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10 IN THE UNITED STATES DISTRICT COURT
 11 FOR THE CENTRAL DISTRICT OF CALIFORNIA

14 **RENO MAY, et al.,**
 Plaintiffs,
 15
 16 v.
 17 **ROBERT BONTA, in his official
 capacity as Attorney General of the
 18 State of California, and Does 1-10,**
 Defendants.
 19

Case Nos. 8:23-cv-01696 CJC (ADSx)
 8:23-cv-01798 CJC (ADSx)

**COMPENDIUM OF HISTORICAL
 LAWS AND TREATISES CITED
 IN DEFENDANT’S OPPOSITION
 TO PLAINTIFFS’ MOTION FOR
 PRELIMINARY INJUNCTION
 AND SUPPORTING
 DECLARATIONS**

VOLUME 1 OF 4

Date: December 20, 2023
 Time: 1:30 p.m.
 Courtroom: 9B
 Judge: Hon. Cormac J. Carney

23 **MARCO ANTONIO CARRALERO, et al.,**
 Plaintiffs,
 24
 25 v.
 26 **ROB BONTA, in his official capacity as
 Attorney General of California,**
 27 Defendant.
 28

Exhibit 1

4

T H E S T A T U T E S :
R E V I S E D E D I T I O N .

V O L . I .

H E N R Y I I I . T O J A M E S I I .
A . D . 1 2 3 5 - 1 6 8 5 .

By Authority.



L O N D O N :

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1870.

216970-C.

1

A.D. 1326-7

1 EDWARD III. Stat. 2.

143

Item le Roi comaunde q̄ les viscontes & Baillifs des franchises, & toutz autrs q̄ p̄nent enditementz a lor tourns, ou aillours ou enditementz s̄rout faitz, preignent tieux enditementz p̄roule endente dount Lune ptie demeorge vs les enditours, & lautre ptie de vs cely qi prendra Lenqueste, issint q̄ les enditementz ne soient beseleez come avant ces heures ount este, & issint q̄ un de lenqueste peut monstrier lune ptie de lendenture a la Justice q̄nt il vendra p̄ la deli^vance faire.

Item, the King commandeth, that the sheriffs and bailiffs of franchises, and all other that do take indictments in their turns, or elsewhere, where indictments ought to be made, shall take such indictment by roll indented, whereof the one part shall remain with the indictors, and the other part with him that taketh the inquest; so that the indictments shall not be imbezilled as they have been in times past; and so that one of the inquest may shew the one part of the indenture to the justices, when they come to make deliverance.

XVII.
Indictments shall be taken by indenture.

2 EDWARD III. A.D. 1328.

Statutū editū apud Norh't', anno r. R. E. t'cū post conquestū s̄c̄do.

STATUTE made at NORTHAMPTON ;
In the SECOND Year of the Reign of K. EDWARD the THIRD
after the Conquest.

Ex magno Rot. Stat. in Turr. Lond.
m. 28.

N^re seign^r le Roi Edward, le tierz a^ps le conqueste, a son plement tenuz a Norh't as trois semeins de Pasch, Lan de son regne secund, desiraunt q̄ la pees de sa t̄re, & les leis & estatuz avant ces heures ordenez & usez, soient gardez & meintenuz en touz poyntz, Al hon^r de dieu & de seinte eglise, & a cōe p̄fit du poeple, p̄ assent des Prelatz, Countes & Barons & autres ḡantz, & tote la cōe du roialme, au dit plement somons, ordena & establit en meisme le plement les choses sonthescrites en la forme q̄ sensuit.

OUR lord King Edward, the third after the conquest, at his Parliament holden at Northampton, at the three weeks of Easter, in the second year of his reign, desiring that the peace of his land, and his laws and statutes, ordained and used before this time, may be kept and maintained in all points; to the honour of God and of Holy Church, and to the common profit of the people, by assent of the prelates, earls, barons, and other great men, and all the commonalty summoned to the same Parliament, hath ordained and established in the said Parliament these things underwritten, in form following.

II.
Pardons for
felony.

* * * * *

Item, whereas offenders have been greatly encouraged, because [the ¹] charters of pardon have been so easily granted in times past, of manslaughters, robberies, felonies, and other trespasses against the peace; it is ordained and enacted, that such charter shall not be granted, but only where the King may do it by his oath, that is to say, where a man slayeth another in his own defence, or by misfortune: [Rep., Stat. Law Rev. Act, 1863.] And also they have been encouraged, because that [² the justices of gaol-delivery, and of oyer and terminer, have been procured by great men ³] against the form of the statute made in the xxvij year of the reign of King Edward, 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 [justices³] 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;⁴] 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.

27 Ed. I. c. 3.

Justices of
assise and
gaol delivery.

Oyers and
terminers.

III.
Riding or
going armed
in affray of the
peace.

Item, it is enacted, that no man great nor small, of what condition

¹ that
² commissions of gaol delivery and of oier and terminer have been granted to persons procured
³ commissions
⁴ grandfather

* * * * *

Ensement p^r ceo q̄ meffesours ont este esbauditz de ce q̄ chartres de pdoun ont este si leg^lment gⁿtees avant ces heures, des homicides, robies, felonies & autres trespas countre la pees; acorde est & establi q̄ tiels chartres ne soient mes gⁿtees fors qen cas ou le Roi le poet faire p son s^ment, cest assavoir en cas ou home tue autre soi defendant, ou p infortune: [Rep., Stat. Law Rev. Act, 1863.] Et auxint ont este esbauditz de ceo q̄ Justiceries as deli^vances des gaoles, & a oier & iminer, ont estez gⁿtees as gentz pcurez countre forme de lestatut fait en temps le Roi Edward, ael n^re Seign^r le Roi qore est, en quele est contenuz q̄ les Justices as assises p̄ndre assignez sils soient lais, facent les deli^vances; et si lun soit cler, & lautre lais, q̄ le dit lais, associe a lui un autre du pais, facent la deli^vance des gaols; p qoi acorde est & establi, q̄ tiels Justiceries ne soient mes gⁿtees countre la forme du dit estatut, & q̄ les assises, atteintes, & c^tifications soient p^ses devant les Justices cōmunement assignez, q̄ soient bones gentz & loialx & conissantz de la lei, & nemie autres; solonc la forme dun autre statut fait en temps meisme le ael; et q̄ les oiers & iminers ne soient grantees fors q - - - devant les Justices de lun Baunk & de lautre, ou les Justices errantz; & ce p^r led & orrible trespas, & de lespeciale g^ace le Roi, solonc forme de statut de ce ordene en temps meisme le ael; & nemie autrement.

Ensement acorde est & establi, q̄ nul, g^ant ne petit de quele condicion

A.D. 1328.

2 EDWARD III. *Stat. Northumpt.*

145

qil soit, sauve les ſjantz le Roi en la pſence le Roi, & les Ministres le Roi, enfesantz execucion des mandementz le Roi, ou de leur office, & ceux qi sont en leur compaignies, eidantz 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 autres Ministres le Roi enfesant leur 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 leur armures au Roi & de leur corps a la prisone a la volente le Roi. Et q̄ Justices le Roi en leur pſences, viscountes & autres Ministres le Roi en leur baillies, seignrs des fraunchises & leur baillifs en yceles, & Meire & Baillifs des Citees & Burghs deinz meismes les Citees & Burghs, Burghaldres, conestables, & gardeins de la pees deinz leur gardes, eient poair affaire execucion de cest acord. Et ſ les Justices assignez, a leur venu en pais, eient poair denquere coment tielx Ministres & seignrs ont use leur office en ce, & de punir ceux qils trovont, qi nount mie fait ce q̄ a leur office appent.

Et p̄ce q̄ la pees ne poet mie estre bien garde sauntz bons ministres, come

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,¹] 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

¹ upon a proclamation of deeds of arms in time of peace, and that in places where such deeds are to be done, —See Lib. Rub. Scac. Westm. fo. 122 b. a writ reciting a grant of K. Richard I. "qd Torneaſta ſint in Angl in v. placias: Inl Sar̄ & Wilton: Inl Warrewich & Kenelingworth: Inl Stanford & Warneford: Inl Brakele & Mixebf: Inl Blie & Tykehit. Ita qd pax lre nre nō infringet, nō potestas Justiciaria minorabit Nec de forestis nris dāpnū inferet."

² of the King

IV.
The Statute of
Lincoln,
9 Edw. II.
concerning
sheriffs, &c.
confirmed.

K

Exhibit 2

Statutu apud Westm̄ in p̄liamento in festo S̄ci Hillarii anno regni Regis E. t̄c̄i vicesimo q̄nto tento, f̄cm.

In Margine Rotuli.

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.

STATUTE THE FIFTH.

AU plement somonz a Westm̄, en la feste de Seint Hiller lan du regne n̄re Seign' le Roi Edward Dengleterre vintieme quint, & de France douzisme, n̄re f̄' le Roi del assent des Prelatz, Ducs, Countes, Barons, & de tout la comunalte de son Roialme Dengleterre, au dit plement somons, al hon' de Dieu & de Seinte Eglise, & en amendement de son dit Roialme, ad ordeine & establi les choses soutscribes.

En p̄mes, p̄ce q̄ tresguntz & tresoutgeouses damages & grevances sont faites au poeple p̄ les pno's & p̄veo's des vitailles p̄ les hosteux nre f̄' le Roi, ma dame la Roigne, & de lo' enfantz, Si est acorde & assentuz en le dit plement, q̄ les pno's & p̄veio's des bledz p̄ les ditz hosteux les p̄ignent p̄ mesure rase, selonc ceo q̄ h̄me use p̄ny le Roialme. Et q̄ touz bledz, feyns, litere & bestaill, & touz au's vitailles & choses quecūques, queles sont aprendre p̄ meismes les hosteux, soient p̄hez a la v̄roie value, p̄ les Conestables & au's bons gentz des villes ou tieles prises se feront, sanz ce q̄ p̄ manaces, ou duresces soient les preisours chacez a mettre autre pris q̄ leur v̄ement ne voet, & come curt cōement en les p̄scheins marchees: et q̄ entre les Purveyours et ceux des queux les biens s̄ront prises, en la p̄sence des Conestables & preisours, soient tailles tantost faites, saunz ceo q̄ les gentz des queux les biens s̄ront prises soient ailleurs traitz ou t̄vailliez; & meismes les tailles ensealez des seals les pnours des choses issint prises, p̄ les queles tailles gre soit fait as ceux des queux les choses s̄ront issint prises: et si nul pnour ou P̄veour p̄ les ditz hosteux face p̄ autre man̄e, soit meintenar arestuz p̄ la villee ou la prise s̄ra faite, et mesne a la p̄scheine gaole, et si de ceo soit atteint, soit la fait de lui come de laron, si la quantite des biens le demand; solonc ceo qen un estatut fait en temps meisme n̄re f̄' le Roi lan de son regne quint, & en un autre estatut fait en temps laiell n̄re Seign' le Roi s' tieles prises, est contenuz plus au plein: et q̄ desore soit contenuz es cōmissions des tieux P̄veours et pnours, lentent et la peine contenuz en cest estatut: et q̄ nule cōmission soit faite forsq̄ seulement souz les ḡnt ou prive sealz le Roi; ne q̄ nul h̄me soit tenuz de obeier a autre cōmission nen autre man̄e q̄ nest dit en avant; et q̄ meisme lestatut tiegne lieu en toutz pointz de v̄s chescun pnour & p̄veour, de chescune man̄e des vitailles en chescune p̄tie du Roialme de quele condition qil soit.

Auxint p̄ce q̄ diverses opinions out est einz ces heures que cas, q̄nt il avient doit estre dit treson, & en quel cas noun, le Roi a la requeste des Seign's & de la Cōe, ad fait declarissement q̄ ensuit, Cest assavoir;

AT 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 Amendment 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 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 '] 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 Duresse shall be driven to set any other Price than their Oath will, and as commonly runneth in the next Markets. And that betwixt the Purveyors and them whose Goods 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 in 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 '] than is aforesaid; and that the same Statute take place in all Points against every Taker and Purveyor of every Manner of Victual in every part of the Realm, of what Condition soever he be.

IT'EM, 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

I. Corn shall be taken by Purveyors by Measure striked

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

Tallies of the Goods taken.

Punishment for undue Purveyance as under Stat. 5 E. III. c. 2.

Purveyors' Commissions shall be under the Great or Privy Seal.

II. Declaration what Offences shall be adjudged Treason.

' and Purveyors; ' prayed; ' any other Commissions, or in other manner MS. Tr. 2. ' what case should be adjudged Treason, and what not;

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

Certain Offences not Treason.

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

Saving the King's Year and Waste.

Scire facias to Tenants, &c.

III. Challenge of an Indictor upon an Inquest.

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 Realm, giving to them Aid and Comfort in the Realm, or elsewhere, and thereof be [probably] attainted of open Jeed 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 called Lushburgh, or other, like to the said 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 steal 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 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] 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; 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 Parliament,] 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 Ransom 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 come 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 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.

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

* Wife ' of
 † proveably MS. Tr. 2. † People † it
 ‡ sub Monner of Treason growth Forfeiture of Escheats
 § of new, MS. Tr. 2. † Case
 * before the King in his Parliament, and it be declared
 " etc. " openly
 " Writs " the Protection of our Lord the King

q'nt hōme fait compasser ou ymaginer la mort n're Seign' le Roi, ma dame sa compaigne, ou de leur fitz primer & heir; ou si hōme violast la compaigne le Roi, ou leimesce fill le Roi nient marie, ou la compaigne leisme fitz & heir du Roi; & si hōme leve de guerre contre n're dit Seign' le Roi en son Roialme, ou soit aberdant as enemys n're Seign' le Roi en le Roialme, donant a eux eid ou confort en son Roialme ou p' aillours, & de ceo p'vablement soit atteint de ovt faite p' gentz de leur condicion: et si hōme contreface [les g'nt ou prive seax le Roi,] ou sa monie, et si hōme apport faus monie en ceste Roialme contrefaite a la monie Dengleterre, sicome la monie appelle [Lucynburgh'] ou autre semblable a la dite monie Dengleterre, sachant la monie estre faus, p' marchander, ou paiement faire en deceit n're dit Seign' le Roi & son poeple; et si hōme tuast Chancellor, Tresorer, ou Justice n're Seign' le Roi del un Baunk ou del autre, Justice en Eir & des assises & toutes auts Justices assignez a oier & p'miner esteiantz en leurs places en fesantz leurs offices: et fait a entendre q'en les cases susnommez doit estre ajugge tresson [q' sestent'] a n're Seign' le Roi & a sa roial majeste; et de tiele manere de tresson la forfait'e des eschetes apptient a n're Seign' le Roi, si bien des Pres & teinz tenuz des auts, come de lui meismes: et ovesq, ceo il yad autre manere de tresson, cest assavoir q'nt un v'vant tue son meistre, une feme q' tue son baron, q'nt hōme secular ou de religion tue son Prelat, a qi il doit foi & obediencie; & tiele manere de tresson donn forfait'e des eschetes a chescun Seign' de son fee p'pre: et p' ceo q' plusieurs auts cases de semblable tresson p'ront escheer en temps a venir, queux hōme ne p'ra penser ne declarer en p'sent, assentu est q' si autre cas supposee tresson q' nest especifie p' amout aviegne de novel devant aucunes Justices, demoege la Justice saunz aler au jugement de tresson, tanq' p' devant n're Seign' le Roi [en'] son plement soit le cas monstree & desclarre le quel ceo doit estre ajugge tresson ou autre felonie. Et si p' cas aucun hōme de cesi Roialme chivach arme desouvert ou secretement od gentz armes contre aucun autre, p' lui tuer ou derobez, ou p' lui p'ndre & retenir tanqil face fyn ou raunceon p' sa deliverance avoir, nest pas lentent du Roi & de son conseil q' en tiel cas soit ajugge tresson, einz soit ajugge felonie ou p'pas solonc la lei de la p're auncienement usee, & solonc ceo q' le cas demand: et si en tiel cas, ou autre semblable devant ces heures, ascune Justice eit ajugge tresson, & p' celle cause les Pres & teinz soient devenus en la main n're Seign' le Roi come forfaitz, eient les chiefs Seign's de fee leurs eschetes des teinz de eux tenuz, le quel q' les teinz soient en la main n're Seign' le Roi, ou en la main des auts, p' donn ou en autre manere; Sauvaut totefoitz a n're Seign' le Roi lan & le wast, & auts forfait'es des chateux q' a lui attenen en les cases susnommez; et q' briefs de Scire fac' vs les Pres tenantz soient g'ntez en tiel cas, saunz autre originale & saunz alower la p'teccion n're 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 vront de ostier la main le Roi saunz outre delais.

Auxint acorde est, q' nul enditour soit mys en enquest a la delivance del endite de p'pas ou de felonie, sil soit chalange p' tiele cause p' celui q'est endite.
 * le grant seal le Roi, Rot. Parl. 25 E. 3. P. II. an. vij. (17.)
 † Lussburgh Rot. Parl. ‡ q' ce estent Rot. Parl.
 § le Rot. Parl.

Exhibit 3

Memorials
OF
LONDON AND LONDON LIFE,
IN THE
XIIITH, XIVTH, AND XVTH CENTURIES.

BEING
A SERIES OF EXTRACTS,
LOCAL, SOCIAL, AND POLITICAL,
from the Early Archives of the City of London.

A.D. 1276 — 1419.

SELECTED, TRANSLATED, AND EDITED BY
HENRY THOMAS RILEY, M.A.
OF CORPUS CHRISTI COLLEGE, CAMBRIDGE; AND OF THE INNER TEMPLE, BARRISTER-AT-LAW.

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LONDON
LONGMANS, GREEN, AND CO.
MDCCLXVIII.

268 *Proclamation as to the wearing of arms, etc.* [1351]

“ be so daring as to stand elsewhere than in ¹ Bruggestrete, the
“ stalls near to Wollechirchehawe, or Eldefisshestrete, in London, with
“ such fish to sell, either by night or by day ; on pain of forfeiting
“ such fish the first time, and of losing his freedom the second time,
“ if such person be a freeman or freewoman of the City ; and on
“ pain of imprisonment, if the person be a foreigner ; and on pain
“ of imprisonment the third time, whether it be native or stranger,
“ denizen or foreigner : those persons only excepted, who shall have
“ herrings, white or dried, stock-fish, salt fish, salmon, and other
“ manner of fish, in boats or in other vessels, for sale at the stairs of
“ Billyngesgate. And it is not their intention but that those persons
“ who heretofore used to carry fish through the City for sale to
“ divers working-men, may carry them as before they were wont
“ to do, for the sake of such working-men and other persons in the
“ City ; but they are not to stand in any certain place to sell such
“ fish, as now of late they have begun to do.”



*Royal proclamation as to the wearing of arms in the City, and at
Westminster ; and as to playing at games in the Palace at West-
minster.*

25 Edward III. A.D. 1351. Letter-Book F. fol. ccviii. (Norman French.)

“ FORASMUCH as heretofore at the Parliaments and Councils of our
“ Lord the King, broils, riots, and disputes, have arisen and been
“ moved, for that people have gone to the places where such Par-
“ liaments and Councils have been summoned and assembled, armed
“ with haketons, with plates, with swords, and with long daggers,
“ and with other manner of arms ; by reason whereof the business
“ of our Lord the King and of his realm has both been impeded,
“ and the great people and others who have come there, by com-
“ mand of the King, have been alarmed thereat ;—our Lord the
“ King, desiring to provide a remedy against such evils, doth forbid
“ that any one, on pain of forfeiture of so much as unto the King he
“ may forfeit, of whatsoever estate or condition he be, shall go armed
“ with haketon, or with plate, or with habergeon ² [or with sword],
“ or with long dagger, or with any other manner of arms suspected,
“ within the City of London, or within the suburbs, or in any
“ other places between the said city and the Palace of Westminster,
“ or anywhere in the Palace, by land or by water, on the pain
“ aforesaid ; save only the people of our Lord the King, whom he

¹ Bridge Street, Woolchurch Haw, and Old Fish Street.

² Omitted in the MS, but supplied from the *Resul. Parliam.* vol. ii. p. 236.

1352] *Presentation to a Chantry at St. Paul's, etc.* 269

“ shall see fit to depute to such place as by his command they
“ shall be deputed to, for keeping his peace at the said places ; and
“ also, except the officers of the King, according to the form of the
“ Statute made at Norhamptone. And it is not the intention of
“ our Lord the King, that any Earl [or] Baron shall not have his
“ sword carried with him, elsewhere than in the presence of the
“ King, or from the place of Council.

“ And also,—it is forbidden on behalf of our Lord the King and
“ the Council, on pain of imprisonment, that any child, or other
“ person, shall play in any place of the Palace of Westminster,
“ during the Parliament which is summoned thereto, at ¹ bars, or
“ at other games not befitting, and such as taking off the hoods
“ of people, or laying hands upon them ; or in other way causing
“ hindrance, whereby each person may not peaceably follow his
“ business.”



Presentation to a Chantry at St. Paul's, founded by Sir John de Pulteneye.

26 Edward III. A.D. 1352. Letter-Book F. fol. ccxv. (Latin.)

“ To the venerable and discreet men, the Dean and Chapter of the
“ Church of St. Paul, in London, Andrew Aubrey, Mayor of the same
“ city, greeting in the Lord. We do present unto you by these pre-
“ sents our dearly beloved in Christ, Sir William Mason, Priest, to
“ fill the perpetual Chantry now vacant, with all the rights thereof,
“ which has been founded for a fitting Priest in the Church of St.
“ Paul, aforesaid, to celebrate Divine Service for the soul of ² John
“ de Pulteneye, Knight, and the souls of other persons in the will
“ of him, the same John, named, and the souls of all faithful per-
“ sons deceased ; and to our presentation, by reason of our hold-
“ ing the office of Mayor of the city aforesaid, in virtue of the will
“ of the said John, belonging ; and we do beg of you, that you will
“ admit the said John to the Chantry aforesaid, and, as the usage is,
“ will canonically institute him in the same, and will deign to do, in
“ favour of us, the other things which in this behalf unto your
“ office pertain. In witness whereof, we have caused these our letters
“ patent, sealed with the Seal of the Mayoralty of the said city, to
“ be made. Given at London, on the Thursday next after the
“ Feast of the Apostles Peter and Paul [29 June], in the 26th year
“ of the reign of King Edward, after the Conquest the Third.”

¹ The “ prisoner’s bars,” or “ base,” factor to the City. He was buried at probably of modern times. St. Paul’s.

² Four times Mayor, and a great bene-

Exhibit 4

1377.

Membrane 21—cont.

Nov. 30. To John de Stourton escheator in Somerset. Order to deliver in Westminster. dower to the said Margaret the advowson of Westoker church extended at 20*l.* a year.

Dec. 1. To the mayor and sheriffs of London. Order, when required by Westminster. Thomas Tyle the king's butler, to admit Nicholas Symcok to the office of coroner in the city of London, taking of him an oath to behave well so long as he shall be therein ; as that office pertains to the said butler, who has made the said Nicholas his substitute, being engaged at the king's command upon divers business in divers parts of the realm. By bill of the butler.

Nov. 22. To John Parker of Olneye escheator in Bedfordshire. Order to cause Westminster. the abbot of Wobourne to have seisin of a messuage, 30 acres of land and 2 acres of meadow in Everesholt held by John Page hanged for felony ; as the king has learned by inquisition, taken by the escheator, that the premises have been in his hand a year and a day, that the said John held them of the abbot, and that William de Otteford late escheator had the year and a day and the waste thereof.

