drunkenness

16. If any person, arrived at the age of discretion, profanely curse or swear, or get drunk, he shall be fined by a justice one dollar for each offence.

Penalty

Violation of the Sabbath.

Violation of Sabbath 17. If a person, on a Sabbath day, be found laboring at any trade or calling, or employ his apprentices or servants in labor or other business, except in household or other work of necessity or charity, he shall forfeit two dollars for each offence; every day any servant or apprentice is so employed constituting a distinct offence.

Penalty

Exceptions as to the mail, and as to certain persons.

Transportation of mail excepted Exception as to certain religionists

Proviso

18. No forfeiture shall be incurred under the preceding section for the transportation on Sunday of the mail, or of passengers and their baggage. And the said forfeiture shall not be incurred by any person who conscientiously believes that the seventh day of the week ought to be observed as a Sabbath, and actually refrains from all secular business and labor on that day: provided he does not compel an apprentice or servant, not of his belief, to do secular work or business on Sunday, and does not on that day disturb any other person.

Sale of intoxicating liquors prohibited between certain hours

19. No bar-room, saloon, or other place for the sale of intoxicating liquors, shall be opened, and no intoxicating bitters or other drink shall be sold in any bar-room, restaurant, saloon, store, or other place, from twelve o'clock on each and every Saturday night of the week, until sunrise of the succeeding Monday morning; and any person violating the provisions of this section, shall be deemed guilty of a misden anor, and, if convicted, shall be punished by fine not less than ten nor more than five hundred dollars; and shall, moreover, at the discretion of the court, forfeit his license: provided that this law shall not apply to any city having police regulations on this subject, and an ordinance inflicting a penalty equal to the penalty inflicted by this section.

Penalty

Proviso

Disturbance of religious worship

Penalty

20. If a person willfully interrupt or disturb any assembly met for the worship of God, or being intoxicated, if he disturb the same, whether willfully or not, he shall be confined in jail not more than six months, and fined not exceeding one hundred dollars, and a justice may put him under restraint during religious worship, and bind him for not more than one year to be of good behavior.

ACTS OF ASSEMBLY.

305

Page

21. If any person carrying any gun, pistol, bowie-knife, carrying dandagger, or other dangerous weapon, to any place of worship ons at a place while a meeting for religious purposes is being held at such of worship or place, or without good and sufficient cause therefor, shall on Sunday carry any such weapon on Sunday at any place other than his own premises, shall be fined not less than twenty dollars. Penalty If any offence under this section be committed at a place of offenders subreligious worship, the offender may be arrested on the order without warof a conservator of the peace, without warrant, and held rant until warrant can be obtained, but not exceeding three hours. It shall be the duty of justices of the peace, upon their own Duty of justice knowledge, or upon the affldavit of any person, that an offence where he knows of ofunder this section has been committed, to issue a warrant for fence under the arrest of the offender.

Protection of religious assemblies; prohibition against sale of liquors or other things near such meetings; proviso.

22. If any person shall erect, place, or have any booth, sale of liquors, stall, tent, carriage, boat, vessel, vehicle, or other contrivance des, prohibited whatever, for the purpose or use of selling, giving, or otherwise disposing of any kind of spirituous and formented liquors, or any other articles of traffic; or shall sell, give, barter, or otherwise dispose of any spirituous or fermented liquors, or any other articles of traffic within three miles of any camp-meeting, or other place of religious worship, during the time of holding any meeting for religious worship at such place, such person, on conviction before a justice of the peace, for the first offence, shall be fined not less than ten Penalty dollars, nor more than twenty dollars, and stand committed to jail until the fine and costs are paid; and for the second Penalty for seoffence, shall be fined as aforesaid, and be imprisoned not cond offence less than ten nor more than thirty days.

23. If any person shall commit any offence against the Additional provisions of the preceding section, he shall, in addition to penalty the penalties therein mentioned, forfeit all such spirituous or fermented liquors, and other articles of traffic, and all the chests and other things containing the same, belonging to and in the possession of the person so offending, together with such booth, stall, tent, carriage, boat, vessel, vehicle, or other contrivance or thing prepared and used in violation of said section; and it shall be the duty of any sheriff, deputy sheriff, Duty of sheror constable, if he sees any person violating the preceding life, &c., to arsection, to arrest the offender and carry him before a justice and selze the of the peace. The sheriff, deputy sheriff, or constable, when property he arrests the offender, shall seize the property hereby declared to be forfeited, or shall seize the same on a warrant against the offender, if such offender cannot be found; and the justice of the peace before whom such offender is convicted, or before whom the warrant is returned that the offender cannot be found, shall enter judgment of condemna- Judgment of tion against such property, and issue a fieri facias for the condemnation

306

ACTS OF ASSEMBLY.

Proviso

Fi. fa. to issue sale thereof: provided the person who has been returned not found, and whose property has been condemned in his absence, may appear at any time before the sale of the property and have the case tried as if he had appeared at the return of the warrant.

To whom provisions not to apply

24. The provisions of the two preceding sections shall not apply to any licensed tavern-keeper, merchant, shop-keeper, farmer, or other person in the usual and lawful transaction of his ordinary business, in the usual place of transacting such business, or to any person having permission, in writing from the superintendent of such meeting, to sell such articles as may be named in such permission: provided this permission shall not extend to the sale of any spirituous or fermented liquors.