Dec. 1. To the mayor and bailiffs of Newcastle upon Tyne. Order to arrest Westminster. and imprison until further order, according to the statutes, all those who shall be found by night or day making confederacies, congregations, unlawful assemblies or other mischief in that town, going armed, bearing arms or leading an armed power to the disturbance of the peace, and others who may be notoriously suspected, and by true men of their bailiwick to make inquisition of the names of such evildoers, their evildoings and those that harbour them, and likewise to arrest and imprison those who shall be indicted concerning the premises ; as in the statute published at Winchester in the time of King Edward [I] it is contained that if any strange passengers be found by night in cities, boroughs or towns they shall be by the watch arrested until the morrow, and if suspicion be had of them they shall be delivered to the sheriff's custody, who shall receive them without gainsaying, and if they shall not suffer themselves to be arrested hue and cry shall be raised upon them, and the watch with the whole town and neighbouring towns shall pursue them with hue and cry until taken and delivered to the sheriff ; and likewise in the statute published at Norhampton in 2 Edward III it is contained that, with particular exceptions therein specified, no man of whatsoever estate or condition shall go with armed force, lead any force to the disturbance of the peace, ride or go armed by day or night in fairs, markets or in presence of justices or other the king's ministers or elsewhere under pain of losing their arms and of imprisonment ; and in the statute published at Westminster in 5 Edward III it is contained that if suspicion of evil-doing by day or night be had against any called 'roberdesmen,' 'wastours' and 'draughlacches,' they shall be straightway arrested and delivered to the custody of constables of towns, of the bailiffs of liberties if arrested within liberties, and of the sheriffs if without, to be imprisoned until the coming of justices for gaol delivery ; and now the king is informed that great number of evildoers and disturbers of the peace, fearing not the said statutes and pains, have heretofore made and cease [not] daily to make unlawful assemblies etc. by night and day in that town and neighbouring places, have gone and go armed

Exhibit 5

1388.

Membrane 8—cont.

to whom on that date the king committed the keeping of his house of converts of London with all things belonging to that office, and with fees and wages for himself, one chaplain and one clerk serving the house, and for John de Sancta Maria, Asetus Briart and Perota his wife converts thereof yet living, in the same manner as they used heretofore to account with William de Burstall late keeper thereof, allowing such wages for himself and those others as were allowed to the said William, and the treasurer and chamberlains paying him what shall be found due and in arrear; as of his reverence for the Virgin King Edward I granted to his converts of London 20*l.* 4*d.* a year for their lives to be taken at the exchequer for their maintenance and maintenance of the keeper of the house, two chaplains, one clerk etc., so that upon the death of one of them so much a year should be deducted as the deceased used to take.

MEMBRANE 7.

May 3. To John Aston escheator in Devon. Order to remove the king's
Westminster. hand and meddle no further with the moiety of a messuage with a cellar under ground in the city of Exeter, and five ferlings 4 acres of land in Toppesham and at la Forde, delivering up any issues thereof taken; as the king has learned by inquisition, taken by the escheator, that Robert Personn at his death held no lands in chief by reason whereof the wardship of his land and heir ought to pertain to the king, but held the said moiety and cellar of the king in free burgage, and the said land of others than the king.

May 10. To the collectors in the port of Suthampton of the custom upon
Westminster. wool, hides and woollfells for the time being. Order to pay to Garcins Arnaud of Salyns esquire of the lordship of Aquitaine 20*l.* a year which on 8 July 3 Richard II for good service the king granted him of the said custom from Easter then last for his life or until the king should take other order for his estate, and the arrears since Easter aforesaid.

Et erat patens.

May 10. To the keepers, farmers, bailiffs or receivers for the time being of
Westminster. the manor of Asshedoun co. Essex, in the king's hand by reason of the nonage of the heir of Walter Fitz Wauter knight. Order so long as the manor shall be in the king's hand to pay to Alexander de Walden knight a yearly rent of 10*l.* of the issues thereof, which the said Walter gave him for life, and the arrears since the said Walter's death; as for a fine paid by the said Alexander the king has confirmed the gift.

Et erat patens.

May 16. To the bailiffs of Scardeburgh. Order to arrest and imprison until
Westminster. further order for their deliverance all those who shall be found going armed within the town, leading an armed power, making unlawful assemblies, or doing aught else whereby the peace may be broken and the people put in fear, and such as notoriously maintain and harbour them, and the armour found with them, causing their armour to be appraised and answer to be made to the king for it; as in the statute lately published at Norhampton among other things it is contained that no man of whatsoever estate or condition shall be bold to appear armed before justices or other the king's ministers in

1388.

Membrane 7—cont.

performance of their office, lead an armed force in breach of the peace, ride or go armed by day or night in fairs and markets or elsewhere in presence of justices etc. under pain of losing his arms and of imprisonment at the king's will, except the king's serjeants and ministers in performance of his commands or of their offices, or others in their company aiding them, and at the proclamation of a feat of arms, and that in places where such feat shall be performed, and that the justices in their own presence, sheriffs and other the king's ministers in their bailiwicks, lords of liberties and their bailiffs in such liberties, mayors and bailiffs of cities and boroughs in such cities and boroughs, borsholders (*burgitenores*), constables and guardians of the peace within their guardianships shall have power to execute the said statute.

Et erat patens.

May 15.
Kennington

To the treasurer and the chamberlains. Order by assent and advice of the council to cause 591*l.* 10*s.* of the treasury to be paid of the king's gift to John Samoun of Notyngnam; as by his petition he has shewn the king that on 8 September last he sold at that price 84½ sacks of wool to Nicholas Breniere knight (now deceased), who by reason of a judgment against him rendered in parliament forfeited all his goods and chattels to the king, under a condition that the purchaser should give security to pay that sum at Michaelmas then next before taking the wool over sea for sale, provided that if such security were not fully found it should then be lawful for the said John to make his advantage of the wool, that the said Nicholas, not observing those conditions, caused it to be taken over for sale to the staple of Middelburgh, and that although the said John after in that staple claimed property in the wool, and by John de Byngnam his attorney caused it to be there arrested, with his assent and with assent of John Frosshe and Thomas Ally of London upon pretence of certain sums due to them from the said Nicholas, licence of the court of the staple being first obtained, the wool was there sold lest it should be damaged, and by command of the king the money thereof arising was arrested by Thomas atte Mille his serjeant at arms, wherefore a plea moved in the king's court thereupon was quashed, and the petitioner may get no recovery thereof. Proviso that answer be made at the exchequer by William de Brampton governor of the said staple and other the ministers thereof for any money received at Middelburgh for the wool which is there under arrest.

By K. and C.

May 13.
Westminster

To the sheriffs of London. Order by mainprise of Master John Neuton, Master John Thorp and Thomas Asteley to set free Peter de Lyon by them imprisoned in Newgate prison by command of Nicholas de Exton mayor of London upon suspicion of spying, for that he is of France and without licence entered the realm it is said, and sent after into chancery by command of the king; as Master John and the others have mainperned in chancery for his good and peaceable behaviour toward the king and people.

April 23.
Westminster

To Thomas Clifford keeper of the king's forest beyond Trent, or to his representative in the forest of Ingelwode. Order, notwithstanding the power granted to Richard Trotter keeper of the king's laund of Plumpton in that forest and to John his son by letters patent of the king to enclose a place containing 10 acres of land within the common of the forest between Todholgill and Blakebek and between the

Exhibit 6

cause & necessaire & p licence de les Chiefs offici & Ministres del f'ie celles parties ou tiele chose se ferra, & en pñence de meames les offici & Ministres s' peine demprisonement & de faire fyn & ranceon a la voluntee du Roy.

Item ordeignez est & establiz q̄ desoren'av'nt nul hōme Galois soit armee ne porte armure defensible as villes marchees esglises ne congregacions, nen ycelles nen les hautes chemyns, en affraie du paix ou des liges n're f' le Roy s' peine demprisonement & de faire fyn & ranceon a la voluntee du Roy; forpris ceux qi sont loialx liges a mesme n're f' le Roy.

Item ordeignez est & establiz q̄ nul hōme englois ne galois de quel estat ou condicion qil soit envoie namesne p colour de marchandise ou autre voie aucun vitail ou armure as quelconques p'ties de Gales, sanz esp'ale congie de n're f' le Roy ou de son conseil, sil ne soit p' lestuz & estore des chastelx & villes engloises s' peine de forfaiture dicelles vitail & armure. Et qen chūne partie de la Marche de Gales & villes marchees soient Conestables esluz p' enquer ŷcher & arester toutz tielx vitailles & armures, & aient mesmes les Conestables p' leur travail la sisme partie des tielx forfaitures ensi p eux trevez.

Item ordeignez est & establiz q̄ nul Galois ait chastel fortesse ne maison defensive de son p'pre ne dautri a garder, autrement q̄ nestoit usez en temps le Roy Edward Conquerour de Gales, s' peine de forfaiture dicelles; lestat devesq, & autres f's temporelxe come p' leur corps p'pres tantsoulement exceptez.

Item ordeignez est & establiz q̄ nul hōme Galois soit fait Justice Chamblyen Chancellor Tresorer Viscont ŷeneschaff Conestable du Chastell Receivour Eschetour Coroner ne chef Forester nautre Officer quelconque, ne Gardein des recordes ne lieutenant en nul des ditz offices en nulle p'tie de Gales, ne de conseil daucun f' englois, nonobstant aucune patente faite a contraire cum clausula non obstante licet Wallicus natus, forspris les Evesques en Gales; & de ceux & des autres queux le Roy n're f' ad trevez ses bons & loialx lieges il voet estre advisez p son conseil.

Item p' le plus sufficiente garde de la ŷ're de Gales, & au fyn q̄ home purra avoir la meilloure conussance de les condicions du poeple dicelle, ordeignez est & establiz q̄ les garnisons des Chastelx & des villes murrez illeques soient p'veuz & estuffez sufficientment des vaillantz psones engloises, estranges a les f'ies ou les ditz Chastelx & villes sont assiz, & nemye de nul mixt hōme des ditz p'ties & f'ies en Gales ou la marche dicelle, tanq, la d'ce ŷ're de Gales soit autrement justifiez & appeizez p' temps advenir.

Item ordeignez est & establiz q̄ nul hōme Englois mariez a aucun Galois del amystee ou alliance de Owen ap Glendourdy traito' a n're f' le Roy, ou a autre f'eme Galoise, puis la rebellion du dit Owen, ou en temps advenir soi ferra marier a ascune femme galoise, soit mys en aucun office en Gales ou en la Marche dicelle.

necessary Cause, and by Licence of the Chief Officers and Ministers of the [same Seignory,'] where such Thing shall be done, and in the Presence of the same Officers and Ministers, upon Pain of Imprisonment, and to make Fine and Ransom at the King's Will.

ITEM, It is ordained and established, That from henceforth no [Man'] be armed nor bear defensible Armour to [Merchant Towns Churches nor Congregacions,'] (*) in the same, nor in the Highways, in Affray of the Peace or the King's Liege People, upon Pain of Imprisonment, and to make Fine and Ransom at the King's Will; except those which be lawful Liege People to our Sovereign Lord the King.

ITEM, It is ordained and established, That no Englishman nor Welshman of what Estate or Condition that he be, send or bring by Colour of Merchandise or otherway, any Victual or Armour to any Parts of Wales, without the special Licence of our Sovereign Lord the King or of his Council, unless it be for stuffing or enstoring of [Castles and English Towns,'] upon Pain of Forfeiture of the same Victuals and Armour: And that in every Part of the Marches of Wales, and [Towns of the Marches,'] there be [English Constables'] for to enquire, search, and arrest all such Victuals and Armour, and the same Constables for their Travel shall have the Sixth Part of such Forfeitures so by them found.

ITEM, It is ordained and established, That no Welshman shall have Castle, Fortress, nor House defensive of his own nor of other to keep, otherwise than was used in the Time of King Edward, Conqueror of Wales, upon Pain of Forfeiture of the same; [except'] Bishops and other Temporal Lords for their own Bodies (*).

ITEM, It is ordained, That no Welshman be made Justice, Chamberlain, Chancellor, Treasurer, Sheriff, Steward, Constable of Castle, Receiver, Eschetour, Coroner, nor Chief Forester nor other Officer, nor Keeper of the Records, nor Lieutenant in any of the said Offices in no Part of Wales, nor of the Council of any English Lord, notwithstanding any Patent made to the contrary with this Clause, "non obstante quod sit Wallicus natus," except Bishops in Wales; and of those and other whom the King our Sovereign Lord hath found his good and lawful Liege People he will to be advised by his Council.

ITEM, For the more sufficient Custody of the Land of Wales, and to the Intent that a Man may have the better Knowledge of the Condition of the People there, It is ordained and established, That the Garrisons of the Castles and walled Towns there, be purveyed and stored sufficiently of valiant English Persons, Strangers to the Seignories where the said Castles (10) be set, and not of any Man mixt of the said Parties or Seignories in Wales, or the Marches of the same, till the said Land of Wales be otherwise justified and appeased for the Time to come.

ITEM, It is ordained and established, That no Englishman married to any Welshwoman of the Amity or Alliance of Owen ap Gleindour, Traitor to our Sovereign Lord (11) or to any other Welshwoman after the Rebellion of the said Owen, or [in that"] Time to come, marrieth himself to any Welshwoman, be put in any Office in Wales, or in the Marches of the same.

XXIX. Welshmen shall not be armed.

XXX. No Victual or Armour shall be carried into Wales.

XXXI. Welshmen shall not have Castles, &c.

XXXII. No Welshman shall bear Office.

XXXIII. Castles and walled Towns in Wales shall be kept by Englishmen.

XXXIV. Englishmen married to Welsh Women shall not bear Office in Wales.

* Signory in those Parts * Welshman MS. Tr. 2.
1 any Towne Market or Churche ne Congregacioun, MS. Tr. 2.
2 ne MS. Tr. 2. 3 Chastels & Townes English, MS. Tr. 2.
4 Townes marched MS. Tr. 2.
5 Conestables chosen MS. Tr. 2. 6 thestate of MS. Tr. 2.
7 only except MS. Tr. 2. 10 and Townes
8 the Kyng MS. Tr. 2. 11 that in

Exhibit 7

Of Corn-dealers.

Also, as to corn-dealers who bring corn unto the City for sale—that no one shall sell by show or by sample. But they shall come to certain places in the City established with their carts laden, and with their horses having the loads upon them, without selling anything, and without getting rid of anything, until [they reach] the established places; that is to say, within the Gate of Neugate, before the Friars Minors [there, and] at Graschirche; and this, without putting anything into house or into hiding-place, whether the same arrive by night or by day. And that no corn shall be sold until the hour of ¹Prime rung at Saint Paul's, under penalty of forfeiting such corn. And that all vessels, scouts, and boats, of whatever kind they may be, that bring corn to sell, as well at Billyngesgate as elsewhere on the Thames, shall remain upon common sale after they have arrived, without selling anything in gross for one whole day; that so the common people may buy for their sustenance what they shall need; and this under heavy forfeiture.

Of the same.

And whereas some buyers and brokers of corn do buy corn in the City of country folks who bring it to the City to sell, and give, on the bargain being made, a penny or halfpenny by way of earnest; and tell the peasants to take the corn to their house, and that there they shall receive their pay.—And when they come there and think to have their payment directly, the buyer says that his wife at his house has gone out, and has taken the key of the room, so that he cannot get at his money; but that the other must go away, and come again soon and receive his pay. And when he comes back a second time, then the buyer is not to be found; or else, if he is found, he feigns something else, by reason whereof the poor men cannot have their pay. And sometimes, while the poor men are waiting for their pay, the buyer causes the corn to be ²wetted; and then, when they come to ask for their pay, which was agreed upon, [they are told] to wait until such a day as the buyer shall choose to name, or else to take off a part of the price; which if they will not do, they may take their corn and carry it away; a thing which they

¹ The first hour in the day, according to Canonical usage; 6 to 7 in the morning.

² For the purpose of making malt.

Exhibit 8

LIBER ALBUS:

THE WHITE BOOK

OF

The City of London.

COMPILED A. D. 1419, BY

JOHN CARPENTER, *Common Clerk.*

RICHARD WHITINGTON, *Mayor.*

Translated from the Original Latin and Anglo-Norman,

BY

HENRY THOMAS RILEY, M.A.,

CLARE HALL, CAMBRIDGE;
OF THE INNER TEMPLE, BARRISTER-AT-LAW.

London:

RICHARD GRIFFIN AND COMPANY,

STATIONERS' HALL COURT.

MDCCLXI.

(1861)

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That no one go armed.

Item, that no one, of whatever condition he be, go armed in the said city or in the suburbs, or carry arms, by day or by night, except the vadlets of the great lords of the land, carrying the swords of their masters in their presence, and the serjeants-at-arms of his lordship the King, of my lady the Queen, the ¹Prince, and the other children of his lordship the King, and the officers of the City, and such persons as shall come in their company in aid of them, at their command, for saving and maintaining the said peace; under the penalty aforesaid, and the loss of their arms and armour.

Of Hostlers.

Item, that every hosteler and herbergeour cause warning to be given unto his guests that they leave their arms in their hostels where they shall be harboured; and if they shall not do so, and any one shall be found carrying arms contrary to the said proclamation, through default of warning by his host, such host is to be punished by imprisonment and by fine, at the discretion of the Mayor and Aldermen.

Of the power of arresting Felons and Misdoers.

Item, that every man of standing in the said city, Alderman and commoner, who is of good repute, have power, in the absence of the officers, to arrest felons and misdoers, and to bring them unto the houses of the Sheriffs, that so due punishment may be inflicted upon such misdoers.

That no one draw sword or knife.

Item, the better to keep the said peace, and that each person may fear the more to break the said peace, it is ordained that no person draw sword, or knife, or other arm; [and in such case], provided he do not strike, he is to pay unto the City half a mark, or remain in the prison of Newgate fifteen days. And if he draw blood of any one, he is to pay unto the City twenty shillings, or remain in prison forty days.

¹ Edward the Black Prince, son of Edward III.

Exhibit 9

That the peace shall be kept	} Fol. 301 n. l. E fol. 194
That no one shall go armed, or shall carry arms	
That no one shall go wandering about after Curfew rung	
That no one shall make Covin or Congregation	
That no one shall go out of the City to be a maintainer of quarrels	
That no one shall slander a Lord, or other person	
That if any one shall not be willing to be amenable to justice for preservation of the peace, all persons shall be ready to arrest him	
Writ for the chastisement of Malefactors and of persons carrying arms	F 13
Writ [commanding] that the Mayor and Sheriffs shall not be molested for the chastisement of Malefactors	F 13
Writ for search of Malefactors in every Ward	F 51
That no one shall go wandering about after Curfew rung at Saint Martin's	F 51
That no one shall go armed, or shall carry arms	F 70
That every one shall have power to arrest Misdoers	F 70
That no one shall go wandering about after Curfew rung at Saint Martin's le Grand	F 70
That no one shall come into the City to entrap men into holding meetings	F 161
If any person shall be unwilling to be amenable to justice for preservation of the peace, all persons shall be ready to give aid to arrest him	F 161
That every one shall have power to arrest Felons and Malefactors	F 161
Item, that no one shall carry arms	F 208
That no one shall go wandering about after Curfew rung at Saint Martin's le Grand	G 2
That no Alien shall carry arms	} G 10
That every one shall be assistant unto the Officers in arresting Misdoers	
That no one shall be assistant unto any person of evil covin	
That no one shall make Assembly or Covin within the City	
That no one shall go wandering about after Curfew rung at Saint Martin's	

Exhibit 10

That no one shall go wandering about after Curfew rung at Saint Martin's 1. G fol. 29

That no one shall go armed, or shall carry arms G 29

That every one, in absence of the Officers, shall have power to arrest Misdooers and Felons G 29

That no one shall make alliance with Foreigners who are accused of Felony G 29

Proclamation that no one shall go wandering about after Curfew rung at Saint Martin's G 71

That no Zealander, Fleming, or Hainaulter, shall carry any arm G 71

Proclamation of Peace between the Kings of England and France G 86

Also, the same 1C 72

Item, that no Fleming, Brabanter, or Zealander, shall go armed, or shall carry any arms G 108

That no one shall go wandering about after Curfew rung at Bowe

Item, that no one shall be armed, or shall carry arms

Item, that every good man shall have power to arrest Felons and Misdooers, in absence of the Officers

Item, that whosoever shall draw knife, sword, or other arm, even though he shall not strike, shall pay half a mark, and be imprisoned fifteen days; and if he strike, he shall pay twenty shillings, and be imprisoned forty days; and if he strike with the fist, without drawing blood, he shall pay three shillings, and be imprisoned eight days; and if he draw blood, he shall pay forty pence, and be imprisoned twelve days

Item, that no one shall be a Maintainer of quarrels

That the Constables of every Ward shall have power to arrest all those who make strife or affray G 164

That no one shall go wandering about after Curfew rung at Bowe G 176

That no one shall make Congregations or Assemblies, and that no Gamesters shall be there G 176

That every man of good repute shall have power, in absence of the Officers, to arrest Malefactors G 176

G 111

Fol. 302 A.

¹ See G, fol. 74.

Exhibit 11

Ward ; and that whatever they, together with the Warden, should do for the regulation of the City and the keeping of the peace, they would hold as ratified l. C fol. 6

Whosoever shall draw a knife shall pay half a mark, or be imprisoned fifteen days; and if he draw blood, he shall pay twenty shillings, or be imprisoned forty days; and if he strike with the palm, and does not draw blood, two shillings, or imprisonment of eight days; and if he draw

Fol. 302 B. blood with the fist, forty pence, or imprisonment for twelve days F 105

Plea as to a certain Affray F 138

That no one shall keep a School for Fencing Custum. 204

That no one shall carry a sword, or pointed knife, or 'misericorde, or club, or staff, or other arm C 93

Item, that Strangers shall be [duly] honoured C 91

That no one shall strike another, under pain of losing the hand; and if any one shall draw any arm, to strike therewith, he shall be pierced through the hand C 93

Writ for Arrest of Misdoers C 4

Ordinance for Enquiry as to men held in suspicion, and how they shall be found C 52

Proclamation of Peace made between the Kings of England and of France C 75

Proclamation of Peace, when the King began his reign C 92

That no one shall go armed, or shall carry arms, or shall go wandering about after Curfew rung H 33

Writ for Proclamation of a Truce between England and France H 37, 42

Writ as to a Truce between England and France G 3, 18

Writ and Proclamation of Truce G 60, 65

Writ as to a Truce F 185, 205

Also, of the same F 204

Bills sent unto the Aldermen as to setting the Watches H 54

That no one shall go with a visor or false face H 54

Writ for proclaiming a Truce H 19, 37

¹ See page 408 *ante*, Note.

Exhibit 12

Proclamation as to not making Congregations, Conventicles, and Conspiracies l. H fol. 172

Arrest and Imprisonment of John Northe, for Riot by him committed against the peace H 173

Truce between England and France H 240

Also, Proclamation of Truce H 282

Judgment upon certain Tawyers for making Covins and Congregations H 219

That no one shall go armed within the City I 177

Proclamation that no one shall go armed, or girt with a sword I 78

Writ as to the Statute of not making Entry by Force I 161

Also, of the same I 161

Writ for Proclamation of the Truce I 131

Bill as to the Peace I 153

Fol. 303 B. *Ordinances as to the Watch and Ward of the City, its Gates and Walls, in time of War, as well by Land as by the Water of Thames; as also, of Armaments.*

Commission made unto the Citizens of London for taking a certain sum upon divers merchandize for repair of the City Walls, the same to last for three years A 132

That every Gate shall be kept by day by two men well armed, and shall be shut at night by the Serjeant inhabiting the same; and that every Serjeant shall keep one ¹Wait, at his own cost A 135

That the Gates of the City shall be kept by the divers Wards, appointed thereunto B 32

That each Bedel shall summon certain armed men in his Ward, to keep the Gates; and that he who shall make default therein, shall pay twelve pence unto him substituted in his place B 33

That the Mayor and Aldermen shall cause to be put in writing all the names of the Mysteries of the City which are of ability to be armed, and which not; and that their arms shall be viewed B 34

That the Gates shall be well kept B 34

¹ See page 244 *ante*, Note 3.

Exhibit 13

shall have been sworn of the freedom; and that no Apprentice shall be admitted for a less term than seven years 1. Custum. fol. 204

Item, that no one shall shoot with a Stonebow Custum. 206

Order of Process, and mode of proceeding in Assizes of Nuisance

. Custum. 208

Also, of the same Horn, 227

Also, of Assizes, of the Statute, namely, as to divers Tenants upon a Storey Horn, 259

Item, if a Servant or Apprentice of any one of the City shall buy merchandize of a stranger, or other person, and shall bring it into the house of his Master, the said Master shall be answerable therefor Custum. 219

Fol. 310 A. Item, that the Bailiffs of the City shall not impede Merchants in unloading their merchandize that comes by water, or in harbouring the same wherever they may please Custum. 221

Item, that a Merchant-Stranger, good, lawful, and sufficient, who shall wish to enjoy the franchise, shall have the same

Item, that no one shall receive the Tenant of another if he shall not have lawfully parted from his Landlord

Item, that no Freeman shall avow the merchandize of a Stranger

Item, that no Freeman shall have partnership in, or act as Broker of, strange merchandize, whereby the King may lose his Custom

Item, that all persons shall be obedient unto the Officers in all places

The order in Pleas of Land and of the Hustings; and of the *Loquendæ* which embrace the space of Two Hustings

Custum. 220, -1

If any one shall feel himself aggrieved by a wrongful judgment, he shall cause the Record to be brought before the Justiciars of the King

Item, that of the Pleas the Warden shall have one Roll, and the Aldermen another

Item, Inquest joined between Denizen and Foreigner shall be made by twelve persons, of whom one half shall be Denizens, and the other Foreigners dwelling in the City, in Trespass and in Debt

Item, if any one shall sell his tenements, and shall bind himself to warranty, and have nothing left with which to make

Exhibit 14

216 *Assembly Proceedings, January—March 1647/8.*

Liber A 2^{ly} That noe one shall speake aboue once att one reading to any Bill wth out lycence of the Gou^r. And if 2 psōns rise up together, the Gou^r shall Appoynt who shall speake first. And noe one shall interrupt another, or speake till the other hath ended.

3^{ly} That noe one shall deliuer his opinion or speake to any bill sitting, But shall stand up reuerently and bareheaded directing his speech to the Gou^r.

4^{ly} That euery Bill proposed to the howse shall be read 3 seuerall dayes before it shall be uoted to engrosmt. And that betwixt euery such reading one day shall be intermitted unlesse wth speciall lycence of the Gou^r.

5^{ly} That before the grāll day of Sessions for the enacting of all the Lawes, notice shall bee gyuen 3 dayes before, att the least to all the County of S^t Maries to make their personall appearance, if they shall like thereof.

p. 131 6^{ly} That noe one shall come into the howse of Assembly (whilst the howse is sett) wth any weapon uppon perill of such fine or censure as the howse shall thinke fit

7^{ly} Any of the 16 members bownd to attend the Assembly th^t shall be absent from the howse att the hower & place appointed shall be fyned (after the number of Ten of them shall be pnt wth the Gou^r & the Clerk) in the Summe of 50^t Tob. unlesse lawfull excuse shall be shewen: to be employed in defraying the charges of this p^{nt} Assembly.

8^{ly} All misdemean^{rs} w^{ch} shall happen in the howse shall be censured & fyned by the howse. To be employed as afore.

9^{ly} Any one of the sixteen members th^t shall not attend the house, eyther through sicknes or other urgent occasion shall have power to constitute another Proxie in his roome during such his absence

The howse adiornd by the Gou^r till to morrow morning 9 clock

Saturday 22th Jan.

M^r Rob^t Clerk proxie for Wal. Smith
George Akerick appointed M^r Clark proxie for himselfe, & all his uoices

Jn^o Medley appoynted ffran: Posey proxie for himselfe and all his uoices

The ffreemen bownd to attend the assembly assembled except George Saphyer

was read An Act for the extent of Attachm^{ts} & exequōns.

The howse adiornd by the Gou^r till Munday morning 9 clock

Exhibit 15

Assembly Proceedings, April 1650. 273

or any one or more of the Counsell for the Vpper howse. Liber A
 And m^r. John Hatch m^r. Walter Beane m^r. John Medley, m^r.
 Will^m. Brough, m^r. Rob^t. Robins, m^r. ffrancis Poesey, m^r. Phillip
 Land, m^r. ffrancis Brooks, m^r. Tho: Mathews, m^r. Tho: Sherman,
 m^r. George Manners Burgesses for S^t. Maries
 St. Marys Kent County Cap^t. Robert Vaughan Comder. & Bur-
 Providence als. gesse for the Ile of Kent County. m^r. George
 Anarrundell Puddington & m^r. James Coxe Burgesses for the part of the
 province, now Called Providence, or any fieve or more of them,
 for the Lower howse, together with the Clarke of th^t howse
 for the time being, who shall from time to time assemble
 themselues at the time and place to bee by the Gou^r. (or whom-
 soev^r. of the Counsell hee shall by hand writing under his hand
 depute for th^t purpose) from time to time appoynted during
 this p^rnt Assembly, Shall haue the full power of, & bee two
 howses of Assembly to all intents and purposes. And all Bills
 that shall bee passed by the s^d. Two howses or the maior part of
 both of them, & Enacted or Ordered by the Gou^r. shall bee
 Lawes of the province after publicōn thereof, under the hand
 of the Gou^r., & the Great Seale of the s^d. province as fully to
 all effects in Law as if they were aduised & assented unto by
 all the ffreemen of the province personally

Will^m Stone

Orders made & agreed vppon by the Assembly for the better ordering of Both Howses.

1 That noe member of eyther howse shall vse reuyling speeches or name any of the members of eyther howse by his owne name but by the terme or denominaōn of the Gentleman th^t spoke last or the like

2 That none of eyther howse shall speake aboue once, att one reading to any Bill wthout licence of the Gou^r or Speaker respectively. And if 2 persons rise vp together the Gou^r or Speaker respectively, shall appoynt who shall speake first, & no one shall interrupt another, or speake till the other haue ended.

3 That none shall deliuer his opinion or speake to any Bill sitting, but shall stand up bare headed, directing his speech to the Gou^r or Speaker respectively.

4 That Every Bill proposed to the howse, shall bee read three severall dayes, before it be voted to Ingrosmt^t unlesse uppon urgent occasion, or in matters of lesser consequence, it bee otherwise thought fitt by both howses.

5 That none shall come into eyther of the houses whillst they are sett, with any gun or weapon uppon perill of such fine or censure as the howses shall thinke fitt

Exhibit 16

- Dedham : Cap^t Daniel Fisher.
- Wooborn : Left W^m Johnson.
- Hampton : M^r Samuel Dalton.
- Haverill : M^r Henry Palmer, 1 s.
- Malden : Cap^t John Wayte.
- Beverly : M^r John Dodge.
- Kittery : Maj^r Rich^d Waldron.
- Douer : Left Peeter Coffyn, 1 s.
- Portsmouth : M^r Richd Martyn.
- Wenham : M^r Thō Fiske.
- Yorke : M^r Edw^d Rishworth.
- Northampton : M^r John King, 1 s.
- Hadley : M^r Peeter Tylton, 1 s.
- Sudbury : M^r Peeter Noyce, before Rouley.
- Braintry : M^r Samuell Tompson, before Wood.

See also original p. 212

1679.

28 May.

Maj^r Richd Waldron was chosen Speaker for y^t session.

*Whereas there is an abusive & euil practise taken up in seuerall places of this colony, vpon trayning dayes, more publicke or private, & other publicke conuentions of people vpon ciuill occasions, diuers persons taking liberty to bring into the feild, & other places neere such concourse of people, considerable quantitjes of wine, strong liquo^s, cider, & other inebriating drinckes, hauing no licence so to doe, whereby many people, both English & Indians, that come to such meetings, aswell as souldjers, comitt many disorders of drunkenness, fighting, neglect of duty, &c, for prevention whereof it is ordered by this Court and the authority thereof, that henceforth no person whatsoever shall presume to bring into the feild and sell by retayle vpon such occasions any wine, strong liquor, cider, or any other inebriating drinckes, excepting beere of a penny a-quart, vnless he or they so doing haue license from the hands of two magistrates, or the cheife military officer or officers in the feild, vpon penalty of forfeiting all such strong drincke, and paying a fine of five pounds, one halfe to the informer, & the other halfe to the county Treasury; and it is further ordered, that the constables of the toune where such meeting is are ordered & required, wth a meete company to guard him, shall, by warrant from the cheife officer, seize vpon all strong liquo^s, wine, cidar, or other strong drincke, and dispose of the same as the law directs.

[*204.]
Order phibbit-
ing retayling
strong drinckes
at traynings.

It is ordered by this Court & the authority thereof, for the easement of the country, that the ordinary traynings of foote & horse be reduced to fower

4 trayning
dayes only, vn-
less, &c.

572. Mass.—*General Court for Elections, Boston; Bay Recs. Vol. 5, Shurtleff, 1854: Act, May 28, 1679, pp. 211-212.*

Exhibit 17

THE
Statutes at Large
OF
PENNSYLVANIA
FROM
1682 to 1801

COMPILED UNDER THE
AUTHORITY OF THE ACT OF MAY 19 1887 BY
JAMES T MITCHELL AND HENRY FLANDERS
COMMISSIONERS

VOLUME III
1712 to 1724

CLARENCE M BUSCH
STATE PRINTER OF PENNSYLVANIA
1896

five shillings, one-half to the use of the poor of the said city, and the other half to the use of him or them who shall prosecute and cause such offender to be as aforesaid convicted: which forfeitures shall be levied by distress and sale of the offender's goods as aforesaid; and for want of such distress, if the offender refuse to pay the said forfeiture, he shall be committed to prison for every such offense the space of two days, without bail or mainprise.

Provided, That such conviction be made within ten days after such offense committed. And if such offender be a negro or Indian slave, he shall, instead of imprisonment, be publicly whipped, at the discretion of the magistrate.

Passed August 26, 1721. Apparently never considered by the Crown, but allowed to become a law by lapse of time in accordance with the proprietary charter. See Appendix IV, Section II, and Hill's letter and Fane's opinion in Appendix V, Section I, and the Acts of Assembly passed August 14, 1725, Chapter 237; February 6, 1730-31, Chapter 322; March 29, 1735-36, Chapter 338; February 9, 1750-51, Chapter 388; March 26, 1762, Chapter 481; March 9, 1771, Chapter 624; March 21, 1772, Chapter 648; December 24, 1774, Chapter 705; November 25, 1779, Chapter 867; March 28, 1787, Chapter 1279; September 29, 1787, Chapter 1318; April 13, 1791, Chapter 1573; April 11, 1793, Chapter 1698; April 18, 1794, Chapter 1743; April 18, 1795, Chapter 1857; March 29, 1802, P. L. 127; March 29, 1803, P. L. 542; April 4, 1807, P. L. 132; March 30, 1812, P. L. 182; March 14, 1818, P. L. 189; March 29, 1824, P. L. 152; February 10, 1832, P. L. 64; June 13, 1836, P. L. 551; March 16, 1847, P. L. 473; April 11, 1848, P. L. 504; April 8, 1851, P. L. 382; April 14, 1851, P. L. 549; March 20, 1856, P. L. 137; May 5, 1864, P. L. 841; March 23, 1865, P. L. 744; March 12, 1866, P. L. 160; June 2, 1870, P. L. 1316; April 17, 1878, P. L. 23; June 10, 1881, P. L. 111; June 11, 1885, P. L. 111.

CHAPTER CCXLVI.

AN ACT TO PREVENT THE KILLING OF DEER OUT OF SEASON, AND AGAINST CARRYING OF GUNS OR HUNTING BY PERSONS NOT QUALIFIED.

[Section I.] Be it enacted by Sir William Keith, Baronet, Governor of the Province of Pennsylvania, &c., by and with the advice and consent of the freemen of the said Province in General Assembly met, and by the authority of the same, That if

1721] *The Statutes at Large of Pennsylvania.*

255

any person or persons, after the publication hereof, shall kill or destroy any buck, doe, fawn, or any other sort of deer whatsoever, at any other time or season except only betwixt the first day of July and first day of January, he shall forfeit and pay for every such buck, doe, fawn, or other deer so killed or destroyed as aforesaid, the sum of twenty shillings; one-half thereof to the poor of the township where the offense is committed, and the other half to him who shall inform or sue for the same, before any justice of the peace of this province, who is hereby empowered and authorized to hear and determine the same, and to convict the offender, by the oath or affirmation of one or more witnesses.

Provided, That such conviction be made within two months after such offense is committed.

And for the better conviction of offenders against this act:

[Section II.] Be it enacted, That every person in whose custody shall be found, or who shall expose to sale any green deer skins, fresh venison, or deer's flesh, at any other time of the year than what is before excepted, and shall be convicted thereof as aforesaid, shall be deemed guilty of the said offense. And that the same green deer skins, fresh venison or deer's flesh so found as aforesaid shall be held to be good evidence in the cases aforesaid.

Provided always, That nothing contained in this act shall be deemed or construed to extend to any free native Indians carrying guns, hunting, killing, and having in their custody any skins or deer's flesh for their own use, anything in this act to the contrary notwithstanding.

And whereas divers abuses, damages and inconveniencies have arose by persons carrying guns and presuming to hunt on other people's lands, for remedy whereof for the future:

[Section III.] Be it enacted by the authority aforesaid, That if any person or persons shall presume, at any time after the sixteenth day of November, in this present year one thousand seven hundred and twenty-one, to carry any gun or hunt on the improved or inclosed lands of any plantation other than his own, unless he have license or permission from the owner of such lands or plantation, and shall be thereof convicted, either

upon view of any justice of the peace within this province, or by the oath or affirmation of any one or more witnesses, before any justice of the peace, he shall for every such offense forfeit the sum of ten shillings. And if any person whatsoever, who is not owner of fifty acres of land and otherwise qualified in the same manner as persons are or ought to be by the laws of this province for electing of members to serve in assembly, shall, at any time after the said sixteenth day of November, carry any gun, or hunt in the woods or uninclosed lands, without license or permission obtained from the owner or owners of such lands, and shall be thereof convicted in manner aforesaid, such offender shall forfeit and pay the sum of five shillings for every such offense.

[Section IV.] And be it further enacted by the authority aforesaid, That no person whatsoever shall presume to shoot at or kill with a firearm any pigeon, dove, partridge, or other fowl in the open streets of the city of Philadelphia, or in the gardens, orchards and inclosures adjoining upon and belonging to any of the dwelling houses within the limits of the said city, upon the forfeiture of five shillings for every such offense, to be convicted in manner aforesaid.

All which penalties and forfeitures shall go, one moiety to the informer, and the other to the poor of the township where such offense is committed. But if convicted upon view of a justice of the peace, the whole forfeiture shall be to the use of the poor. And if the offender refuse to pay, the same shall be levied by distress and sale of the offender's goods, by warrant under the hand and seal of the justice before whom such offender shall be convicted, returning the overplus, if any be, the charge of distraining being first deducted. And for want of such distress he shall be committed to prison, where the forfeiture is twenty shillings, for the space of ten days; and, where the forfeiture is ten shillings, for the space of five days; and, if the forfeiture is five shillings, for the space of two days, without bail or mainprise.

Passed August 26, 1721. Apparently never considered by the Crown, but allowed to become a law by lapse of time in accordance with the proprietary charter. See Appendix IV, Section II, and Hill's letter and Fane's opinion in Appendix V, Section I, and

the Acts of Assembly passed February 6, 1730-31, Chapter 323; January 27, 1749-50, Chapter 383. Repealed by Act passed April 9, 1760, Chapter 456.

CHAPTER CCXLVII.

AN ACT FOR THE WELL TANNING AND CURRYING OF LEATHER, AND REGULATING OF CORDWAINERS, AND OTHER ARTIFICERS, USING AND OCCUPYING LEATHER WITHIN THIS PROVINCE.

Whereas very great abuses have been committed by tanners, cutters and other persons, using and working of leather within this government, and the prices of leather become very exorbitant and burdensome to the people of this province: To the intent therefore that a reasonable and indifferent course for the true and well tanning, currying and working of leather, may be from henceforth established and appointed, and yet the persons using the several crafts and mysteries aforesaid may not be more strictly bound or limited than the necessary regard of the welfare and general commodity of all His Majesty's subjects within the said province requireth:

[Section I.] Be it enacted by Sir William Keith, Baronet, Governor of the Province of Pennsylvania, &c., by and with the advice and consent of the freemen of the said Province in General Assembly met, and by the authority of the same, That from and after the twenty-fifth day of November next, in this present year of our Lord one thousand seven hundred and twenty-one, if any person or persons using, or which shall use, the mystery or faculty of tanning, or any person or persons importing, or who shall import, any leather into this province, shall at any time or times hereafter offer or put to sale any kind of leather which shall be insufficiently and not thoroughly tanned, so that the same, by the triers of leather lawfully appointed by virtue of this present act, for the time being, shall be found to be insufficiently not thoroughly tanned, that then all and every such person and persons so offending shall forfeit such leather, as shall be found insufficiently and not thoroughly tanned, unless the party importing the same will give

Exhibit 18

A C T S passed by the General Assembly of the Province of *New-Jersey*, at *Perth Amboy* in 1722, being the Eighth Year of His Majesty's Reign.

C H A P. XXXIII.

An A C T for the Security of His Majesty's Government of New-Jersey.

Preamble.

Sect. 1. **W**H E R E A S some Persons in this Province, disaffected to His Majesty's Person and Government, propogate their pernicious Principles, to the great Hurt of His Majesty's faithful and loyal Subjects inhabiting within the same. And by Reason of their Intermeddling in publick Affairs, in Contempt of His Majesty's legal and just Authority, obstruct the publick Administration, and will, if not prevented, prove Dangerous to the Government of this Province.

Two or more Justices, or any Person specially appointed by

B E I T T H E R E F O R E E N A C T E D by the Governor, Council and General Assembly, and it is hereby

C H A P. XXXV.

An ACT to prevent Killing of Deer out of Season, and against Carrying of Guns and Hunting by Persons not Qualified.

Any Person killing Deer in the Time by this Act disallowed, to forfeit 3os. &c.

SECT. I. **B**E IT ENACTED by the Governor, Council and General Assembly, AND IT IS HEREBY ENACTED by the Authority of the same, That if any Person or Persons, after the Publication hereof, shall kill or destroy any wild Buck, Doe or Fawn, or any other Sort of Deer whatsoever, at any Time in the Months of *January, February, March, April, May or June*, every such Person shall, for every such Offence, forfeit and pay the Sum of *Thirty Shillings*, for every such Buck, Doe or Fawn, or other Deer, so killed or destroyed as aforesaid, contrary to the true Intent and Meaning of this Act; one half thereof to the Poor of the Township or Precinct where the Offence is committed, and the other half to him who shall Inform or Sue for the same before any Justice of the Peace of this Province, who is hereby impowered and authorized to hear and determine the same, and to convict the Offender by the Oath or Affirmation of one or more Witnesses. Provided That such Conviction be made within two Months after the Offence committed.

Sale of green Skins to amount to a Conviction, &c.

2. AND for the better Convicting of Offenders against this Act, BE IT ENACTED by the Authority aforesaid, That every Person in whose Custody shall be found, or who shall expose to Sale, any green Deer Skins, fresh Venison or Deer's Flesh, at any Time in any of the Months of *January, February, March, April, May or June*, aforesaid, and shall be convicted thereof, as aforesaid, shall be deemed Guilty of the said Offence.

Not to extend to hinder killing them in Corn Fields, or by Indians

3. PROVIDED ALWAYS, That nothing contained in this Act, shall be deemed or construed to hinder any Person from killing any kind of Deer, within his Fields where Corn is growing, at any Time in the Month of *January*, nor to extend to any Free Native Indians carrying Guns, hunting, killing or having in their Custody any Skins or Deer's Flesh for their own Use; any Thing in this Act to the contrary notwithstanding.

4. And

The Eighth of GEORGE I.

4. And whereas divers abuses have been committed, and great Damages and Inconveniencies arisen by Persons carrying of Guns and presuming to hunt on other Peoples Land; for Remedy whereof for the future, BE IT ENACTED by the Authority aforesaid, That if any Person or Persons shall presume, at any Time after the Publication hereof, to carry any Gun, or hunt on the improved or inclosed Lands in any Plantation, other than his own, unless he have Licence or Permission from the Owner of such Lands or Plantation, and shall be thereof convicted, either upon the View of any Justice of the Peace within this Province, or by the Oath or Affirmation of any one or more Witnesses, before any Justice of the Peace, he shall, for every such Offence forfeit the Sum of *Fifteen Shillings*, with Costs attending such Conviction. And if any Person whatsoever, who is not Owner of one Hundred Acres of Land, or otherwise qualified, in the same Manner as Persons are or ought to be for electing Representatives to serve in General Assembly, shall at any Time after the Publication hereof, carry any Gun, or hunt in the Woods or uninclosed Lands, without Licence or Permission obtained from the Owner or Owners of such Lands, and shall be thereof convicted, in Manner aforesaid, such Offender shall forfeit and pay the Sum of *Ten Shillings*, with Costs as aforesaid, for every such Offence. All which Penalties and Forfeitures shall go one Moiety to the Informer, and the other to the Poor of the Township or Precinct where such Offence is committed; but if convicted upon View of a Justice of the Peace, the whole Forfeiture shall be to the Use of the Poor. And if the Offender refuse to pay the same, with Costs, as aforesaid, shall be levied on by Distress and Sale of the Offender's Goods, by Warrant under the Hand and Seal of the Justice before whom such Offender shall be convicted, returning the over-plus, if any be, the Charge of Distraint being first deducted. And for want of Effects whereon to make such Distress, every Person so Offending, contrary to the true Intent and Meaning of this Act, shall be committed to Prison, when the Forfeiture is *Thirty Shillings*, for the Space of Fifteen Days; and when the Forfeiture is *Fifteen Shillings*, for the Space of Eight Days; and when the Forfeiture is *Ten Shillings*, for the Space of Five Days, without Bail or Mainprize.

No Person to carry a Gun or Hunt on Land inclosed but by Consent of Owners &c.

Not on Lands Uninclosed, unless freeholders &c.

Forfeitures how to be applied, and how to be levied &c.

5. AND BE IT ENACTED by the Authority aforesaid, That every Justice of the Peace, before whom any Person or Persons is convicted of having committed any of the Offences in and by this Act prohibited, is hereby directed and required to issue his Warrants for the bringing such Offender

Want of Effects to be committed to Gaol.

C c

before

before him; and in Case of the want of Effects whereon to make Distress, to make out his Mittimus to commit such Offender to the Gaol of the County in which such Conviction is made; and the Sheriff, Under-Sheriff, or Gaol-keeper, is hereby directed and required to keep the said Offender in close Gaol, according to the Direction of this Act, and Tenor of such Mittimus to such Sheriff, Under-Sheriff, or Gaoler directed. And every Justice of the Peace neglecting or refusing to issue such Warrant, or make such Mittimus, and every Sheriff, or Under-Sheriff or Gaol-keeper, who shall not receive such Offender, and keep him in close Gaol, according to the true Intent and Meaning of this Act, shall, for every such neglect or refusal, or undue discharge of his Office in the Premises, forfeit the Sum of *Six Pounds*, to be recovered in any Court of Record within this Province, in which there shall be no Effoyn or Protection; the one half to such Person as shall sue for and prosecute the same to Effect, the other half to the King's Majesty, His Heirs and Successors, for and towards the Support of the Government of this Province.

Sheriff refusing
&c. to receive
the party, to
forfeit 6l. &c.

Not to extend
to Negroes, &c.
but they to be
whipped if con-
victed, &c.

6. AND IT IS ALSO FURTHER EN-
ACTED by the Authority aforesaid, That this Act, nor any Part thereof, shall be construed to extend to Negro, Indian or Mulatto Slaves, so as to commit them to Prison; during the Time in this Act limited, in Case they should be guilty of any of the Offences in this Act prohibited; but that then, and in such Case, such Indian, Negro or Mulatto Slave, killing and destroying any Deer as aforesaid; or carrying or hunting with any Gun, without Licence from his Master, shall, at the publick Whipping-Post, on the bare back, be Whipp'd, not exceeding Twenty Lashes, for every such Offence, for which Whipping the Master shall pay to the Whipper the Sum of *Three Shillings*, and pay no greater or other Cost whatsoever; any Thing in this Act to the contrary hereof in any wise notwithstanding.

ACTS

Exhibit 19

Acts relating to Slaves.

A. D. 1743.

and condemnation, notwithstanding any want of form or omission whatever in the trial of such negroes; and any law, usage or custom to the contrary thereof in any wise notwithstanding.

LVII. *And be it further enacted* by the authority aforesaid, That this Act shall be deemed a public Act, and shall be taken notice of without pleading the same before all judges, justices, magistrates and courts within this Province.

LVIII. *And be it further enacted* by the authority aforesaid, That this Act shall continue in force for the space of three years, and from thence to the end of the next session of the General Assembly, and no longer.

C. PINCKNEY, *Speaker.*

In the Council Chamber, the 10th day of May, 1740.

Assented to: WM. BULL.