Proviso

Right of appeal.

Right of appeal preserved

Proviso

Persons proceeded against

grand jury

25. Nothing in this chapter shall prevent the courts of record from exercising their common law or statutory jurisdiction in all cases for disturbing public worship: provided that the party convicted under the twenty-second or twentythird sections of this chapter shall have the right to appeal to the next county court for the county where the conviction is had, upon giving bail for his appearance at court, and upon such appeal shall be entitled to a trial by jury: and provided further, that when any person or persons are proceeded against under the twenty-second or twenty-third sections of this chapter, he or they shall not be held to answer for the same offence before any grand jury or court of record, except as herein provided.

not subject to answer before

Temporary police force for religious meetings.

Temporary police authorized

26. The supervisor, or any justice of the magisterial district where the meeting is held, shall have power to appoint a temporary police to enforce the provisions of this chapter.

CHAPTER VIII,

OF OFFENCES AGAINST PUBLIC HEALTH.

Selling unsound provisions.

Sale of unsound provisions

1. If a person knowingly sell any diseased, corrupted, or unwholesome provisions, whether meat or drink, without making the same known to the buyer, he shall be confined in jail not more than six months, and fined not exceeding one hundred dollars.

Penalty

Case 1:23-cv-00265-LEK-WRP Document 55-28 Filed 07/14/23 Page 1 of 3 PageID.734

C

REVISED ORDINANCES

- OF THE -

CITY OF BOULDER

Published by Authority of the City.

OSCAR F. A. GREENE,

1899:

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Printed by Ricketts & Kerr, at The News Office, BOULDER, COLORADO.

thirty-two in township one north of range seventy west, is hereby named and shall hereafter be known as VALVER-DAN PARK.

510. Washington Park.

SEC. 5. That the city property in the west half of the south-west quarter of section twenty-five in township one north of range seventy-one west, shall be named and hereafter known as WASHINGTON PARK.

PARKS.

An Ordinance for the Protection of the Several Parks Belonging to the
City and of the Buildings and Reservoirs and Trees and Other
Improvements at and Within Said Parks, and to Provide Penalties for Injuring the Same.
Passed October 4, 1898.

(With amendment as noted.)

511. No firearms or shooting in.

SECTION I. Any person other than the police officers of the city who shall take or carry or cause to be taken or carried into any of the parks belonging to the City of Boulder, any gun, pistol, revolver, or other firearm, or who shall shoot any firearm at or towards or over or into or upon any of said parks, shall be deemed guilty of a misdemeanor. (As amended August 2, 1899.)

512. No powder or explosives in.

SEC. 2. Any person who shall take or carry or cause to be taken or carried into any of said parks, any powder of any quality or kind or any explosive or dangerous or inflammable or combustible substance, shall be deemed guilty of a misdemeanor.

513. No fires or explosives.

SEC. 3. Any person who shall start any fire or cause or permit to be started any fire in any of said parks, not

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Greene, Oscar F. A. Revised Ordinances of the City of Boulder. Authority of the City, Ricketts & Kerr, 1899. The Making of Modern Law: Primary Sources, link.gale.com/apps/doc/DT0106029343/MMLP?u=efgssf&sid=bookmark-MMLP&pg=2. Accessed 13 July 2023.

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Concerning the carrying of Arms or Deadly Weapons.

Be it ordained by the City Council of

the City of San Antonio.

Section 1. That if any person shall, within the Corporate limits of the City of San Antonio, go into any charch, or religious assembly, any school-room, or other place where persons are assembled, for educational, literary or scientific purposes, or into any ball room, social or wedding party, or other assembly or gathermg, for annasement of instruction, composed of males and females, or to any election precinct in the city, on the day or days of any election, or into any Court room or court of Justice, or to any other place where people or individuals may be assembled, to perform any public duty, or shall go into any other public assembly, or shall enter any barroom, drinking saloon or any other place where people resort for business or amusement or shall join or accompany any public procession, having about his or her person, a bowie-knife, dirk, or butcherknife or any five arms or arms, whether known as sixshooter, gan or pistol of any kind, or having about his or her person, what is known as brassknuckles, slung shot, club, loaded or sword cane, or any other weapon of offence or defence. Such person shall be deemed guilty of a musicmeanor, and apon conviction thereof, before the Recorder of the city, shall be fined not less than five dollars nor more than one hunalreal dollars and costs, and in default of payment, shall be confined in the city prison, or placed at hard labor on the public works of the city, for not less than five days, nor more than thirty days, to be determined by the Recorder; Provided, this Ordinance shall not apply to any legally authorized conservator of the peace, when he may be in the lawful discharge of his fluty.

Sec. 2. It shall be the duty of the Police of the city to strictly enforce this Ordinance, and promptly to arrest and disarm any person viotating the same; Provided, that in all cases where arms are taken possession of by the police, as herein provided, they shall be returned to the owner when he leaves the city.

SEC. 3. This ordinance shall take effect and

be in force from and after its publication.

Approved, Sim Antonio, December 14th, A.D. 1870.

WM. C. A. THIELEPAPE, Mayor City of San Antonio.

Attest:

G. W. BARTHOLOMEW, Jr., City Clerk. 20-12-70d101.

EXHIBIT Y (Rivas)