AN ACT FOR THE BETTER SECURITY OF THIS PROVINCE AGAINST THE INSURRECTIONS AND OTHER WICKED ATTEMPTS OF NEGROES AND OTHER SLAVES; AND FOR REVIVING AND CONTINUING AN ACT OF THE GENERAL ASSEMBLY OF THIS PROVINCE, ENTITLED "AN ACT FOR THE BETTER ORDERING AND GOVERNING NEGROES AND OTHER SLAVES IN THIS PROVINCE." No. 702.

WHEREAS, it is necessary to make some further provision for securing the inhabitants of this Province against the insurrections and other wicked attempts of negroes and other slaves within the same; we therefore humbly pray his most sacred Majesty that it may be enacted;

I. *And be it enacted* by the honorable William Bull, Esq., Lieutenant Governor and Commander-in-Chief in and over his Majesty's Province of South Carolina, by and with the advice and consent of his Majesty's honorable Council, and the Commons House of Assembly of this Province, and by the authority of the same, That within three months from the time of passing this Act, every white male inhabitant of this Province, (except travellers and such persons as shall be above sixty years of age,) who, by the laws of this Province is or shall be liable to bear arms in the militia of this Province, either in times of alarm or at common musters, who shall, on any Sunday or Christmas day in the year, go and resort to any church or any other public place of divine worship within this Province, and shall not carry with him a gun or a pair of horse pistols, in good order and fit for service, with at least six charges of gun-powder and ball, and shall not carry the same into the church or other place of divine worship as aforesaid, every such person shall forfeit and pay the sum of twenty shillings, current money, for every neglect of the same, the one half thereof to the churchwardens of the respective parish in which the offence shall be committed, for the use of the poor of the said parish, and the other half to him or them who will inform for the same, to be recovered on oath, before any of his Majesty's justices of the peace within this Province, in the same way

The citizens to go armed to church.

A. D. 1743.

Acts relating to Slaves.

and manner that debts under twenty pounds are directed to be recovered by the Act for the trial of small and mean causes.

Proviso as to Charleston.

II. *Provided, and be it further enacted,* That nothing hereinbefore contained shall be construed to extend to persons living within the parish of St. Philip's, Charlestown; but in lieu thereof, the whole watch of Charlestown, aforesaid, shall be obliged to perform watch and ward under arms, during divine service, in the same manner as a part only of the said watch are now by law enjoined to do, and for which a pay or additional allowance of ten pounds per annum shall be given to every man of the said watch, to be paid by an assessment on the inhabitants of Charlestown, according to the method already laid down for the payment of the said watch.

Duty of church wardens, deacons, &c.

III. And to the intent that this Act may be more duly carried into execution, by which the inhabitants of this Province may be the better secured and provided against the insurrections and other wicked attempts of negroes and other slaves, *Be it further enacted* by the authority aforesaid, That the church-warden and church-wardens of each respective parish, and the deacon or deacons, and elder or elders, or either of them, resorting to other places of public worship in this Province, (excepting the places of public worship within the parish of St. Philip's, Charlestown,) who shall be at any such church, or other place of public worship, as aforesaid, where any person liable to bear arms, as aforesaid, shall come and resort without his gun or pair of horse pistols and ammunition, as aforesaid, and such church-warden or church-wardens, deacon or deacons, elder or elders, who shall wilfully neglect, after having notice of the offence, to inform against such person so offending against this Act, in order to recover the penalty, as aforesaid, every such church-warden or church-wardens, deacon or deacons, elder or elders, who shall happen to be at such church or other place of divine worship as aforesaid, when such offence against this Act shall be committed, and who shall wilfully neglect, after having notice of the offence, to inform as aforesaid, within twenty days next after such offence committed, shall forfeit and pay, for every such neglect, to any person who will inform for the same within five days next after the expiration of the said twenty days, the sum of twenty shillings, current money of the Province aforesaid, for every person so offending as aforesaid, to be recovered as aforesaid.

Penalty for neglect.

IV. *And be it further enacted* by the authority aforesaid, That in case any person or persons, as aforesaid, liable to bear arms, as aforesaid, being at such church or other place of divine worship, as aforesaid, who shall refuse or neglect, on demand of the said church-warden or church-wardens, deacon or deacons, elder or elders, respectively, (or in case none such shall be present, then on demand of any commissioned officer of the militia in this Province,) to produce and shew his gun or pair of horse pistols and ammunition, required so to be brought with such person and persons, as aforesaid, to the intent it may be known whether the same are fit for immediate use and service, every such person so refusing or neglecting to produce and shew the same, shall, for every such offence, forfeit and pay the sum of twenty shillings, current money, to be recovered, paid and applied in the same way and manner, and to the same uses, as the first forfeiture in this Act mentioned is directed to be recovered, paid and applied.

V. *And whereas,* an Act of the General Assembly of this Province, entitled "An Act for the better ordering and governing negroes and other slaves in this Province," which hath been found to be a wholesome and beneficial law, is near expiring; *Be it therefore enacted* by the authority

OF SOUTH CAROLINA.

Acts relating to Slaves.

A. D. 1747.

aforesaid, that the said Act entitled "An Act for the better ordering and governing negroes and other slaves in this Province," passed the tenth day of May, in the year of our Lord one thousand seven hundred and forty, be, and is hereby declared to be, revived, continued and enacted to be of full force and virtue for and during and unto the full end and term of three years after the passing of this Act, and from thence to the end of the next session of the General Assembly, and no longer; and this Act, and every matter and thing herein contained, shall continue and be of force for the same time, and no longer.

Act of 1740 revived and continued.

BENJ. WHITAKER, *Speaker.*

In the Council Chamber, the 7th day of May, 1743.

Assented to: WILLIAM BULL.

AN ACT FOR GIVING FREEDOM TO A NEGRO MAN NAMED ARRAB, No. 754.
LATE A SLAVE BELONGING TO MR. HUGH CARTWRIGHT; AND TO CONFIRM THE FREEDOM OF ALL NEGROES AND OTHERS WHO HAVE BEEN OR SHALL BE SLAVES TO ANY OF THE INHABITANTS OF THIS PROVINCE, THAT ALREADY HAVE, OR SHALL HEREAFTER, HAVING BEEN TAKEN, MAKE THEIR ESCAPE FROM HIS MAJESTY'S ENEMIES, AND RETURN TO THIS PROVINCE.

WHEREAS, a negro man named Arrah, late a slave, belonging to Mr. Hugh Cartwright, of this Province, hath, by his humble petition to the General Assembly, set forth, that on the thirteenth day of April, in the year of our Lord one thousand seven hundred and forty-five, he, the said Arrah, was taken prisoner by a French privateer sloop, of Cape Roman, in a schooner belonging to the said Hugh Cartwright; and that great encouragement was offered to be given him by the enemy if he would join with them against the English, and assist them as a pilot for the Carolina coast, but he refusing to accept their offer, was sold as a slave to a French merchant at Porto Rico, from whence he found means to make his escape, and returned to this Province; and humbly praying that the premises being considered, such relief might be granted to the petitioner as should seem most meet: And forasmuch as it is doubtful whether the property in the said negro man Arrah, was entirely altered by his being taken and sold as a slave by the enemy, at Porto Rico aforesaid; and whereas, his returning to this Province was his own act, out of fidelity to the English: To the intent, therefore, that as well the said negro man Arrah, as all other negroes, and others, who have been or shall be slaves to any of the inhabitants of this Province, and have made or shall make their escape from his Majesty's enemies after being taken by them, may not be molested after their return to this Province—we humbly pray your most sacred Majesty that it may be enacted,

I. *And be it enacted*, by his Excellency James Glen, Esquire, Governor-in-chief and Captain-general, in and over his Majesty's Province of South Carolina, by and with the advice and consent of his Majesty's

Exhibit 20

At a GENERAL ASSEMBLY held at Trenton from the Twenty-sixth Day of February 1745-6 to the Twenty-first Day of May 1746, when Governor Morris dying, was succeeded by John Hamilton, Esquire, President of the Council, the Assembly continued sitting to the Fourth Day of June, in the Nineteenth Year of the Reign of King George the Second, being the Sixteenth Assembly of New-Jersey, the following Law was passed.

SESSION THE FIRST.

CHAPTER CC.

An ACT for better settling and regulating the Militia of this Colony of New-Jersey, for the repelling Invasions, and suppressing Insurrections and Rebellions.

Passed May 8, 1746.

WHEREAS the Security of this Colony, and Preservation of His Majesty's Government over it, greatly depends upon the Militia being put into such Methods as may make the same most useful for the Defence thereof, especially at this Time, when His Majesty hath a just War against both *France* and *Spain*; therefore, for the better Defence of this Colony, and the Honour of His Majesty, Preamble.

Sec. 1. BE IT ENACTED by the Governor, Council and General Assembly, and by the Authority of the same, That every Captain within this Colony, that already is or hereafter shall be appointed, shall make

256. N. J.—*General Assembly, Trenton; A & L Allinson, 1776; Act, May 8, 1746, pp. 139-147.*

Captains to
make Lists of
Men within
their Dis-
tricts, &c.

Arms, &c.
necessary

Times of
Musters.

make a true and perfect List of all the Men that now do, or here-
after shall dwell within the Districts or Divisions of which they are
or shall be Captains, between the Age of sixteen and fifty Years (ex-
cept the Gentlemen of His Majesty's Council, the Representatives of
the General Assembly, Ministers of the Gospel, the Civil Officers
of the Government, and all Field Officers and Captains, that here-
tofore have, now do, or hereafter shall bear such Commissions, Phy-
sicians, Schoolmasters, Millers, Ferrymen, bought white Servants and
Slaves) every one of which is listed shall be sufficiently armed with one
good Muzket or Fuzee well fixed, a Sword or Bayonet, a Cartouch-Box
or Powder-Horn, three Charges of Powder, and three fixable Bullets ;
who shall appear in the Field so armed twice a Year, *Viz* the first
Monday in April, and the second *Monday in October*, except the Coun-
ty of *Cape-May*, which shall thus appear the third *Tuesday in April*,
and the third *Tuesday in October*, at the Places appointed by their
respective Captains or superior Officers, and continue in Arms but one
Day at each Time, besides at other such Times when they may be
called together by an Order in Writing under the Hand of the Captain-
General, or Commander in Chief for the Time being, at such Places
within each respective County as shall be by him appointed, to be taught
the Use of their Arms. PROVIDED ALWAYS, That such Calling to-
gether in Writing as aforesaid, shall not exceed once in a Year, and
said Persons to be kept in Arms but one Day at such Time, except in
Case of Alarms.

Disobedience
to Officers,
and for Non-
Appearance,
how punish-
ed.

2. BE IT FURTHER ENACTED *by the Authority aforesaid*, That every
Person so listed, that doth appear at the Times and Places aforesaid,
shall be and are hereby subjected to the Commands of their proper
Officers, and upon Disobedience it shall and may be lawful for the
Captain or Commanding Officer to fine said Offender or Offenders any
Sum not less than *One Shilling*, nor above *Ten Shillings* ; and in case of
Delay or Refusal to pay such Fine or Fines, then the said Captain or
Commanding Officer may make out his Warrant to one of his Sergeants
or Corporals, commanding him to take to his Assistance one or more of
the Soldiers under his Command, if Occasion should require, and
take the Body of the said Offender or Offenders, and deliver him or
them to the Gaoler of the said County, who is hereby required and
commanded to take the said Offender or Offenders into his Custody, and
keep him or them in close Gaol for such Time as shall be expressed in
the Captain's Warrant, not exceeding three Days ; and at the Expiration
of said Time, or on Payment of the said Fine or Fines, then the said
Offender or Offenders to be discharged, paying to the Gaoler *One
Shilling* for his Fees, and no more.

Officers and
Soldiers to
behave well
while under
Arms.

3. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That
no Officer shall beat or abuse any of the Soldiers whilst under Arms
on any such Days of Training as aforesaid : But if any Soldier shall,
during that Time, use any reproachful or abusive Language towards
any of his superior Officers, or shall quarrel himself, or promote any
Quarrel amongst his Fellow-Soldiers, or appear in Arms disguised in
Liquor, it shall and may be lawful for the Captain or Commanding
Officer to disarm such Soldier at the Head of his Company, and to
set a Centinel over him during the Time of the Company's being in
Arms

Arms and no longer, or to fine him in Manner and Form aforesaid, as the said Captain or Commanding Officer in his Discretion shall think proper.

4. BE IT FURTHER ENACTED *by the Authority aforesaid*, That every of the Persons aforesaid, that appears at the Times and Places aforesaid, without the Arms and Ammunition aforesaid, shall forfeit and pay to their respective Captain or Commanding Officer as followeth, *Vi-delicet*, For want of a Musket or Fuzee *Two Shillings*, if not well fixed *One Shilling*; for want of three Charges of Powder and three fizeable Bullets *One Shilling*; for want of a Sword or Bayonet *One Shilling*: Which said Sums of Money shall be applied by said Captain to the Purchasing Drums and Colours for his Company.

Penalties on appearing without Arms, &c.

Application.

5. BE IT FURTHER ENACTED *by the Authority aforesaid*, That it shall and may be lawful for the Captain-General or Commander in Chief for the Time being, in case of any Invasion, Infurrection, or Rebellion, to call so many of the Persons aforesaid together, for repelling the Force of the said Enemy, or quelling the said Infurrection or Rebellion, or order such Detachments for the common Defence as he shall think fit, to follow and pursue the said Enemy into any of the neighbouring Governments, for the repelling or taking them Prisoners, and Preservation of His Majesty's Subjects and Government.

Power of the Captain-General in case of Invasion, &c.

6. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That it shall and may be lawful, and such Captains or other Commanding Officers that live near such Places where an Enemy may come, are hereby required and commanded on any Descent or Invasion of an Enemy, or on their Landing, or Danger thereof, to call all or so many of their respective Companies together as shall be thought necessary to expel the said Enemy, and forthwith attack them; or otherwise to do the best that lies in their Power to distress, stop and hinder them in their intended Invasion or Plundering. And said Captains and Commanding Officers are hereby further required and commanded, as soon as possible, to send Notice of such Descent or Invasion to the Governor or Commander in Chief for the Time being.

Power of Captain, &c. in case of Invasions, &c.

7. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That in Times of any Invasion, Infurrection, Rebellion or Alarm as aforesaid, all the Officers and Persons so enlisted as aforesaid, that shall be commanded to their Arms, by Order of the Captain-General, or Commander in Chief, or other Officer or Officers, during the Time or Times of such Invasion, Infurrection, Rebellion or Alarm, are hereby made subject to the Pains and Penalties of the Martial Law, so that the Punishment do not extend to the taking of Life or Member.

In Time of Invasion, &c. all subject to Martial Law.

8. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That when the Governor or Commander in Chief for the Time being, in Time of Danger, shall think fit to direct a Watch to be kept in any Place or Places within this Colony, the Colonel, Lieutenant-colonel, Major or other Commanding Officer, in each respective County where such Watch shall be appointed to be kept, to whom such Directions shall be signified, shall issue out his Orders to the several Captains under his

Governor may appoint Military Watches, &c.

N 11

Command,

the Peace, and he is hereby required and commanded to issue his Warrant to any Constable, commanding him to make Distress upon the said Captain's or Commanding Officer's Goods and Chattels, and expose the same to Sale by publick Vendue; and, out of the Money arising by such Sale, he shall pay to the said Justice of the Peace and said two Freeholders, so much Money as the said Captain or Commanding Officer is found not to have laid out, returning the Overplus to the Owner, if any be, after deducting the lawful Fees for the Warrant, Distress and Sale. And if said Sum exceed *Five Pounds*, then it shall and may be lawful for the said Justice and Freeholders, for the Time being, in their Names, to sue the said Captain or Commanding Officer in any Court where the same is cognizable, by Action of Debt, to be recovered with Costs of Suit, and applied by the said Justice and Freeholders to the purchasing the Arms and Ammunition aforesaid.

Penalty on Refusal of Neglect.

22. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That if any Captain or Commanding Officer shall refuse or neglect to account as aforesaid, he shall forfeit *Five Pounds* for every such Neglect or Refusal, with full Costs of Suit, to be recovered by Action of Debt by any Person that will sue for the same, before any Justice of the Peace; the one Half to such Person or Persons that shall prosecute the same to Effect, the other Half to be applied for purchasing the Arms and Ammunition aforesaid.

Penalty on Selling strong Liquor to the Militia.

23. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That no Innholder, or any other Person or Persons whatsoever, without Leave from the Captain or Commanding Officer for the Time being, shall presume to sell any strong Liquor to any of the Persons so listed, in such Days or Times that they are obliged to appear in Arms at the Place of Mustering or Training, or within a Mile thereof, until after they are dismissed for that Day; and every Person or Persons so selling strong Liquor, contrary to the Directions of this Act, shall forfeit the Sum of *Three Pounds*, to be recovered by any Person that will sue for the same, before any Justice of the Peace; the one Half to such Person as will prosecute the same to Effect, the other Half to be applied for purchasing the Arms and Ammunition aforesaid.

No civil Process to be served on Officers or Soldiers on the Day of Training.

24. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That no Summons, Warrant, Writ, or other Process, unless at the Suit of the King, shall be served upon any Officer or Soldier on the Day or Days of such training and appearing in Arms as aforesaid, but that all such Persons shall be free from Arrest, and have Liberty and Privilege of going and returning to their respective Places of Abode, without Let, Suit or Hindrance on those Days.

Ferrymen to take half Toll for carrying Soldiers on Mustering Days.

25. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That in case there shall be Occasion for the said Officers and Soldiers to pass or repass any River or Place where a Ferry or Ferries are kept, in going to or returning from the Place of training or appearing in Arms as aforesaid, the Ferryman, Owners or Keepers of all such Ferries, are to take and receive of all such Officers and Soldiers only half Toll for carrying over and bringing back all such Officers, Soldiers, and their Horses. And in case any Ferryman, Owner or Keeper of such

Exhibit 21

LAWS OF VIRGINIA.

not exceeding seven shillings and six pence, which fine shall be immediately paid down to such officer; but in case any such offender shall not be able to pay down such fine immediately, then he shall give good security to such officer, for the payment of the same in three months. And in case any soldier so fined, as aforesaid, shall refuse or fail to pay down his fine, or to give such security for paying the same as aforesaid, then it shall and may be lawful, for such officer, and he is hereby impowered by warrant under his hands, to commit every such soldier to the county goal, there to remain without bail or mainprize, for any time not exceeding three days, and the offender or offenders so committed, shall not be thence discharged, until the lawful fees for commitment, imprisonment, and discharge, shall be fully paid and satisfied. And every captain, or in his absence the lieutenant, shall duly make a list of all the persons upon his muster-roll, who shall be summoned, and do not appear at any of the said musters armed and accoutred, as by this act is directed, and return the same with the names of all officers, who shall be absent to the next court martial: And every captain shall have power to appoint a clerk to his troop or company, who shall keep the muster-rolls, and attend all musters with the same, and such clerk shall be exempted from mustering but shall appear with arms at all such musters. And further, it shall and may be lawful, for the lieutenant, or other chief officer of the militia in the county, to order all soldiers listed therein, to go armed to their respective parish churches.

The court martial.

IX. *And be it further enacted, by the authority aforesaid,* That it shall and may be lawful for the field officers and captains of every county, or the major part of them, whereof the county lieutenant, colonel, lieutenant colonel, or major, shall be one, and they are hereby required to meet at the court-house of their counties, respectively, the day next following the general muster in September, every year, if fair, if not, the next fair day, then and there to hold a court martial, which court shall have power to adjourn from day to day, and to enquire of the age and abilities of all persons listed, and to exempt such as they shall adjudge incapable of service, and of all delinquents returned by the captains, for absence from musters, or appearing without arms and accoutrements. And where any

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Exhibit 22

ANNO VICESIMO NONO REGNI REGIS GEORGII
SECUNDI

*AN ACT for establishing a Militia in
this Government*

WHEREAS the Subjects of the french King and their Savage Indian Allies have Contrary to the faith of the Most Solemn Treaties encroached upon and invaded his Majesty's Dominions on this Continent and have in the Most Cruel and Barbarous Manner Attacked and Murdered Great Numbers of his Majesty's Liege Subjects Inhabiting near the Fortiers of the Neighbouring Provinces and laid Waste a great Extent of Country. AND WHEREAS the Representatives of the free men of the Counties of Newcastle, Kent and Sussex on Delaware being Moved by a sense of Duty to his Most Excellent Majesty and being Concerned for the safety and security of their Constituents think themselves indispensably obliged—in this time of Danger to put—this Government into a Posture of Defence and make due Provision by Law that the Inhabitants may be trained and Exercised in the Art of War whereby they may not only be enabled to Assert the Just Rights and Vindicate the Honour of his Majestys Crown but also to defend themselves and their lives and Properties and Preserve the Many Invaluable Rights and Privileges that they enjoy under their Present Constitution and Government. They therefore pray that it may be enacted. And BE IT ENACTED by the Honourable ROBERT HUNTER MORRIS Esquire with his Majestys Royal Approbation Lieutenant Governor and Commander in Chief of the Counties of Newcastle kent and Sussex on Delaware and Province of Pennsylvania under the Honourable THOMAS PENN and RICHARD PENN Esquires true and Absolute Proprietaries of the Counties and Province Aforesaid by and with the Advice and Consent of the Representatives of the Freemen of the Said Counties in General Assembly met and by the Authority of the Same, *That every Male Person residing in this Government above Seventeen and under fifty years of Age (Except bought Servants or Servants Adjudged to serve his Creditors) shall on or before the first day of May next inlist himself or be inlisted by his Parent or Master with the Captain or Officer that shall be appointed and Commissionated by the Governor and Commander in Chief for the time being in every Hundred or District within this Government where such Person shall live or sojourn under the Penalty of five shillings and the further Penalty of Ten Shillings for every three Months he shall remain not Inlisted in manner aforesaid and in Case any dispute Shall Arise about the age of any Person the same shall be determined by the Commanding Officer before whom such dispute shall happen by the oath or Affirmation of the Person whose age is in Question or the oath or Affirmation of his Parent or some other Credible Witness, which oath or Affirmation the said Officer is hereby Impowered to Administer and to determine Accordingly.*

631 Del.—*Assembly, Pub. Archives Comm., Dover, Del.; Act 1756, typescript, pp. 1–6.*

Colonel or next Commanding Officer shall within Two Months next after the receipt of Such Roll send a Copy thereof under his hand to the Governor or Commander in Chief of this Government for the time being under the Penalty of Five Pounds.

AND BE IT FURTHER ENACTED by the Authority aforesaid That the Commander in Chief of this Government for the time being may and shall make and Establish Such Articles and Rules for the Regulating and Better Governing of the Militia of this Government while under Arms or in actual Service as he shall judge meet and expedient. PROVIDED ALWAYS that no Punishment to be inflicted by the said Articles or rules for the Breach thereof shall be otherwise than by fine not Exceeding Five Pounds or Imprisonment not Exceeding ten days and all Captains or other Commanding Officers are hereby required Publicly to read Such Rules and Articles so Made at the Head of his Company when and as often as they shall Meet to be Exercised in the Manner Above directed and every Persons inlisted shall yield due Obedience to and shall strictly Observe the Rules laid down in such articles under the Pain of incurring the Penalty's therein prescribed for the Breach thereof.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That the firing of four Muskets successively and distinctly and the Beating of a Drum or the firing of Two Great Guns at four Minutes distance of Time and the Beating of a Drum shall be the Signals of and be deemed and taken to be an Alarm and the Commanding Officer of each Company who shall first have notice of an Alarm shall forthwith raise the Company under his Command and also send Immediate Notice and Intelligence thereof to the Commanding Officer of the next Hundred or District who shall in like Manner cause notice to be given to the next Commanding Officer and so on 'till general notice be given throughout the whole County and the Captains or other Commanding Officer of each respective Company shall march with his Company to such Place of Rendezvous as Shall be Appointed by the Colonel of his Regiment shall and are hereby impowered on such Occasions to impress Horses and Carriages as the service may require under the Penalty of Thirty Pounds for each and every such default or neglect and being degraded and thereafter rendered incapable of holding or exercising any Office Civil or Military within this Government; and every Lieutenant or Ensign upon such alarm neglecting or refusing to join his respective Company and to do the duties of his Office shall forfeit and pay, the Lieutenant the sum of Twenty Pounds, and the Ensign the sum of ten Pounds and be also degraded and thereafter rendered incapable of Holding or exercising any Office Civil or Military within this Government.

AND BE IT FURTHER ENACTED by the Authority aforesaid that upon every such Alarm every person within this Government above the Age of Seventeen years and under the age of fifty and every Officer under the degree of a Captain shall and is hereby required Immediately to repair with the Arms and Accoutrements Aforesaid to the habitation of the Captain of the Hundred in which he resides or the Company in which he is inlisted unless some other place shall be appointed for that Purpose thereto Receive such Orders and March to such Place as he shall Appoint, and shall obey all such Commands as the said Captain or next Commanding Officer shall give and shall not depart from his Colours without leave of the said Officer first had and Obtained under the Penalty of five Pounds for each and every such Default and Offence.

AND BE IT FURTHER ENACTED by the authority aforesaid that if any field Officer of the respective Regiments in this Government in the time of an

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alarm Invasion or Insurrection shall Neglect or refuse to do the duty of his Office such field Officer so Offending shall forfeit and pay for such offence, that is to say, a Colonel the sum of one Hundred Pounds, a Lieutenant Colonel the sum of Eighty Pounds and a Major the sum of Sixty Pounds and moreover shall be Cashiered and ever after rendered incapable of holding or exercising any Office Civil or Military within this Government and if any Person or persons except an Officer or some person by him impowered and directed shall Presume to make the signals of an alarm in Manner aforesaid within this Government he or they shall for such Offence forfeit and pay the sum of ten Pounds and for the Preventing any false alarms being made.

BE IT ENACTED by the authority aforesaid that from and after the first day of May next no person or persons shall presume to fire any small arrns or guns from two Houres After Sun set until one Hour before sun rise unless in case of Invasion Desent or Insurrection or other Lawful Occasion under the Penalty of Twenty Shillings for every such Offence and that no Captain, Master or Commander of any Ship or other Vesel within any Port or harbour in this Government shall fire or suffer to be fired any Great Guns or small Arms on Board such Ship or other Vesel Within the times aforesaid under the like Penalty of Twenty Shillings.

AND BE IT FURTHER ENACTED by the authority aforesaid that if any person or Persons either Officers or Soldiers shall be wounded or disabled upon an Invasion or in any Military Service under this Act he or they shall be taken Care of Supported and Maintained according to his Rank and Dignity at the Publick Charge of the County to which he or they Belong during the time of his or their Disability.

AND BE IT FURTHER ENACTED by the Authority aforesaid that no person or Persons by this Act directed and required to meet and Muster at the Days and times aforesaid shall be liable to be arrested or taken by any sheriff, Constable or other Officer in any Civil Action.,—whatsoever on the day of such meeting or in any reasonable time either in going to Continuing at or returning from such place or places of Meeting but every such arrest shall be ipso facto Void and the officer making the same shall be liable to an Action of Trespass for false Imprisonment at the Suit of the Party so Arrested Contrary to the Directions of this Act and the Said Party shall be forthwith set at liberty and discharged from the Custody of such Officer by order of any two Justices of the Peace of the County where such Arrest is made and the arms, Ammunition and Accountments aforesaid of every person required by this Act to provide and keep the same for Military Service shall be and are hereby declared to be exempt and privileged from all distress, Executions, Extents, Attachments or other Process whatsoever and any Civil Officer destraining siezing, Attaching, or taking the same in Execution shall forfeit and pay the sum of Twenty Shillings to the Partie Grieved and any Sale thereof by him shall be Null and Void.

AND BE IT FURTHER ENACTED by the authority Aforesaid that no Captain or other Officer shall Appoint any place of Meeting for his Company (town Companys only Excepted) within the Distance of half a mile of any Inn or Tavern under the Penalty of Forty Shillings for every such Offence and that no person or persons shall presume to keep a Booth or tent or expose to sale at or Bring on any Pretence whatsoever any strong Liquor to such place of Meeting under the Penalty or Forty shillings for every such offence.

AND BE IT FURTHER ENACTED by the Authority aforesaid that the Several Treasurers of the respective Counties in this Government shall at the

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An Act for regulating the Militia of the Province of Maryland.

Whereas in this Time of Immiment Danger it is requisite for the Defence and Security of this Province that the Militia thereof be duly regulated and well Armed as well to repell the hostile Attempt of foreign Invaders as to quell and Suppress any intestine Comotions Rebellions or Insurrections which may happen.

Be it therefore Enacted by the Right honourable the Lord Proprietary by and with the Advice and Consent of his Lordships Governor and the Upper and Lower Houses of Assembly and the Authority of the Same that every Male Inhabitant of this Province (Papists, the Persons commonly called Neutralls, Servants, and Slaves excepted) who shall be from the Age of Sixteen Years to the Age of Sixty Years and able to bear Arms at the Expiration of Ten days after the Publication of this Act in the County wherein he shall reside shall inlist with the Captain or next Commanding Officer of the Troop of Horse or Company of Foot in the District or Place where such Person shall reside by writing his name or making his Mark (as he shall be able) in a Roll to be Entituled and kept for that Purpose within Ten Days from and after the Publication of this Act as aforesaid under the Penalty of forty Shillings Current Money and the Same Penalty for every Thirty days Neglect or Omission thereafter and all Captains within this Province are hereby directed and commanded to take due Care to Inlist accordingly all such Persons as aforesaid and in Case of dispute whether any Person ought to inlist in respect of his Age the Same Shall be determined by the Officer before whom Such Dispute Shall happen by the Oath of the Person whose Age shall be in Question or the Oath or Affirmation (if a Quaker) of his Parent or some other credible Witness which Oath or Affirmation the Said Officer is hereby authorized to Administer.

And Be it further Enacted by the Authority aforesaid that all and every Male Person and Persons (except as above excepted) who shall attain his or their Age of Sixteen Years or come into and Settle in this Province after the Expiration of the aforesaid Ten Days from and after the Publication of this Act and be of the Age aforesaid Shall within Ten days after his or their attaining their Said of Sixteen Years or Twenty Days after his or their Arrival within this Province inlist in the manner aforesaid under the Penalty of Forty Shilling Current Money and the Same Penalty for every Thirty days Neglect or Omission hereafter so to inlist as aforesaid.

And be it Enacted by the Authority aforesaid that the Colonels or Commanding Officers of all Regiments Troops and Company's shall in Ten days after the Publication of this Act in their respective Counties and once at least in every Two Months thereafter issue

367. Md.—*General Assembly (Lower House), Annapolis; Arch . . . Vol. 52, Pleasants, 1935; Act, May 22, 1756, pp. 450–474.*

And be it further Enacted by the Authority aforesaid that the Clerk or some other Officer of every Troop or Company shall by Order of the Captain or Commanding Officer of Such Company that Shall be present on every Muster day as soon as such Troop or Company Shall be drawn up and before they proceed to exercise read distinctly and with an audible Voice at the head of Such Troop or Company the Several Clauses in this Act relative to the Duty of every private Man of the Militia whilst under Arms or in exercise or on the Days of training or in Actual Service under Penalty of the Sum of Five Pounds Current Money to every Captain or Commanding Officer who shall not give Such Order And fforty Shillings Current Money to the Clerk or other Officer who shall not immediately obey the Same

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And be it Enacted by the Authority aforesaid that no private Person of the Militia inlisted as aforesaid being thereunto appointed by his Captain shall refuse or neglect to Serve as a Serjeant or Corporal under the Penalty of fforty Shillings Current Money and in Case any Serjeant or Corporal shall refuse or neglect to warn the People to Appear under Arms when Ordered so to do by his proper Officer he shall forfeit for every Such Neglect or Refusal the Sum of Forty Shillings Current Money. And be it Enacted by the Authority aforesaid that no Commissioned or non Commissioned Officer in the Foot or Horse Shall be Subject or liable to Serve in the Office of Constable any Law usage or Custom to the Contrary notwithstanding And be it Enacted by the Authority aforesaid that no Person Officer or Private Man of the Militia Shall be Subject to any arrest Either Mesne Process or on Execution or in any other manner for any civil Matter in his Attendance at going to or returning from Muster or whilst employed in any Duty or Service by this Act directed or required And be it Enacted by the Authority aforesaid that all Persons belonging to the Militia Shall at Muster and whilst on Duty execute and perform all their proper Services and Obey the just Orders of their Respective Officers on pain of forfeiting not exceeding the Sum of Forty Shillings Current Money for every Neglect or Omission or being put under arrest according to the Quality of the Offender or nature of his Offence. And be it further Enacted by the Authority aforesaid that if any Officer or private Man of the Militia shall at any Time whilst under Arms or upon Duty abuse or take Revenge or Endeavour to take revenge for any Matter or thing done by his Commanding Officer in Pursuance of his Duty by Virtue of this Act such Officer Shall forfeit and pay not exceednig five pounds Current Money and every private Person shall forfeit and pay not exceeding the Sum of forty Shillings Current Money and be compelled under pain of Three days Imprisonment to acknowledge his Offence at the Head of the Company Troop or Regiment to which he Shall belong And be it Enacted

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by the Authority aforesaid that any Person of the Militia who shall get drunk on any Muster-day before or at Muster shall forfeit the Sum of Ten Shillings Current Money and any Person who shall presume to vend Sell or Dispose of any Strong Liquor at any Place of training or at any other Place within Five Miles of any Place of training to any Person belonging to the Militia on any Muster day except between the Time of Discharge from such Training for that day and the Sun sitting thereof Such Person so vending selling or disposing of Such Strong Liquors Shall forfeit and pay the Sum of Five Pounds Current Money And no Person other than a licenced Ordinary Keeper shall vend Sell or dispose of any Strong Liquors to any Person whatever at such Time and Place aforesaid even between the Hours aforesaid under the Penalty of Five Pounds Current Money for every Such Offence and it Shall and may be lawfull for the Commanding Officer of the Party at such Muster and he is hereby directed and required to order the Strong Liquors of the Person so offending to be Siezed and Destroyed Provided always that nothing herein contained shall be construed to extend to any Merchant or licenced Ordinary-Keeper who shall vend Sell or Dispose of any Strong Liquors in his or her House the same not being to any Person of the Militia or any for the Use of Such Person And Be it further Enacted by the Authority aforesaid That every Papist above the Age of fourteen Years or any other Person refusing to take the Oaths appointed by Law to be taken to the Government which the Commanding Officer present shall administer and repeat the Test and Subscribe the same and the Oath of abjuration who shall be found at any Place and of Training or within View thereof, during the Time of Exercise Shall forfeit and pay Fifty Shillings Current Money and Shall by any Commission Officer then present be ordered to Depart and in Case such Papist or other Person shall not immediately on such Order depart out of View of such Place or after departing shall return again that day he shall forfeit and pay the further Sum of Five Pounds Current Money and be committed by a Magistrate and in Case no Magistrate Shall be present by the Commanding Officer present to the Custody of the Sheriff there to remain untill he shall give Sufficient Security for his good Behaviour for three Months and that he shall not be found at or within View of any Place of Training in the Time of Exercise till the Expiration of the Time aforesaid and if any Negroe or Mullatto Slave, except the Necessary Attendants of any Person who Shall be there and except any Slave who shall be found working on his Masters Plantation or passing by upon Some lawful Occasion Shall be found at any Place and day of Training or within View thereof after the hour appointed for meeting the Commanding Officer present shall order such Negroe or Mullatto Slave to be whipped on his or her bare Back untill the Blood Shall appear with

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Exhibit 24

Anno Regni Tricesimo-primo GEORGII II. Regis.



A N A C T

Intituled, An Act to oblige the Male white Persons in the Province of Georgia to carry Fire-arms to all Places of publick Worship.



HEREAS it is absolutely necessary, for the security and defence of this province against domestick insurrections, and other fatal consequences, in this time of imminent danger, that fire-arms be carried to all places of publick worship, We therefore humbly pray your most sacred Majesty, that it may be enacted, And be it Enacted, by his Honour

Prohibition

Enacted

HENRY ELLIS, Esquire, Lieutenant-Governor and Commander in chief of his Majesty's province of Georgia, by and with the advice and consent of his Majesty's Honourable Council and the Commons House of Assembly of the said province, in general assembly met, and by the authority of the same, That every white male person in this province, from the age of sixteen years and upwards, except only those who are not obliged to appear under arms in case of alarm, shall, immediately after the passing of this act, carry with them on Sabbath-days, fasts, and festivals, to such place of publick worship that he may go to within the town or district where such person shall reside, one good gun, or pair of pistols, with at least six charges of gun-powder and ball.

Persons oblig'd this act to carry arms to places publick worship.

II. And be it Enacted, by the authority aforesaid, That every person, neglecting or refusing to bring arms and ammunition to the places of publick worship as aforesaid, shall forfeit for every such offence a sum not exceeding three shillings, to be recovered by warrant of distress from any justice of the peace for the town or district where the offence is committed, the one half of the said fine to go to the informer, and the other half for the use of the poor of the district where the offence is committed; Provided always, that this act shall not be construed to extend to oblige the inhabitants of Savannah, or any other towns in this province, to perform the duty enjoined by this act at any time hereafter, if his Majesty's troops, companies, or provincials, should be stationed therein, whereby a proper guard may be constantly kept on duty.

Penalty of refusing herein required.

III. And be it further Enacted, by the authority aforesaid, that this act, and every thing herein contained, shall be and continue in force for the space of two years, and no longer.

Continued this act, and not to be

DAVID MONTAIGUT, *Speaker.*
By order of the Upper House,
PATRICK HOUSTOUN,
Assent'd to 28th July, 1757.
HENRY ELLIS,

Exhibit 25

L A W S
O F
N E W - Y O R K,

FROM
The Year 1691, to 1773 inclusive.

PUBLISHED ACCORDING TO AN ACT OF THE
GENERAL ASSEMBLY.

VOLUME THE SECOND.



QUUM LEGES ALIÆ SUPER ALIAS ACCUMULATÆ, EAS DE INTEGRO
RETRACTARE, ET IN CORPUS SANUM ET HABILE REDIGERE, EX
USU SIT.

BACON.

NEW - Y O R K :

Printed by HUGH GAINÉ, Printer to the King's Most Excellent Majesty in the
Province of New-York,
MDCCLXXIV.

CADWALLADER COLDEN, Esq; Lieut. Governor. 441

also be necessary to annex to the said Certificate, an Affidavit of the following Tenor, sworn to before any Magistrate in the City of New-York : A. B. being duly sworn, deposeth and saith, That he certainly knows [or has Affidavits to prove, as the Case may be] that the Hemp mentioned in the above, or the annexed Certificate, was all raised after the first of March, One thousand seven hundred and sixty-four, in the Colony of New-York, in the County of [here mentioning the County] and that no Bounty has yet been paid for it, or any Part of it, to the best of his Knowledge and Belief: And further saith not. The Inspectors above mentioned, before they enter on the Execution of their Office, shall take an Oath, faithfully to discharge the Duty of Inspectors, according to the Meaning of this Act.

4th GEORGE III. A. D. 1763.

Form of Affidavit to be sworn to before the Bounty shall be paid.

[The Rest of this Act is OBSOLETE.]

C H A P. MCCXXXIX.

An ACT to regulate the guaging of Wine, Rum, and other Spirituous Liquors, Molasses, and other Purposes therein mentioned. Pafs'd the 20th December, 1763.

Expired 1st Janu- ary, 1771.

C H A P. MCCXXX.

An ACT to lay a Duty of Tonnage on Vessels for defraying the Expence of the Light-House on Sandy-Hook. Pafs'd the 20th December, 1763.

Continued Chap. 1277. Expired 1st Janu- ary, 1772. Provided for Ch. 1515.

C H A P. MCCXXXI.

An ACT empowering John Cruger, Robert R. Livingston, Philip Livingston, Leonard Lispenard, and William Bayard, Esquires, to receive from the Colony of Pennsylvania, the Sum of Four Thousand Three Hundred and Sixty-eight Pounds Two Shillings and Six-pence, Sterling, overpaid to the said Colony, out of the Parliamentary Grant for the Service of the Year One thousand seven hundred and sixty. Pafs'd the 20th December, 1763.

This Money being received and paid into the Treasury, the Act is therefore Obsolete.

C H A P. MCCXXXII.

An ACT to continue an Act, entitled, An Act for the Relief of Insolvent Debtors, and for repealing the Acts therein mentioned, with an Addition thereto. Pafs'd the 20th December, 1763.

See Chap. 1148. Continued Ch. 1309.

C H A P. MCCXXXIII.

An ACT to prevent hunting with Fire-Arms in the City of New-York, and the Liberties thereof. Pafs'd the 20th December, 1763.

WHEREAS it has long been the Practice of great Numbers of idle and disorderly Persons in and about the City of New-York, and the Liberties thereof, to hunt with Fire-Arms, and to tread down the Grass, and Corn and other Grain standing and growing in the Fields and Inclosures there, to the great Danger of the Lives of his Majesty's Subjects, the Ruin and Destruction of the most valuable Improvements, the grievous Injury of the Proprietors, and the great Discouragement of their Industry.

Preamble.

4th GEORGE III.
A. D. 1763.

Penalty for enter-
ing with Fire-Arms
into any inclosed
Land within this
City or its Liberties.

Or passing thro' Or-
chards, &c. without
Arms.

Before whom Offen-
ders to be convicted.

Forfeitures how, to
be recovered and
applied.

Offenders to be
imprisoned if the
Fines are not paid.

Proviso.

I. In order therefore the more effectually to punish and prevent such Abuses as forefaid, Be it Enacted by his Honour the Lieutenant Governor, the Council, and the General Assembly, and it is hereby Enacted by the Authority of the same, That if any Person or Persons whatsoever, other than the Owner, Proprietor, or Possessor, or his or her white Servant or Servants, do and shall, at any Time or Times from and after the Publication of this Act, carry, shoot, or discharge any Musket, Fowling-Piece, or other Fire-Arm whatsoever, into, upon, or through any Orchard, Garden, Corn-Field, or other inclosed Land whatsoever, within the City of New-York, or the Liberties thereof, without Licence in Writing first had and obtained for that Purpose from such Owner, Proprietor, or Possessor of such Orchard, Garden, Corn-Field, or other inclosed Land; or shall enter into, or pass through any Orchard, Garden, Corn-Field or Mowing-Ground, in any of the aforefaid Places without Fire-Arms, and thereof shall be convicted before any Member of his Majesty's Council, either of the Justices of the Supreme Court, or the Mayor, Recorder, or any one of the Aldermen of the City of New-York, for the Time being, by the Oath of one credible Witness, or by Confession of the Party offending, he, she, or they so offending, shall severally forfeit and pay for every such Offence, the Sum of *Twenty Shillings*; to be recovered and applied in the Manner herein after directed.

II. And be it further Enacted by the Authority aforefaid, That every Fine and Forfeiture, which shall accrue upon or by Virtue of this Act, shall be recovered, with reasonable Cofts, not exceeding *Ten Shillings*, by any Person or Persons who shall and will sue, and prosecute for the same; One Half of such Fine and Forfeiture when recovered and received, to be applied to his, her, or their own Use; and the other Half thereof to be paid by him, her, or them, to the Church Wardens of the said City for the Time being, for the Use of the Poor thereof.

III. And be it further Enacted by the Authority aforefaid, That every Offender, who shall incur any such Fine or Forfeiture as aforefaid, shall, by Warrant under the Hand and Seal of any Member of his Majesty's Council, Justice of the Supreme Court, or the Mayor, Recorder, or Aldermen before whom he or they shall be convicted, stand and be committed to the Common Goal of the said City, there to remain for the Space of three Months, unless the Fine or Forfeiture, with Cofts, be sooner paid. *Pro- vided always*, That the Members of his Majesty's Council, and the Jus- tices of the Supreme Court, shall be at Liberty to act in the Execution of this Law or not, as to them shall seem fitting.

C H A P. MCCXXXIV.

Expired 1st Ja-
nuary, 1770.
Provided for Ch.
1441.

An ACT to establish the Rates to be taken for Wharfage of Ships and other Vessels using the Wharfs within the Limits therein mentioned,
Pass'd the 20th December, 1763.

C H A P. MCCXXXV.

Obsolete.

An ACT to raise, levy, and collect, the Sum of Sixty-one Pounds Nineteen Shillings, in the City and County of New-York, for Services performed by the Coroner of the said City and County.
Pass'd the 20th December, 1763.

C H A P.

Laws Of New-York, From The Year 1691, To 1773 Inclusive. Vol. 2, Hugh Gaine, MDCCLXXIV. The Making of Modern Law: Primary Sources, link.gale.com/apps/doc/DT0103403799/MMLP?u=efgssf&sid=bookmark-MMLP&xid=d8a580f7&pg=22. Accessed 12 Oct. 2022.

Exhibit 26

ing with Guns, Traps and Dogs, have, by Experience, been found insufficient to answer the salutary Purposes thereby intended ; Therefore,

No Person to carry a Gun on Lands not his own, except, &c.

Sect. 1. BE IT ENACTED by the Governor, Council and General Assembly of this Colony of New-Jersey, and it is hereby Enacted by the Authority of the same, That if any Person or Persons shall presume, at any Time after the Publication hereof, to carry any Gun on any Lands not his own, and for which the Owner pays Taxes, or is in his lawful Possession, unless he hath License or Permission in Writing from the Owner or Owners or legal Possessor, every such Person so offending, and convicted thereof, either upon the View of any Justice of the Peace within this Colony, or by the Oath or Affirmation of one or more Witnesses, before any Justice of the Peace of either of the Counties, Cities or Towns-corporate of this Colony, in which the Offender or Offenders may be taken or reside, he, she or they, shall, for every such Offence, forfeit and pay to the Owner of the Soil, or his Tenant in Possession, the Sum of *Forty Shillings*, with Costs of Suit ; which Forfeiture shall and may be sued for and recovered by the Owner of the Soil, or Tenant in Possession, before any Justice of the Peace in this Colony, for the Use of such Owner or Tenant in Possession.

Penalty.

No Person to drive Deer or other Game, except, &c.

2. AND BE IT ENACTED by the Authority aforesaid, That if any Person shall presume, at any Time after the Publication of this Act, to hunt or watch for Deer with a Gun, or set in any Dog or Dogs to drive Deer, or any other Game, on any Lands not his own, and for which the Owner or Possessor pays Taxes, or is in his lawful Possession, unless he hath License or Permission in Writing from such Owner or Owners or legal Possessor ; every such Person so offending, and being convicted thereof in Manner aforesaid, shall, for every such Offence, forfeit and pay to the Owner of the Soil, or Tenant in Possession, the Sum of *Forty Shillings*, with Costs of Suit ; provided, that nothing herein contained shall be construed to extend to prevent any Person carrying a Gun upon the King's Highway in this Colony.

Penalty.

Penalty on Non-Residents.

3. AND BE IT FURTHER ENACTED by the Authority aforesaid, That if the Person or Persons offending against this Act be Non-Residents of this Colony, he or they shall forfeit and pay for every such Offence *Five Pounds*, and shall forfeit his or their Gun or Guns to any Person or Persons who shall inform and prosecute the same to Effect, before any Justice of the Peace in any County of this Colony, wherein the Offender or Offenders may be taken or apprehended.

Penalty for killing, &c. Deer out of Season.

4. AND BE IT ENACTED by the Authority aforesaid, That if any Person or Persons shall kill, destroy, hunt or take any Doe, Buck, Fawn, or any Sort of Deer whatsoever, at any other Time or Season, except only between the first Day of *September* and the first Day of *January* yearly and every Year, he, she or they so offending, shall forfeit and pay the Sum of *Forty Shillings* for each and every Offence ; to be sued for, recovered and applied as hereafter is directed.

What shall be Evidence of such Killing, &c.

5. AND, for the better and more effectual convicting of Offenders against this Act, BE IT ENACTED by the Authority aforesaid, That any and every Person or Persons in whose Custody shall be found, or who shall

shall expose to Sale, any green Deerkins, or fresh Venifon killed at any Time after the first Day of *January*, and before the first Day of *September* aforesaid, and shall be thereof convicted by the Oath or Affirmation of one or more credible Witnesses, shall be deemed guilty of offending against this Act, and be subjected to the Penalties of killing Deer out of Season.

6. AND WHEREAS great Numbers of idle and disorderly Persons make a Practice of hunting on the waste and unimproved Lands in this Colony, whereby their Families are neglected, and the Publick is prejudiced by the Loss of their Labour, BE IT THEREFORE ENACTED by the Authority aforesaid, That, from and after the first Day of *January* next, no Person or Persons whatsoever (except such Persons as are by the Laws of this Colony qualified to vote for Representatives in General Assembly, in Right of their Freeholds, and their Sons being of the Age of eighteen Years or upwards, and living with their Parent or Parents, or being Freeholders) shall, on any Pretence whatever, hunt on the waste and unimproved Lands in this Colony; and if any Person or Persons, not qualified as aforesaid, shall presume to hunt as aforesaid, he or they so offending shall forfeit and pay, for every such Offence; the Sum of *Twenty Shillings*; to be recovered by Action of Debt, with Costs, by any Person who shall sue for the same; to be applied one Half to the Prosecutor, and the other Half to the Use of the Poor of the Township or Precinct where the Fact was committed.

Who may hunt on unimproved Lands.

Penalty on Offenders.

7. AND BE IT ENACTED by the Authority aforesaid, That if any Person or Persons within this Colony shall set any Trap or other Device whatsoever, larger than what is usually and commonly set for Foxes and Muskrats, such Person, setting such Trap or other Device, shall pay the Sum of *Five Pounds*, and forfeit the Trap or other Device, shall suffer three Months Imprisonment, and shall also be liable to make good all Damages any Person shall sustain by setting such Trap or other Device, and the Owner of such Trap or other Device, or Person to whom it was lent, shall be esteemed the Setter thereof, unless it shall be proved, on Oath or Affirmation, what other Person set the same, or that such Trap or other Device was lost by said Owner or Person to whom it was lent, and absolutely out of his Power; and if the Setter of the Trap or other Device be a Slave, and it be his own voluntary Act, he shall (unless the Master or Mistress shall pay the Fine) in Lieu of such Fine, be publicly whipped with thirty Lashes, and committed till the Costs are paid; and that the said Trap or other Device shall be broken and destroyed in the View and Presence of the Justice of the Peace before whom they are brought: And if any Person or Persons shall have Possession of, or there shall be found in his or their House, any Trap or Traps, Device or Devices whatsoever, for taking of Deer, such Person or Persons shall be subjected to the same Penalty as if he or they were convicted of setting such Trap or Traps, or other Device.

Penalty on setting Traps, &c.

Penalty on a Slave setting such Trap, &c.

Penalty on keeping such Trap, &c.

8. AND, for encouraging the Destruction of such Traps and Devices, BE IT ENACTED by the Authority aforesaid, That if any Person shall seize any Trap or other Device for the taking Deer, and shall carry such Trap or other Device to any Magistrate of the County where such Trap or Device was seized, such Person shall be entitled to

Reward for seizing a Trap, &c.

an Order from the said Magistrate to the Collector of such County, to pay him the Sum of *Ten Shillings*, out of any Money in his Hands raised for the Use of the County; which Sums shall be allowed to such Collector on the Settlement of his Accounts.

Penalty on a Smith making or mending such Trap, &c.

9. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That every Smith or other Artificer, who shall hereafter make or mend any such Trap or other Device aforesaid, he shall forfeit and pay the Sum of *Forty Shillings*; and the Person carrying such Trap or other Device to the Artificer aforesaid, shall forfeit and pay the Sum of *Twenty Shillings*. And every Person who shall bring into this Colony any such Trap or Device as aforesaid shall forfeit and pay the Sum of *Forty Shillings*. And if the Person who shall carry the same to the Smith or Artificer shall be so poor as that he shall not be able to pay the Forfeiture aforesaid, he shall be committed to the common Gaol, until he shall prove who is Owner of such Trap or Device, or who delivered the same to him; and in such Case the Forfeiture aforesaid shall be levied on the Goods, or in Failure of Goods, on the Body of the Owner of such Trap or Device, or the Person who delivered the same to the Pauper, and the Trap or Device shall be forfeited and destroyed.

Penalty on bringing such Trap, &c. into the Colony.

Penalty for setting loaded Guns.

10. AND WHEREAS a most dangerous Method of setting Guns has too much prevailed in this Province, BE IT ENACTED *by the Authority aforesaid*, That if any Person or Persons within this Colony shall presume to set any loaded Gun in such Manner as that the same shall be intended to go off or discharge itself, or be discharged by any String, Rope, or other Contrivance, such Person or Persons shall forfeit and pay the Sum of *Six Pounds*; and on Non-payment thereof shall be committed to the common Gaol of the County for six Months.

Application of Penalties.

11. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That the Fines and Forfeitures in this Act expressed, and not particularly appropriated, shall be paid, one Half to the Prosecutor, and the other Half to and for the Use of the Poor of the Town, Precinct or District, where the Offence is committed; and that the Execution of this Act, and every Part thereof, shall be within the Cognizance and Jurisdiction of any one Magistrate or Justice of the Peace, without any Reference to the Act for Trial of small Causes in this Colony.

Jurisdiction given to one Magistrate.

This Act not to affect Parks.

12. AND BE IT ENACTED, That nothing in this Law shall be construed to extend to restrain the Owners of Parks, or of tame Deer, from killing, hunting or driving their own Deer.

Penalty on Magistrate neglecting his Duty.

13. AND BE IT ALSO ENACTED *by the Authority aforesaid*, That if any Justice of the Peace or other Magistrate, within this Province, shall have Information of any Persons offending against this Act, in killing Deer out of Season, setting and making Traps, Non-Residents killing Deer, and Persons setting of Guns, and shall not prosecute the same to Effect within two Months after such Information, he shall forfeit and pay the Sum or Sums to which the Offender against this Act would have been liable.

14. AND

14. AND BE IT ENACTED *by the Authority aforesaid*, That the Justices at every Quarter-Sessions of the Peace shall cause this Act to be publickly read; and give in Charge to the Grand-Jury to particularly inquire and present all Persons for killing Deer out of Season, setting or making Traps, and all Non-Residents killing, destroying, hunting and taking any Sort of Deer, and all Persons setting of Guns; and, upon Conviction for either of the said Offences, the said Justices shall set and impose the Fines and Penalties herein before-mentioned, with Costs of Suit.

This Act to be published and executed.

15. AND BE IT ENACTED *by the Authority aforesaid*, That if any Person or Persons whatsoever, whether the Accused or Accuser, Plaintiff or Defendant, shall think themselves aggrieved by any of the Judgments given by the said Justices or other Magistrates, for any Suit commenced by Virtue of this Act; then it shall and may be lawful for such Person or Persons to appeal, on giving sufficient Security for the Forfeitures and Costs, to the next Court of General Quarter-Sessions, held for such County where such Judgment shall be given; which Court is hereby empowered to hear and determine all and every such Appeal or Appeals.

Appeal given to next Sessions.

16. AND BE IT ENACTED *by the Authority aforesaid*, That if any Person or Persons, within this Colony, shall, after the Publication of this Act, watch with a Gun, on any uninclosed Land within two Hundred Yards of any Road or Path, in the Night Time, whether the said Road is laid out by Law or not, or shall stand or station him or themselves upon or within two Hundred Yards of any Road as aforesaid, for shooting at Deer driven by Dogs, he or they so offending, shall, on Conviction, forfeit and pay the Sum of *Five Pounds* for every such Offence; to be recovered by Action of Debt, or Presentment of the Grand-Jury as aforesaid, and pay all Damages.

Penalty for watching in the Night near a Road.

17. PROVIDED ALWAYS, That the sixth Section of this Act shall not be construed to affect any Native *Indian*; and that nothing in this Act shall be construed to prevent the Inhabitants of *Essex, Bergen, Morris* and *Suffex*, from making, having in their Houses, or setting Traps of five Pounds Weight or more for Bears, Wolves, Foxes, or any other wild Beasts, Deer only excepted.

Not to affect Indians, nor Essex, Bergen, Morris or Suffex.

18. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That all former Laws made in this Colony for the Preservation of Deer and other Game, and to prevent trespassing with Guns, and regulating the Size of Traps, shall be, and they are hereby repealed.

Repeal of Former Laws.

C H A P. DXLI.

An ACT declaring the River Delaware a common Highway, and for improving the Navigation in the said River.

Passed Dec. 21, 1771.

WHEREAS the improving the Navigation in Rivers is of great Importance to Trade and Commerce; AND WHEREAS the River *Delaware*

Preamble.

Delaware may be rendered much more navigable than it now is ; AND WHEREAS many Persons desirous to promote the publick Welfare have subscribed large Sums of Money for the Purpose aforesaid ; and it is represented that others will subscribe considerable Sums, if Commissioners are appointed by Law to receive the Subscriptions, and apply the same ; Therefore,

Delaware a publick Highway.

SECT. I. BE IT ENACTED by the Governor, Council and General Assembly, and it is hereby Enacted by Authority of the same, That the River *Delaware* shall be, and it is hereby declared to be a common Highway, for the Purposes of Navigation up and down the same.

Commissioners appointed.

2. AND BE IT FURTHER ENACTED by the Authority aforesaid, That *Joseph Galloway, Joseph Fox, Michael Hillegas, Abel James, Samuel Rhoads, James Allen, Peter Knight, Esquires, Daniel Williams, Henry Drinker, Clement Biddle, Jeremiah Warder the Younger, Jacob Bright, John Baldwin, Richard Wells, Gentlemen, Thomas Yardley, Jacob Orndt, Peter Keckline, Henry Kooken, Esquires, William Ledley, Nicholas Dupui, Son of Samuel, Jacob Stroud and John Arbo, Gentlemen, the Honourable, John Stevens, James Parker and Daniel Coxe, Esquires, Samuel Meredith and Robert Field, Esquires, Doctor William Bryant, Abraham Hunt, Timothy Smith, Thomas Lowry, Ashur Mott, John Emley of Kingwood, Andrew Melick, Robert Hoops and Matthew Lowry, Gentlemen,* be, and they are hereby appointed and constituted Commissioners for improving the Navigation in the said River *Delaware* ; who, or any twelve of them, the Survivors, or any twelve of them, shall have full Power and Authority, by Virtue hereof, to collect, recover and receive from any Person or Persons whatsoever, all such Sums of Money, which have been, or shall be given or subscribed for rendering the said River more navigable ; and so much of the said Monies as may be necessary for that Purpose, to lay out and apply for and towards improving the Navigation in the said River *Delaware*, from the lower Part of the Falls near *Trenton*, to the River *Lehigh* at *Easton* ; and the Residue thereof to lay out and apply for and towards improving the Navigation in that Part of the said River above the said River *Lehigh*. PROVIDED ALWAYS, That such Sums of Money as have been or shall be given or subscribed for the improving the Navigation of the said River, above the *Lehigh* aforesaid, separately, shall be laid out and applied for and towards that Purpose, and no other.

To collect Subscriptions

and apply them.

To clear, straighten, &c.

3. AND BE IT FURTHER ENACTED by the Authority aforesaid, That the said Commissioners, or any twelve of them, their Survivors, or any twelve of them, shall have full Power and Authority, by themselves, their Agents, Servants and Workmen, to clear, scour, open, enlarge, straighten or deepen, the said River where-ever it shall to them appear useful for improving the Channels ; and also to remove any Obstructions whatsoever, either natural or artificial, which may or can in any Manner hinder or impede the Navigation in the said River ; and to make and set up in the said River any Dams, Pens for Water Locks, or any other Works whatsoever, and the same to alter or repair as they shall think fit ; and also to appoint, set out, and make near the said River, Paths or Ways, which shall be free and open for all Persons having Occasion to use the same for towing, hauling or drawing any Vessels, Boats, small Craft and Rafts

Rafts, of any Kind whatsoever; and from Time to Time to do and execute every other Matter or Thing necessary or convenient for improving the Navigation in the said River. PROVIDED ALWAYS, That no Dam, Pen, Lock or other Work, made or set up by the said Commissioners, shall be appropriated to the private Use or Benefit of any Person or Persons whatsoever, contrary to the true Intent and Meaning of this Act.

4. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That no Person or Persons whatsoever shall presume to divert, lead or draw at any Time or Times, by any Race or other Device, any Water of the said River out of or from the natural Course or Channel, for the Use of any Mill or Waterwork.

Watercourse not to be diverted.

5. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That if any Person or Persons shall presume to oppose or hinder the said Commissioners, or any of them, their Agents, Servants and Workmen, or any of them, from doing any Act which they are hereby authorized and empowered to do, or shall make, erect, set up, repair or maintain, or shall be aiding, assisting or abetting in making, erecting, setting up, repairing or maintaining, any Dam or Obstruction which may or can in any Manner hinder or impede the Navigation in the said River; or shall remove, destroy, throw down, alter, injure or impair, any Dam, Pen, Lock or other Work, made or set up by the said Commissioners, or by Order of them, or any twelve of them, their Survivors, or any twelve of them; every Person so offending, being legally convicted thereof by Verdict of a Jury, or by his own Confession, before the Justices of the Peace in their Court of General Quarter-Sessions, shall forfeit and pay *Fifty Pounds* Proclamation Money of this Colony, for every such Offence, or shall suffer Imprisonment for twelve Months without Bail or Mainprize; one Moiety of which Forfeiture shall be paid to the Informer, and the other Moiety to the Commissioners herein appointed, or the Survivors of them as aforesaid, to be applied for and towards improving the Navigation in the said River.

Penalty on hindering the Commissioners, &c. or obstructing the Navigation.

Application.

6. AND WHEREAS Doubts may arise in what Counties Offences committed in the said River *Delaware* against this Act ought to be tried; for removing thereof, BE IT ENACTED *by the Authority aforesaid*, That every Offence committed in or on the said River, against this Act, shall be laid to be committed, and may be tried and determined as aforesaid, in any of the Counties within this Colony opposite to or joining on that Part of the said River in which such Offence shall be committed.

Offences where triable.

7. PROVIDED ALWAYS, AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That Nothing herein contained shall give any Power or Authority to the Commissioners herein appointed, or any of them, to remove, throw down, lower, impair, or in any Manner to alter a Mill-Dam erected by *Adam Hoops*, Esquire, late deceased, in the said River *Delaware*, between his Plantation and an Island in the said River nearly opposite to *Trenton*, or any Mill-Dam erected by any other Person or Persons in the said River, before the Passing of this Act; nor to obstruct, or in any Manner to hinder the Heirs or Executors

Not to injure Mill-Dams already erected.

of the said *Adam Hoops*, or such other Person or Persons, his or their Heirs and Assigns, from maintaining, raising or repairing, the said Dams respectively, or from taking Water out of the said River, for the Use of the said Mills and Waterworks, erected as aforesaid, and none other.

Commissioners to keep Minutes and report.

8. AND BE IT FURTHER ENACTED by the Authority aforesaid, That the said Commissioners shall keep Minutes of their Proceedings, in Pursuance of the Power hereby given to them, fairly entered in a Book; and shall once in every Year make Report of their Transactions in improving the Navigation in the said River to the Council and Assembly of this Colony for the Time being, and shall lay before them a just and faithful Account of all Sums of Money by them received for the aforesaid Purposes, and in what Manner they shall be expended, that the same may be adjusted and settled.

C H A P. DXLII.

*An ACT for the more effectual maintaining, and keeping above the Flow of the Tide, that Part of the Road or Causeway between the Toll-Bridge over Newton Creek and the fast Land of Keziah Tonkin.**

Passed Dec. 21. 1771.

Preamble.

WHEREAS *Thomas Attmore, Isaac Burrough, Benjamin Thackray, Jacob Stokes, Hannah Cooper, Keziah Tonkin, Elizabeth Thackray and Job Haines*, Owners and Proprietors of the Meadows lying on the easterly Side of *Newton Creek*, in the County of *Gloucester*, have, by their Petition, set forth, That they have suffered, and are daily exposed to very considerable Damage by Reason of the Causeway and Road between the Toll-Bridge, called *William Gerrard's*, and the fast Land of *Keziah Tonkin*, not being raised above the Flowing of the Tides;

Possessors of the Toll-Bridge neglecting three Months.

Sect. 1. BE IT THEREFORE ENACTED by the Governor, Council and General Assembly, That if the Owner or Owners, Possessor or Possessors, of the Toll-Bridge erected over *Newton Creek*, shall neglect or refuse, for three Months after Publication hereof, to repair and raise, above the Flowing of the Tides, such Part of the Causeway and Road, leading from the Town of *Gloucester* to the *Coopers Ferries*, as lays on the East Side of *Newton Creek* aforesaid, from the End of said Toll-Bridge to the fast Land of *Keziah Tonkin*; then, and in such Case, it shall and may be lawful for the Managers, or the Survivors of them already appointed, or that shall be hereafter appointed, in Pursuance of an Act passed in the third Year of His present Majesty's Reign, entitled, *An Act to enable the Owners and Possessors of the Meadows lying on a Branch of Newton Creek, in the County of Gloucester, commonly called the Back Creek, to erect and maintain a Bank, Dam, and other Waterworks across the said Creek, in order to prevent the Tide from overflowing the same, and to keep the former Watercourse of said Creek open and clear,*† to repair, amend and raise the said Causeway and Road, from the Bridge aforesaid,

Managers of Back Creek Meadows to repair and raise the Causeway.

* This Act, though strictly private, being of a very publick Import, is admitted in this Collection.

† Chap. CCCLV.

Exhibit 27

all Sums not Exceeding 40/- in 20. days
above 40/- not Exceeding 100/- in 60. days
above 100/- not Exceeding 1.10. - 120. days

Magy of Execution giving Security
for the principal, interest of
Costs

all Sums exceeding 1.10. to 1.20. 6. months

State of North Carolina
Chawan Cavinity
Do any Carefull officer
to execute and return
before me or some
other Justice of the Peace
of the said County

Wp. can Th. Car. you. huy

Stephen THE Cabarrus
OFFICE and AUTHORITY
OF A
JUSTICE of PEACE.

AND ALSO,

The Duty of SHERIFFS, CORONERS, CON-
STABLES, CHURCHWARDENS, OVERSEERS
of ROADS, and other Officers.

TOGETHER WITH

PRECEDENTS of WARRANTS, JUDGMENTS, EXECU-
TIONS, and other legal PROCESS, issuable by Ma-
gistrates within their several Jurisdictions, in Cases
Civil and Criminal, with the Method of Judicial
Proceedings before Justices of the Peace out of Sessi-
ons. Also some Directions for their Conduct within
their County Courts.

To which is added,

AN APPENDIX.

Containing many useful PRECEDENTS, and Directions
for the Execution of them.

Collected from the Common and Statute Laws of
England, and the Acts of Assembly of this Province,
and adapted to our Constitution and Practice.

By J. DAVIS, Esq; one of his Majesty's Justices of
the Peace for the County of Craven.

NEW BERN:

Printed by JAMES DAVIS. M,DCC,LXXIV.

Appeals.

By the ancient Saxon Laws, made in the Reign of King Alfred, and his Grandson Athelstan, the Punishment for killing was not by Blood, but by Fine, according to the Relations of the Person killed, according to his Quality: Which Mr. Selden has thus computed:

A Countryman killed, at	£. 40
A Clergyman,	300
A General, or Captain,	600
A Bishop, or Alderman,	1200
Archbishop, or Nobleman,	2250
The King,	4500

For a Woman with Child, the Value of the Head; and for the Child in her Womb, Half as much as for a living Child, according to the Quality of the Father.

A Welshman, if he had Land, and a certain sum paid Tribute, was valued at 6l. If he had no Land, 3l.

These Fines were only in Case of Manslaughter, where the Person was killed by Misfortune; but Murder was never excused by these Payments: They were always punished by Death, and so was Manslaughter, where the Party was not able to pay the Fine, or the Value of the Head.

And so the Law continued a long Time after, till by the Statute of Maribridge, 53 Hen. 3. killing a Man by Misfortune, was adjudged Murder; but was redeemable upon Payment of the Fine.

And from hence, it is probable, that Appeals by the King, and by the Heir, or Wife, at this Day, are derived to the Heir, or Wife, at this Day.

An Appeal is the Suit of the Party, as well as the King; hence the King cannot pardon an Offender guilty upon an Appeal, as he may upon an Indictment. For in that Case he can only pardon for himself, not for the Party. 2. H. 155.

Appeals are allowed from the Inferior to the Superior Courts; from the Judgments of Justices on the Return of Warrants, and from Trials on several Penal Statutes, which will be found under their several Heads.

APPRENTICES. See ORPHANS.

ARBITRATION. See AWARD.

ARMO

Armour.

A R M O U R.

JUSTICES of the Peace, upon their own View, or upon Complaint, may apprehend any Person who shall go or ride armed with unusual and offensive Weapons, in an Affray, or among any great Concurrence of People, or who shall appear, so armed, before the King's Justices sitting in Court, and may bind such Offender to the Peace, or good Behaviour; and if he refuses to be so bound, may commit him. Dalt. 37.

And any Justice of the Peace may command Weapons to be taken from a Prisoner brought before him. Any Man may use Force and Arms in Defence of his Person, House, Goods, Family, &c. against Robbers, or those that shall assemble to do him any Violence; so may, in endeavouring to suppress Riots: But here the safest Way is, to be armed in Assistance of the King's Officers. Nelf. 55.

By an Act of Assembly of this Province, "to prevent killing Deer at unseasonable Times," no Persons (except Masters of Slaves) are allowed to hunt with a Gun, on Penalty of forfeiting the same, and Ten Pounds, Proportionally; unless such Person is possessed of a Freehold of One Hundred Acres of Land, or tends Ten Thousand Corn Hills, at five Feet Distance.

No Slave to hunt with a Gun, or any Weapon, on any Lands but his Master's, unless a white Man be in his Company; on Penalty of being whipped, and a fine of Twenty Shillings, to be paid by the Owner of the Slave, to the Person on whose Lands he is found.

No Slave to carry a Gun, or hunt in the Woods, without a Certificate signed by the Chairman of the Court, for that Purpose; the Master or Mistress of such Slave having first given Security to the Court for the good Behaviour of such Slave; on which Bond any Person injured may maintain an Action for any Damages he may sustain: Recovery in any County Court.

But one Slave on a Plantation where Crop is tended, allowed to carry a Gun, and then only till Crop is sown. The Master, Mistress, or Overseer of any Slave, with whom shall be found any Gun, Sword, or other Weapon, contrary to Law, subject to a Penalty of Twenty Shillings, unless they make it appear such Slave carried the Gun, or other Weapon, contrary to his Knowledge.

Licence

Who may be disarmed.

Where Arms may be seized by the Laws of this Province.

Page 42.

Page 152.

The Law says you may

Appeal the Suit of the King.

Appeals by the Laws of the Province.

Exhibit 28



Yale Law School
LILLIAN GOLDMAN LAW LIBRARY
in memory of Sol Goldman

THE AVALON PROJECT *Documents in Law, History and Diplomacy*

Avalon Home	Document Collections	Ancient 4000bce - 399	Medieval 400 - 1399	15th Century 1400 - 1499	16th Century 1500 - 1599	17th Century 1600 - 1699	18th Century 1700 - 1799	19th Century 1800 - 1899	20th Century 1900 - 1999	21st Century 2000 -
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Constitution of Delaware; 1776 (1)

Art 1	Art 2	Art 3	Art 4	Art 5	Art 6	Art 7	Art 8	Art 9	Art 10
Art 11	Art 12	Art 13	Art 14	Art 15	Art 16	Art 17	Art 18	Art 19	Art 20
Art 21	Art 22	Art 23	Art 24	Art 25	Art 26	Art 27	Art 28	Art 29	Art 30

The Constitution, or System of Government, agreed to and resolved upon by the Representatives in full Convention of the Delaware State, formerly styled "The Government of the Counties of New Castle, Kent, and Sussex, upon Delaware," the said Representatives being chosen by the Freemen of the said State for that express Purpose.

ARTICLE 1. The government of the counties of New- Castle, Kent and Sussex, upon Delaware, shall hereafter in all public and other writings be called The Delaware State.

ART. 2. The Legislature shall be formed of two distinct branches; they shall meet once or oftener in every year, and shall be called, " The General Assembly of Delaware."

ART. 3. One of the branches of- the Legislature shall be called, " The House of Assembly," and shall consist of seven Representatives to be chosen for each county annually of such persons as are freeholders of the same.

ART. 4.4 The other branch shall be called " The council," and consist of nine members; three to be chosen for each county at the time of the first election of the assembly, who shall be freeholders of the county for which they are chosen, and be upwards of twenty-five years of age. At the end of one year after the general election, the councillor who had the smallest number of votes in each county shall be displaced, and the vacancies thereby occasioned supplied by the freemen of each county choosing the same or another person at a new election in manner aforesaid. At the end of two years after the first general election, the councillor who stood second in number of votes in each county shall be displaced, and the vacancies thereby occasioned supplied by a new election in manner aforesaid. And at the end of three years from the first general election, the councillor who had the greatest number of votes in each county shall be displaced, and the vacancies thereby occasioned supplied by a new election in manner aforesaid. And this rotation of a councillor being displaced at the end of three years in each county, and his office supplied by a new choice, shall be continued afterwards in due order annually forever, whereby, after the first general election, a councillor will remain in trust for three years from the time of his being elected, and a councillor will be displaced, and the same or another chosen in each county at every election.

ART. 5. The right of suffrage in the election of members for both houses shall remain as exercised by law at present; and each house shall choose its own speaker, appoint its own officers, judge of the qualifications and elections of its own members, settle its own rules of proceedings, and direct writs of election for supplying intermediate vacancies. They may also severally expel any of their own members for misbehavior, but not a second time in the same sessions for the same offence, if reelected; and they shall have all other powers necessary for the legislature of a free and independent State.

ART. 6. All money-bills for the support of government shall originate in the house of assembly, and may be altered, amended, or rejected by the legislative council. All other bills and ordinances may take rise in the house of assembly or legislative council, and may be altered, amended, or rejected by either.

ART. 7. A president or chief magistrate shall be chosen by joint ballot of both houses' to be taken in the house of assembly, and the box examined by the speakers of each house in the presence of the other members, and in case the numbers for the two highest in votes should be equal, then the speaker of the council shall have an additional casting voice, and the appointment of the person who has the majority of votes shall be entered at large on the minutes and journals of each house, and a copy thereof on parchment, certified and signed by the speakers respectively, and sealed with the great seal of the State, which they are hereby authorized to affix, shall be delivered to the person so chosen president, who shall continue in that office three years, and until the sitting of the next general assembly and no longer, nor be eligible until the expiration of three years after he shall have been out of that office. An adequate but moderate salary shall be settled on him during his continuance in office. He may draw for such sums of money as shall be appropriated by the general assembly, and be accountable to them for the same; he may, by and with the advice of the privy council, lay embargoes or prohibit the exportation of any commodity for any time not exceeding thirty days in the recess of the general assembly; he shall have the power of granting pardons or reprieves, except where the prosecution shall be carried on by the house of assembly, or the law shall otherwise direct, in which cases no pardon or reprieve shall be granted, but by a resolve of the house of assembly, and may exercise all the other executive powers of government' limited and restrained as by this constitution is mentioned, and according to the laws of the State. And on his death, inability, or absence from the State, the speaker of the legislative council for the time being shall be vice-president, and in case of his death, inability, or absence from the State, the speaker of the house of assembly shall have the powers of a president, until a new nomination is made by the general assembly.

ART. 8. A privy council, consisting of four members, shall be chosen by ballot, two by the legislative council and two by the house of assembly: *Provided*, That no regular officer of the army or navy in the service and pay of the continent, or of this, or of any other State, shall be eligible; and a member of the legislative council or of the house of assembly being chosen of the privy council, and accepting thereof, shall thereby lose his seat. Three members shall be a quorum, and their advice and proceedings shall be entered of record, and signed by the members present, (to any part of which any member may enter his dissent,) to be laid before the general assembly when called for by them. Two members shall be removed by ballot, one by the legislative council and one by the house of assembly, at the end of two years, and those who remain the next year after, who shall severally be ineligible for the three next years. The vacancies, as well as those occasioned by death or incapacity, shall be supplied by new elections in the same manner; and this rotation of a privy councillor shall be continued afterwards in due order annually forever. The president may by summons convene the privy council at any time when the public exigencies may require, and at such place as he shall think most convenient, when and where they are to attend accordingly.

ART. 9. The president, with the advice and consent of the privy council, may embody the militia, and act as captain-general and commander-in-chief of them, and the other military force of this State, under the laws of the same.

ART. 10. Either house of the General assembly may adjourn themselves respectively. The president shall not prorogue, adjourn, or dissolve the general assembly, but he may, with the advice of the privy council, or on the application of a majority of either house, call them before the time they shall stand adjourned; and the two houses shall always sit at the same time and place, for which purpose immediately after every adjournment the speaker of the house of assembly shall give notice to the speaker of the other house of the time to which the house of assembly stands adjourned.

ART. 11. The Delegates for Delaware to the Congress of the United States of America shall be chosen annually, or superseded in the mean time, by joint ballot of both houses in the general assembly.

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The Avalon Project : Constitution of Delaware; 1776

ART. 12. The president and general assembly shall by joint ballot appoint three justices of the supreme court for the State, one of whom shall be chief justice, and a judge of admiralty, and also four justices of the courts of common pleas and orphans' courts for each county, one of whom in each court shall be styled "*chief justice*," (and in case of division on the Ballot the president shall have an additional casting voice,) to be commissioned by the president under the great seal, who shall continue in office during good behavior; and during the time the justices of the said supreme court and courts of common pleas remain in office, they shall hold none other except in the militia. Any one of the justices of either of said courts shall have power, in case of the noncoming of his brethren, to open and adjourn the court. An adequate fixed but moderate salary shall be settled on them during their continuance in office. The president and privy council shall appoint the secretary, the attorney-general, registers for the probate of wills and granting letters of administration, registers in chancery, clerks of the courts of common pleas and orphans' courts, and clerks of the peace, who shall be commissioned as aforesaid, and remain in office during five years, if they behave themselves well; during which time the said registers in chancery and clerks shall not be justices of either of the said courts of which they are officers, but they shall have authority to sign all writs by them issued, and take recognizances of bail. The justices of the peace shall be nominated by the house of assembly; that is to say, they shall name twenty-four persons for each county, of whom the president, with the approbation of the privy council, shall appoint twelve, who shall be commissioned as aforesaid, and continue in office during seven years, if they behave themselves well; and in case of vacancies, or if the legislature shall think proper to increase the number, they shall be nominated and appointed in like manner. The members of the legislative and privy councils shall be justices of the peace for the whole State, during their continuance in trust; and the justices of the courts of common pleas shall be conservators of the peace in their respective counties.

ART. 13. The justices of the courts of common pleas and orphans courts shall have the power of holding inferior courts of chancery, as heretofore, unless the legislature shall otherwise direct.

ART. 14. The clerks of the supreme court shall be appointed by the chief justice thereof, and the recorders of deeds, by the justices of the courts of common pleas for each county severally, and commissioned by the president, under the great seal, and continue in office five years, if they behave themselves well.

ART. 15. The sheriffs and coroners of the respective counties shall be chosen annually, as heretofore; and any person, having served three years as sheriff, shall be ineligible for three years after; and the president and privy council shall have the appointment of such of the two candidates, returned for said offices of sheriff and coroner, as they shall think best qualified, in the same manner that the governor heretofore enjoyed this power.

ART. 16. The general assembly, by joint ballots shall appoint the generals and field-officers, and all other officers in the army or navy of this State; and the president may appoint, during pleasure, until otherwise directed by the legislature, all necessary civil officers not hereinbefore mentioned.

ART. 17. There shall be an appeal from the supreme court of Delaware, in matters of law and equity, to a court of seven persons, to consist of the president for the time being, who shall preside therein, and six others, to be appointed, three by the legislative council, and three by the house of assembly, who shall continue in office during good behavior, and be commissioned by the president, under the great seal; which court shall be styled the " court of appeals," and have all the authority and powers heretofore given by law in the last resort to the King in council, under the old government. The secretary shall be the clerk of this court; and vacancies therein occasioned by death or incapacity, shall be supplied by new elections, in manner . aforesaid.

ART. 18. The justices of the supreme court and courts of common pleas, the members of the privy council, the secretary, the trustees of the loan office, and clerks of the court of common pleas, during their continuance in office, and all persons concerned in any army or navy contracts, shall be ineligible to either house of assembly; and any member of either house accepting of any other of the offices herein before mentioned (excepting the office of a justice of the peace) shall have his seat thereby vacated, and a new election shall be ordered.

ART. 19. The legislative council and assembly shall have the power of making the great seal of this State, which shall be kept by the president, or, in his absence, by the vice-president, to be used by them as occasion may require. It shall be called "*The Great Seal of the Delaware State*," and shall be affixed to all laws and commissions.

ART. 20. Commissions shall run in the name of " The Delaware State," and bear test by the president Writs shall run in the same manner, and bear test in the name of the chief-justice, or justice first named in the commissions for the several courts, and be sealed with the public seals of such courts. Indictments shall conclude, "*Against the peace and dignity of the State.*"

ART. 21. In case of vacancy of the offices above directed to be filled by the president and general assembly, the president and privy council may appoint others in their stead until there shall be a new election.

ART. 22. Every person who shall be chosen a member of either house, or appointed to any office or place of trust, before taking his seat, or entering upon the execution of his office, shall take the following oath, or affirmation, if conscientiously scrupulous of taking an oath, to wit:

" I, A. B. will bear true allegiance to the Delaware State, submit to its constitution and laws, and do no act wittingly whereby the freedom thereof may be prejudiced."

And also make and subscribe the following declaration, to wit:

" I, A. B. do profess faith in God the Father, and in Jesus Christ His only Son, and in the Holy Ghost, one God, blessed for evermore; and I do acknowledge the holy scriptures of the Old and New Testament to be given by divine inspiration."

And all officers shall also take an oath of office.

ART. 23. The president, when he is out of office, and within eighteen months after, and all others offending against the State, either by maladministration, corruption, or other means, by which the safety of the Commonwealth may be endangered, within eighteen months after the offence committed, shall be impeachable by the house of assembly before the legislative council; such impeachment to be prosecuted by the attorney-general, or such other person or persons as the house of assembly may appoint, according to the laws of the land. If found guilty, he or they shall be either forever disabled to hold any office under government, or removed from office *pro tempore*, or subjected to such pains and penalties as the laws shall direct. And all officers shall be removed on conviction of misbehavior at common law, or on impeachment, or upon the address of the general assembly.

ART. 24. All acts of assembly in force in this State on the 15th day of May last (and not hereby altered, or contrary to the resolutions of Congress or of the late house of assembly of this State) shall so continue, until altered or repealed by the legislature of this State, unless where they are temporary, in which case they shall expire at the times respectively limited for their duration.

ART. 25. The common law of England, as-well as so much of the statute law as has been heretofore adopted in practice in this State, shall remain in force, unless they shall be altered by a future law of the legislature; such parts only excepted as are repugnant to the rights and privileges contained in this constitution, and the declaration of rights, &c., agreed to by this convention.

ART. 26. No person hereafter imported into this State from Africa ought to be held in slavery under any presence whatever; and no negro, Indian, or mulatto slave ought to be brought into this State, for sale, from any part of the world.

ART. 27. The first election for the general assembly of this State shall be held on the List day of October next, at the court-houses in the several counties, in the manner heretofore used in the election of the assembly, except as to the choice of inspectors and assessors, where assessors have not been chosen on the 16th day of September, instant, which shall be made on the morning of the day of election, by the electors, inhabitants of the respective hundreds in each county. At which time the sheriffs and coroners, for the said counties respectively, are to be elected; and the present sheriffs of the counties of Newcastle and Kent may be rechosen to that office until the 1st day of October, A. D. 1779; and the present sheriff for the county of Sussex may be rechosen to that office until the 1st day of October, A. D. 1778, provided the freemen think proper to reelect them at every general election; and the present sheriffs and coroners, respectively, shall continue to exercise their offices as heretofore, until the sheriffs and coroners, to be elected on the said 21st day of October, shall be commissioned and sworn into office. The members of the

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The Avalon Project : Constitution of Delaware; 1776

legislative council and assembly shall meet, for transacting the business of the State, on the 28th day of October next, and continue in office until the 1st day of October, which will be in the year 1777; on which day, and on the 1st day of October in each year forever after, the legislative council, assembly, sheriffs, and coroners shall be chosen by ballot, in manner directed by the several laws of this State, for regulating elections of members of assembly and sheriffs and coroners; and the general assembly shall meet on the 20th day of the same month for the transacting the business of the State; and if any of the said 1st and 20th days of October should be Sunday, then, and in such case, the elections shall be held, and the general assembly meet, the next day following.

ART. 28. To prevent any violence or force being used at the said elections, no person shall come armed to any of them, and no muster of the militia shall be made on that day; nor shall any battalion or company give in their votes immediately succeeding each other, if any other voter, who offers to vote, objects thereto; nor shall any battalion or company, in the pay of the continent, or of this or any other State, be suffered to remain at the time and place of holding the said elections, nor within one mile of the said places respectively, for twenty-four hours before the opening said elections, nor within twenty-four hours after the same are closed, so as in any manner to impede the freely and conveniently carrying on the said election: *Provided always*, That every elector may, in a peaceable and orderly manner, give in his vote on the said day of election.

ART. 29. There shall be no establishment of any one religious sect in this State in preference to another; and no clergyman or preacher of the gospel, of any denomination, shall be capable of holding any civil office in this State, or of being a member of either of the branches of the legislature, while they continue in the exercise of the pastoral function.

ART. 30. No article of the declaration of rights and fundamental rules of this State, agreed to by this convention, nor the first, second, fifth, (except that part thereof that relates to the right of suffrage,) twenty-sixth, and twenty-ninth articles of this constitution, ought ever to be violated on any pretence whatever. No other part of this constitution shall be altered, changed, or diminished without the consent of five parts in seven of the assembly, and seven members of the legislative council.

GEORGE READ, President.

Attest:

JAMES BOOTH, Secretary. - Friday, September 10, 1776.

(1) Verified from " The Constitutions of the Several Independent States of America, Published by order of Congress, Boston: Printed by Norman and Bowen, 1785."

This constitution was framed by a Convention which assembled at New Castle, August 27, 1776, in accordance with the recommendation of the Continental Congress that the people of the Colonies should form independent State Governments. It was not submitted to the people but was proclaimed September 21, 1776.

[Back](#)

Source:

The Federal and State Constitutions Colonial Charters, and Other Organic Laws of the States, Territories, and Colonies Now or Heretofore Forming the United States of America Compiled and Edited Under the Act of Congress of June 30, 1906 by Francis Newton Thorpe Washington, DC : Government Printing Office, 1909.

[Colonial Charters Page](#)

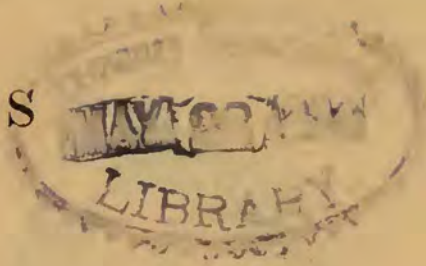
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Exhibit 29

PROCEEDINGS



OF

THE CONVENTIONS

464
528

OF THE

PROVINCE OF MARYLAND,

HELD AT

THE CITY OF ANNAPOLIS,

IN

1774, 1775, & 1776.



BALTIMORE:

JAMES LUCAS & E. K. DEAVER.

ANNAPOLIS—JONAS GREEN.

.....

1836.

of age, owing a whole lot of land in the said city of Annapolis, or having a visible estat of £20 sterling at the least, within this province, or having served five years to any trade within the said city and being a house-keeper, and no others, be admitted to vote for representatives to serve in the said convention for the said city, provided such person shall have resided in the county, district, city, or town, where he shall offer to vote, one whole year next preceding the election.

That all elections of the said representatives be free, and that the same be made *viva voce* in the manner heretofore used in this colony, without any regard to any act of parliament or other qualifications than before mentioned. And to prevent any violence or force being used at the said elections, no person shall come armed to any of them, and that no muster of the militia be made on the day on which any of the said elections shall be held, nor shall any battalion or company of the militia, or any ten men thereof, give in their votes immediately succeeding each other, if any other voter who offers to vote objects thereto; nor shall any soldiers in the pay of this province be suffered to collect at the time and place of holding any of the said elections, so as in any manner to impede the freely and convenient carrying on such elections.

Resolved, That no person holding a commission or office in the regular forces of this province, shall during the time of his holding the same, be eligible as a representative aforesaid; nor shall any person who shall hereafter accept of any commission or office in the land or sea service, or shall enlist in the regular forces raised or to be raised for the continental service, or the service of this or or any other colony, be eligible as a representative as aforesaid, or hold any office or place in the civil department, or have a right to vote at any election, during the time he shall hold such commission or office in the military forces, or being therein enlisted as aforesaid.

That any person qualified as aforesaid to vote, may be elected a member of the intended convention, provided he be above 21 years of age, and shall have resided in the colony one whole year preceding the election.

That no person who has been published by any committee of observation, or the council of safety of this colony, as an enemy to the liberties of America, and has not been restored to the favour of his country, shall be permitted to vote at the election of members for the said convention.

That the intended elections for all the said counties and districts, be made on Thursday the first day of August next, but if any of them should not be finished on that day, then the judges of such

Exhibit 30

Henry B. ...
T H E
A C T S
O F T H E
General Assembly

O F T H E
Commonwealth of Pennsylvania,
Carefully compared with the ORIGINALS.

A N D A N
A P P E N D I X,

Containing the LAWS now in FORCE, passed between the 30th
Day of *September* 1775, and the REVOLUTION.
TOGETHER WITH
The Declaration of Independence; the Constitution of the State of
Pennsylvania; and the Articles of Confederation of the United
States of America.

33246

Published by order of the General Assembly.



P H I L A D E L P H I A :
PRINTED AND SOLD BY FRANCIS BAILEY,
IN MARKET-STREET.
M,DCC,LXXXII.

JOSEPH REED, Esq. President.

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be lawful for the commissioners and assessors of said county, or a majority of them, to assess and levy so much money as the said trustees or any four of them shall judge necessary, for paying the remainder aforesaid, of purchasing the land, and finishing the said court house and prison, and they are hereby required so to do.

1780.
The fourth Year
of the Common-
wealth.

JOHN BAYARD, SPEAKER.

Enacted into a law at Philadelphia, on Monday, the }
20th day of March, A. D. 1780. }
THOMAS PAINE, clerk of the general assembly. }

CHAPTER CLXVII.

An ACT for the regulation of the militia of the commonwealth of Pennsylvania.

SECTION 1. WHEREAS a militia law, founded upon just and equitable principles, hath been ever regarded as the best security of liberty, and the most effectual means of drawing forth and exerting the natural strength of a state. Preamble.

SECT. 2. And whereas a well regulated militia is the only safe and constitutional method of defending a free state, as the necessity of keeping up a standing army, especially in times of peace, is thereby superseded.

SECT. 3. And whereas the militia law of this commonwealth, enacted by the general assembly the seventeenth day of March, one thousand seven hundred and seventy seven, from a change of circumstances and other causes, hath become insufficient to answer the purposes aforesaid, which renders it highly necessary that a new law should be enacted. Therefore,

SECT. 4. Be it enacted, and it is hereby enacted by the representatives of the freemen of the commonwealth of Pennsylvania, in general assembly met, and by the authority of the same, That the president in council, or, in his absence, the vice president in council, of this commonwealth, shall appoint and commissionate one reputable freeholder in the city of Philadelphia, and one in each county within this state, to serve as lieutenants of the militia for the said city and counties respectively; and also any number of persons not exceeding two for the said city; and in the several counties any number not exceeding the President in council to appoint a lieutenant in each county.

1780.
*The fourth Year
of the Common-
wealth.*

manner, he shall for such offence be cashiered or punished by fine, at the discretion of a general court martial, as the case may require, in any sum not exceeding the price of six days labour; and if any non commissioned officer or private shall, on any occasion of parading the company to which he belongs, appear with his arms and accoutrements in an unfit condition, or be found drunk, or shall disobey orders, or use any reproachful or abusive language to his officers or any of them; or shall quarrel himself, or promote any quarrel among his fellow soldiers, he shall be disarmed and put under guard, by order of the commanding officer present, until the company is dismissed, and shall be fined in any sum not exceeding the price of ten day's labour, nor less than one day's labour.

Penalty on officers neglecting to issue orders for assembling in battalion or company,

SECT. 58. *And be it further enacted by the authority aforesaid,* That if the lieutenant colonel or commanding officer of any battalion shall neglect or refuse to give orders for assembling his battalion at the times appointed by this law, or at the direction of the lieutenant or sub lieutenant of the city or any county, when the said lieutenant or sub lieutenant is thereto commanded by the president or vice president in council, or in case of an invasion of the city or county to which such battalion belongs, he shall be cashiered and punished by fine at the discretion of a general court martial; and if a commissioned officer of any company shall on any occasion neglect or refuse to give orders for assembling the company to which he belongs, or any part thereof, at the direction of the lieutenant colonel or commanding officer of the battalion to which such company belongs, he shall be cashiered and punished by fine at the discretion of a regimental court martial; and a non commissioned officer offending in such case shall be fined in any sum not exceeding the price of ten days labour.

and on non-commissioned officers.

Penalty on captains for neglecting to make out a list of persons noticed to a tour of duty.

SECT. 59. *And be it further enacted by the authority aforesaid,* That if any captain or commanding officer of a company shall refuse or neglect to make out a list of the persons noticed to perform any tour of duty, and send or convey the same to the lieutenant colonel or commanding officer of the battalion to which such company may belong, for such neglect or refusal he shall be cashiered or fined, at the discretion of a regimental court martial

Rules and regulations.

SECT. 60. *And be it further enacted by the authority aforesaid,* That the following rules and regulations shall be those by which the militia shall be governed.

1st. Every general court martial shall consist of thirteen members, all of whom shall be commissioned officers, and

JOSEPH REED, Esq. President.

and of such rank as the case may require, and these thirteen shall choose a president, out of their number who shall be a field officer.

1780.
*The fourth Year
of the Common-
wealth.*

2d. Every regimental court martial shall be composed of five members, all commissioned officers, who are to choose one of their members a president, not under the rank of a captain.

3d. In any court martial, not less than two thirds of the members must agree in every sentence for inflicting any punishment, otherwise the person charged shall be acquitted.

4th. The president of each and every court martial, whether general or regimental, shall require all witnesses, in order to the trial of offenders, to declare on oath or affirmation, that the evidence they shall give is the truth, the whole truth, and nothing but the truth; and the members of all such courts shall take an oath or affirmation, which the president is required to administer to the other members, and the next in rank is required to administer to him, that they will give judgment with impartiality.

5th. All members of any militia, called as witnesses in any case before a court martial, who shall refuse to attend and give evidence, shall be censured or fined at the discretion of the court.

6th. No officer or private man being charged with transgressing these rules shall be suffered to do duty in the battalion, company or troop to which he belongs, until he has had his trial by a court martial, and every person so charged shall be tried as soon as a court martial can be conveniently assembled.

7th. If any officer or private man shall think himself injured by his lieutenant colonel or the commanding officer of the battalion, and shall upon due application made to him, be refused redress, he may complain to the lieutenant of the county, who shall summon a general court martial, that justice may be done.

8th. If any inferior officer or private man shall think himself injured by his captain, or other superior officer in the battalion, troop or company to which he belongs, he may complain to the commanding officer of the battalion, who shall summon a regimental court martial for the doing justice, according to the nature of the case.

9th. No penalty shall be inflicted at the discretion of a court martial other then degrading, cashiering or fining.

10th. The commanding officer of the militia for the time being, shall have full power of pardoning or mitigating

HIS EXCELLENCY

1780.
The fourth Year
of the Commem-
oration.

ing any censures or penalties ordered to be inflicted on any private or non commissioned officer for the breach of any of these articles by a general court martial; and every offender, convicted as aforesaid by any regimental court martial, may be pardoned, or have the penalty mitigated by the lieutenant colonel or commanding officer of the battalion, excepting only where such censures or penalties are directed as satisfaction for injuries received by one officer or private man from another; but in case of officers, such sentence to be approved by the commander in chief or the nearest general officer of the militia, who are respectively empowered to pardon or mitigate such sentence or disapprove the same.

11th, The militia on the days of exercise may be detained under arms on duty in the field any time not exceeding six hours, provided they are not kept above three hours under arms at any one time, without allowing them a proper time to refresh themselves.

12th. No company or battalion shall meet at a tavern on any of the days of exercise, nor shall march to any tavern before they are discharged; and any person who shall bring any kind of spiritous liquor to such place of training shall forfeit such liquors so brought for the use of the poor belonging to the township where such offender lives.

Fines, how
to be paid
in.

13th. All fines that shall be incurred by any breach of these rules shall be paid into the hands of the clerk of the company to which the offenders belong; but if a field officer, to the clerk of that company whose captain has the first rank in the battalion, within three weeks after they become due; but in case of neglect or refusal to pay any of the said fines, then in such case, upon application made by the clerk to whom such fine or fines ought to have been paid, it shall and may be lawful for any one justice of the peace of the county (if the fines do not exceed fifty pounds, or two justices, if above that sum) by warrant under his or their hands and seals, to levy such fine or fines respectively on the offender's goods and chattels, and otherwise proceed in recovering the same as is by law directed. And when recovered, the said justice or justices are required to pay such fines into the hands of the clerk who applied for recovery and shall be applied as other fines before directed.

How service
is to be paid
for where
no special
recompence
is provided.

SECT. 61. *And be it further enacted by the authority aforesaid,* That in any case wherein any person is by this act called to do or perform any thing in execution thereof, or otherwise, and no special recompence is herein provided for

JOSEPH REED, Esq. President.

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supplement to the said act, passed on the thirteenth day of December, anno domini, one thousand seven hundred and seventy seven; also a further supplement to the said act, passed on the fifth day of April, anno domini, one thousand seven hundred and seventy nine; also such parts of an act intituled, *An Act to impower the supreme executive council, and justices of the supreme court, to apprehend suspected persons, and to increase the fine to which persons are liable, for neglecting to perform their tour of militia duty;* as relates to the fining the militia for not performing a tour of duty, and the pay of the lieutenants, are hereby repealed and made void.

1780.
The fourth Year
of the Common-
wealth.

SECT. 68. *Provided always,* That nothing in this act contained shall be deemed to repeal, alter or dispense with the powers, authorities or duties of the present lieutenants and sub lieutenants of the city and counties aforesaid, or of any other officer or person under the militia laws that have been in force in this state immediately before the passing of this act, until their respective offices are supplied and filled by new appointments in virtue of this act; which said present lieutenants and sub lieutenants, or other proper officers, are hereby authorized, required and enjoined to collect or cause to be collected all such fines and forfeitures as have been or shall be incurred during the continuance of their respective commissions, and pay in the same agreeable to this law, or the late laws aforesaid, on or before the first day of July next. But in case the president or vice president and council shall approve of the discontinuing to act or resignation of the said present lieutenants and sub lieutenants, or any of them, and not otherwise, it shall be lawful for every such officer, and he is hereby required, to deliver to his successor in office an account, on oath, of all monies uncollected and outstanding on account of fines and forfeitures aforesaid, who is in such case impowered and required to collect the same.

JOHN BAYARD, SPEAKER.

Enacted into a law at Philadelphia, on Monday, the 20th day of March, A. D. 1780.
THOMAS PAINE, clerk of the general assembly.

CHAP-

Exhibit 31

[35]

same offenders come not as afore is said, and the proclamation made and returned, they shall be convict and attainted 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 sheriff, under sheriff, 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 sheriff, under sheriff, 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, sheriff, under sheriff, 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 enacted by the General Assembly, That no man, great nor small, of what condition soever 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 their company assisting 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 forfeit 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 forfeit his armour to the Commonwealth; but no person shall be imprisoned for such offence by a longer space of time than one month:

C H A P. L.

An ACT against CONSPIRATORS.

BE it declared and enacted by the General Assembly, That conspirators be they that do confederate 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 encitement 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:

C H A P. LI.

An ACT against conveying or taking PRETENDED TITLES.

BE it enacted by the General Assembly, That no person shall convey or take; or bargain to convey or take, any pretended 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 possessed of lands or tenements, or of the reversion or remainder thereof, may nevertheless take or bargain to take the pretended title of any other person, so far and so far only as it may confirm his former estate.

C H A P. LII.

An ACT to punish BRIBERY and EXTORTION.

BE it enacted by the General Assembly, That no Treasurer, Keeper of any Public Seal, Councillor of State, Counsel for the Commonwealth, Judge, or Attornies at law, practising either in the General Court, High Court of Chancery, Court of Appeals, Court of Admiralty, or Inferior Courts, Clerk of the Peace, Sheriff, Coroner, Escheator, nor any officer of the Commonwealth, shall, in time to come, take, in any form, any manner of gift, brokerage, 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 fifteenth 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 hath received, shall be amerced and imprisoned at the discretion of a jury, and shall be discharged from his office forever; and he who will sue in the said matter, shall have suit as well for the Commonwealth as for himself, and the third part of the amercement.

CHAP.

Exhibit 32

L A W S

OF THE

STATE OF NEW-YORK,

PASSED BY THE

LEGISLATURE AT THEIR TENTH SESSION.

CHAP. 1.

AN ACT concerning the rights of the citizens of this State.

PASSED the 26th of January, 1787.

Be it enacted by the People of the State of New York represented in Senate and Assembly and it is hereby enacted and declared by the authority of the same,

All author-
ity derived
from State

First, That no authority shall, on any pretence whatsoever be exercised over the citizens of this State but such as is or shall be derived from and granted by the people of this State.

Right of
property
and per-
sonal lib-
erty.

Second, That no citizen of this State shall be taken or imprisoned or be disseised of his or her freehold or liberties of free customs or outlawed or exiled or condemned or otherwise destroyed, but by lawful judgment of his or her peers or by due process of law.

Third That no citizen of this State shall be taken or imprisoned for any offence upon petition or suggestion unless it be by indictment or presentment of good and lawful men of the same neighbourhood where such deeds be done, in due manner or by due process of law.

Id.

Fourth That no person shall be put to answer without presentment before justices, or matter of record, or due process of law according to the law of the land and if any thing be done to the contrary it shall be void in law and holden for error.

Id.

Fifth That no person, of what estate or condition soever shall be taken or imprisoned, or disinherited or put to death without being brought to answer by due process of law, and that no person shall be put out of his or her franchise or freehold or lose his or her life or limb, or goods and chattels, unless he or she be duly brought to answer and be forejudged of the same by due course of law and if any thing be done contrary to the same it shall be void in law and holden for none.

Sixth That neither justice, nor right shall be sold to any person, nor denied nor deferred; and that writs and process shall be granted freely and without delay to all persons requiring the same and nothing from henceforth shall be paid or taken for any writ or process but the accustomed fee for writing and for the seal of the same writ or process and all fines duties and impositions whatsoever heretofore taken or demanded under what name or description soever, for or upon granting any writs, inquests, commissions or process to suitors in their causes shall be and hereby are abolished.

Justice to be free.

Seventh That no citizens of this State shall be fined or amerced without reasonable cause and such fine or amerciamento shall always be according to the quantity of his or her trespass or offence and saving to him or her, his or her contenment; That is to say every freeholder saving his freehold, a merchant saving his merchandize and a mechanick saving the implements of his trade.

Fines to be proportioned to offences; contements.

Eighth That excessive bail ought not to be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Excessive bail prohibited.

Ninth That all elections shall be free and that no person by force of arms nor by malice or menacing or otherwise presume to disturb or hinder any citizen of this State to make free election upon pain of fine and imprisonment and treble damages to the party grieved.

Elections to be free.

Tenth That it is the right of the citizens of this State to petition the person administering the government of this State for the time being, or either house of the legislature and all commitments and prosecutions for such petitioning are illegal.

Right of petition.

Eleventh That the freedom of speech and debates and proceedings in the senate and assembly shall not be impeached or questioned in any court or place out of the senate or assembly.

Freedom of speech in legislature.

Twelfth That no tax duty aid or imposition whatsoever shall be taken or levied within this State without the grant and assent of the people of this State by their representatives in senate and assembly and that no citizen of this State shall be by any means compelled to contribute to any gift loan tax or other like charge not set laid or imposed by the legislature of this State: *And further*, that no citizen of this State shall be constrained to arm himself or to go out of this State or to find soldiers or men of arms either horsemen or footmen, if it be not by assent and grant of the people of this State by their representatives in senate and assembly.

Taxes to be laid only by authority of legislature.

Thirteenth That by the laws and customs of this State the citizens and inhabitants thereof cannot be compelled against their wills to receive soldiers into their houses and to sojourn them there and therefore no officer military or civil nor any other person whatsoever shall from henceforth presume to place, quarter or billet any soldier or soldiers upon any citizen or inhabitant of this State of any degree or profession whatever without his or her consent and that it shall and may be lawful for every such citizen and inhabitant to refuse to sojourn or quarter any soldier or soldiers notwithstanding any command order warrant or billeting whatever.

Billeting of soldiers prohibited.

Exhibit 33

A
 COLLECTION
 OF THE
 STATUTES
 OF THE PARLIAMENT OF
 ENGLAND
 IN FORCE IN THE STATE OF
 NORTH-CAROLINA.



PUBLISHED ACCORDING TO A RESOLVE OF THE GENERAL ASSEMBLY
 BY FRANCOIS-XAVIER MARSHALL, Esq.
 COUNSELLOR AT LAW.

NEW BERN:
 FROM THE EDITOR'S PRESS.

1792.

(60)

C H A P. VIII.

Nothing shall be taken for Beaupleader.

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

C H A P. XIV.

None shall commit Maintenance.

ITEM, 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 Paschae, 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.

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 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 affray 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 forfeit their anowr 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 pertain to their office.

C H A P. V.

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

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 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.

Justices shall have Power to punish Breakers of the Peace.

ITEM, 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.

Q

Exhibit 34

Article 12. If any inferior officer or private man shall think himself injured by his captain or other superior in the regiment, troop or company to which he belongs, he may complain to the commanding officer of the regiment, who shall summon a regimental court martial, for doing justice, according to the nature of the case.

Article 13. No penalty shall be inflicted at the discretion of court martial other than degrading, cashiering or fining.

Article 15.* The commanding officer of the militia, for the time being, shall have full power of pardoning or mitigating any censures or penalties ordered to be inflicted on any private or non-commissioned officer, for the breach of any of these articles, by a general court martial; and every offender convicted, as aforesaid, by any regimental court martial, may be pardoned, or have the penalty mitigated by the lieutenant colonel or commanding officer of the regiment, excepting only where such censures or penalties are directed as satisfaction for injuries received by one officer or private man from another; but in case of officers, such sentence to be approved by the commander-in-chief, or the nearest general officer of the militia, who are respectively empowered to pardon or mitigate such sentence, or disapprove of the same.

Article 16. The militia, on the days of exercise, may be detained under arms on duty in the field, any time not exceeding six hours, provided they are not kept above three hours under arms at any one time, without allowing them a proper time to refresh themselves.

Article 17. No company or regiment shall meet at a tavern on any of the days of exercise, nor shall march to any tavern before they are discharged, and any person who shall bring any kind of spirituous liquors to such place of training, shall forfeit such liquors, so brought, for the use of the poor belonging to the ward, district or township where such offender lives.

Article 18. All fines that shall be incurred by any breach of these rules, shall be paid into the hands of the inspectors of the brigades to which the offenders belong, or to such person

*This mistake in numbering occurs in the original.

Exhibit 35

436 LAWS OF NEW-JERSEY.

		Dols.	Cts.
Fees allowed on private bills.	For	Reading and entering a petition or other writing,	0 25
		Reading a private bill, each time,	0 30
		The perusal of a bill or each day's minutes,	0 25
		Entering every order,	0 25
		A copy thereof,	0 30
		Entering a report on the minutes,	8 0
		Every hearing, each party to pay	
		Engrossing every private bill, for each sheet containing ninety words,	0 12
	Recording the same, for each sheet as aforesaid,	0 8	

Fees to be drawn up by the clerk, taxed by the speaker, and received by the treasurer.

III. AND BE IT ENACTED, That it shall be the duty of the clerk of the general assembly to draw up the fees on private bills and transactions, which shall be taxed by the speaker, and delivered to the treasurer of this State, who is hereby authorised and required to demand and receive them from the applicant, for the use of the State. But no bill, that relates to or affects a county or township, shall be considered as a private bill within the meaning of this act.

Statutes of England not to be in force in this State.

IV. AND BE IT ENACTED, That from and after the passing of this act, no statute or act of the parliament of England or of Great Britain shall have force or authority within this State, or be considered as a law thereof.

No decision, &c. of any court in Great Britain since the 4th of July, 1776, to be read, or of any avail, in any court of this State.

V. AND BE IT ENACTED, That no adjudication, decision or opinion, made, had or given, in any court of law or equity in Great Britain, or any cause therein depending, nor any printed or written report or statement thereof, nor any compilation, commentary, digest, lecture, treatise, or other explanation or exposition of the common law, made, had, given, written or composed, since the fourth day of July, in the year of our Lord, one thousand, seven hundred and seventy six, in Great Britain, shall be received or read in any court of law or equity in this State, as law, or evidence of the law, or elucidation or explanation thereof, any practice, opinion or sentiment of the said courts of justice, used, entertained, or expressed to the contrary hereof notwithstanding.

A certain act repealed.

VI. AND BE IT ENACTED, That the act, entitled, "An Act to alter the appropriation of fees, on passing of private laws," passed the twentieth day of February, in the year of our Lord, one thousand, seven hundred and ninety four, be, and the same is hereby repealed.

An ACT for the regulation of the militia of New-Jersey.

Passed the 13th of June, 1799.

WHEREAS the several laws heretofore enacted for the regulation of the militia have been found to require material alterations, in order to which, it is deemed advisable to revise the whole system: THEREFORE,

Who shall be enrolled in the militia.

I. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That every free able bodied white male inhabitant of this State, who is or shall be of the age of eighteen years, and under the age of forty five years, (except ministers of the gospel, the vice president of the United States, the officers, judicial and executive of the government of the United States, the members of both houses of Congress, and their respective officers, all custom house officers, with their clerks, all post officers, and stage drivers, who are employed in the care and conveyance of the mail of the post office of the United States, all ferrymen usually employed at any ferry on the post road, all inspectors of exports, all pilots, all mariners actually employed in the sea service of any citizen or merchant within the United States) shall severally and respectively be enrolled in the militia by the captain or commanding officer of the company, within whose bounds such citizen shall reside. PROVIDED ALWAYS, That in all cases of doubt respecting the age of any person enrolled, or intended

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A. D. 1799.
Punishment, how far discretionary.

ARTICLE 13. No penalty shall be inflicted at the discretion of a court martial, other than degrading, cashiering, fining, or imprisoning agreeable to the fourth article.

How far and by whom offenders may be pardoned, and penalties mitigated.

ARTICLE 14. Every offender, convicted by any regimental court martial, may be pardoned or have the penalty mitigated by the commanding officer of the regiment or independent battalion, excepting only where such censures or penalties are directed as a satisfaction for injuries received by any officer or private from another: but in case of officers, every sentence of a court martial shall be approved of by the commander in chief, or the major general of the division, who are respectively empowered to pardon or mitigate such sentence.

Hours of exercise not to exceed six.

ARTICLE 15. The militia, on the days of exercise, may be detained under arms, on duty in the field, any time not exceeding six hours, provided they are not kept above three hours under arms at any one time, without allowing them a proper time to refresh themselves.

Spiritous liquors, at the place of exercise, prohibited.

ARTICLE 16. Any person, who shall bring any kind of spiritous liquors to the place of exercise, shall forfeit such liquors, for the use of the poor, belonging to the city or township, where such exercise is had; and the commanding officer of the regiment, battalion or company, is charged with the execution of this article.

Rules of discipline, what.

ARTICLE 17. The rules of discipline, approved and established by congress, in their resolution of the twenty ninth day of March, one thousand, seven hundred and seventy nine, shall be the rules of discipline to be observed by the militia throughout this State, except such deviations from said rules, as may be rendered necessary by the requisitions of the acts of congress, or some other unavoidable circumstances. It shall be the duty of the commanding officer, at every training, whether by regiment or single company, to cause the militia to be exercised and trained, agreeably to the said rules of discipline; and the instructions laid down by the Baron Steuben, and annexed to the said rules of discipline, pointing out the respective duties of the officers, non commissioned officers and privates, are recommended and enjoined upon the militia of this State, as particularly and fully as if the said instructions were repeated in this act at length.

Allowance to officers attending court martial, and witnesses.

XXIII. AND BE IT ENACTED, That every officer, who shall attend on courts martial, or courts of enquiry, shall be entitled to receive from the paymaster of the regiment or independent battalion, in which the offender resides, the sum of one dollar each, for every day he shall attend; and all persons attending before said courts, or either of them, as witnesses, shall be entitled to receive from the said paymaster, fifty cents each per day, provided that no more than two witnesses on the part of the State, and two witnesses on the part of the offender, shall be entitled to pay; all which sums shall be paid by the said paymaster, on certificates signed by the president of the court martial.

Salary of the adjutant general and brigade inspectors.

XXIV. AND BE IT ENACTED, That the adjutant general, for the time being, shall be allowed, as a compensation for his services, the sum of one hundred and fifty dollars, annually, on his producing a certificate from the governor of the State, certifying that he has performed the services required of him by law; and the several brigade inspectors of infantry, shall be entitled to receive of the treasurer, for the time being, out of the exempt money in the treasury, the sum of thirty dollars each, annually, after the passing of this act, upon their producing to the said treasurer a certificate from the brigadier general of the brigade, to which they belong, certifying that they have performed the services required of them by law.

Cavalry horses by whom to be appraised, and how to be paid for.

XXV. AND BE IT ENACTED, That the brigade inspector shall call to his assistance two reputable freeholders, above forty five years of age, who shall appraise on oath or affirmation, the horse of each person serving as a light horse man, immediately before the time of going into actual service, and describe the age, size, colour and marks of the said horse, and enter the same in a book; and in case such horse shall be killed or be taken by the enemy, he shall be paid the full value of his horse, according to the said appraisement, by an order to be drawn,

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Exhibit 36

A
DIGEST
OF THE
STATUTE LAW OF KENTUCKY:
BEING A COLLECTION OF ALL THE
ACTS OF THE GENERAL ASSEMBLY,
OF A PUBLIC AND PERMANENT NATURE,
FROM THE COMMENCEMENT OF THE GOVERNMENT TO MAY SESSION 1822.
ALSO, THE
English and Virginia Statutes,
YET IN FORCE; TOGETHER WITH SEVERAL
ACTS OF CONGRESS.
WITH REFERENCES TO REPORTS OF
JUDICIAL DECISIONS
IN THE COURT OF APPEALS OF KENTUCKY AND SUPREME COURT
OF THE UNITED STATES.

—♦—
IN TWO VOLUMES.

=====
BY WILLIAM LITTELL AND JACOB SWIGERT.
=====

PUBLISHED UNDER THE PATRONAGE OF THE LEGISLATURE.

—♦—
VOLUME I.

=====
FRANKFORT:
PRINTED BY KENDALL AND RUSSELL,
PRINTERS FOR THE STATE,
—♦—

1822.

Governor to accept of the services of volunteer companies & to commission officers

accept of the services of any volunteer company or companies (not exceeding three thousand as aforesaid) who shall tender their services within such time, and for such term, not exceeding six months, as the Governor in his discretion, shall proclaim and appoint. And the Governor shall designate and commission for that purpose, all officers necessary and proper for the command of such volunteers.

Volunteers to receive money in advance

Sec. 3. *Be it further enacted,* That all volunteer officers, non-commissioned officers, musicians and privates, whose service may be tendered and accepted under the provisions of this act, shall, at such place or places of rendezvous as the Governor shall appoint within this state, be entitled to receive in advance, the sum of ten dollars, to be taken and considered as a part of their pay.

Forces when raised how to be disposed of

Sec. 4. *Be it further enacted,* That the forces to be raised and organized, as provided by this act, shall be disposed of according to the discretion of their Governor (that discretion subject only to the requisitions of the general government) and shall be liable to be marched to any place, and engaged in the service of the U. States, as the exigencies of the present war may, in the opinion of the executive, require.

The Governor authorized to draw money from the treasury or borrow from banks

Sec. 5. *Be it further enacted,* That the governor of this commonwealth, for the purpose of carrying into effect the third section of this act, shall be authorized to draw from the Treasury of this state, any sums of money that may be necessary therefor; or in case of deficiency in the public funds, to borrow from any Bank or individuals, upon the best terms he can obtain such additional sums as may be necessary for the purpose aforesaid.

Sec. 6. *Be it further enacted,* That the powers vested in the Governor by the first and second sections of this act, shall be exercised and carried into effect by him to such extent, and in such a manner and time, as his own discretion and the emergency of public affairs may dictate.

CHAP. LXXXIX.

AN ACT to prevent persons in this Commonwealth from wearing concealed Arms, except in certain cases.

Approved, February 3, 1813.

Sec. 1. *BE it enacted by the general assembly of the commonwealth of Kentucky,* That any person in this commonwealth, who shall hereafter wear a pocket pistol, dirk, large knife, or sword in a cane, concealed as a weapon, unless when travelling on a journey, shall be fined in any sum, not less than one hundred dollars; which

may be recovered in any court having jurisdiction of like sums, by action of debt, or on the presentment of a grand jury—and a prosecutor in such presentment shall not be necessary. One half of such fine shall be to the use of the informer, and the other to the use of this commonwealth.

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

CHAP. XC.

AN ACT to amend the Militia Law.

Approved February 3, 1813.

Sec. 1. **B**E it enacted by the General Assembly of the Commonwealth of Kentucky, That if any non-commissioned officer, musician or private, failing to march, or furnishing an able bodied substitute in his place, when ordered and lawfully called on, or leaving the service without a discharge from the proper officer, shall be considered as a deserter, & treated as followeth, to wit: Any person may apprehend such deserter, and deliver him to the officer commanding such detachment, or any recruiting officer within this commonwealth, and take his receipt for the same; which receipt shall describe the name of such deserter, and the length of time he was to serve, and by whom he was delivered—which receipt shall be assignable; and the reward for taking and so delivering such deserter, as aforesaid, shall be a credit for a tour or tours of duty for the length of time such deserter was bound to serve; and said deserter shall serve out the term of time aforesaid before he shall be discharged, in addition to the time he was to serve, if such term of time is then required; otherwise shall serve said tour or tours, when required so to do. And any person holding such receipt, when he is called on to perform a tour or tours of duty, and producing the same to the captain calling on him, it shall be the duty of said captain to receive the same, and give the owner thereof a credit for as many tours as is therein contained.

Persons failing to perform tour of duty considered a deserter

Sec. 2. And where any delinquent militia-man shall belong to any society who hold a community of property, the sheriff shall call on the agent or superintendent of the common stock, or firm of said society, or compact, for the same; and if he fails to pay the same as before described, the sheriff shall make distress, and sell so much of the property belonging to said stock, as will satisfy the fine, cost, &c. as is before directed.

Sec. 3. *And be it further enacted,* That brigade inspectors and brigade quarter masters, when not taken from the line, shall each be entitled to the rank, pay, and emoluments

Brigade inspectors quarter masters, adjutants and pay-masters

of a major of infantry ; and adjutants, regimental pay-masters, and quarter masters, when not taken from the line, shall each be entitled to the rank, pay, and emoluments of lieutenants of infantry ; and whether taken from the line or not, shall receive the additional pay of ten dollars per month, and for forage for one horse.

Persons who may scruple to bear arms shall furnish a substitute

Sec. 4. *And be it further enacted,* That where any non-commissioned officer or private who may conscientiously scruple to bear arms, is legally called on to perform a tour of duty, in the service of this state or the United States, shall perform the same by himself or an able bodied substitute; and, upon failure, the commanding officer of the company shall hire a substitute, and the person failing to perform his tour, shall pay the price said officer may agree to give said substitute, not exceeding one hundred dollars; which sum may be recovered by action of debt, before any court having jurisdiction of like sums.

Oaths

Sec. 5. *And be it further enacted,* That while the militia are either in the actual service of this state or the United States, the several oaths which militia officers are required by law to take, may be administered by any commissioned officer belonging to the same corps.

Former law repealed

Sec. 6. *And be it further enacted,* That so much of the militia law, as requires the commandants of companies to lay off their companies into ten classes for an equal routine of duty, shall be and the same is hereby repealed,

Companies how to be classed

Sec. 7. *And be it further enacted,* That hereafter, when the captains of companies are commanded to detach any number of men from their respective companies for the service of this state or the United States, it shall be the duty of each captain to lay off his company by lot, into as many classes, as the number of men he is ordered to detach ; and the class or classes failing voluntarily to furnish a man, shall determine by lot which man shall do the duty required ; and the man, which each class may voluntarily furnish, and also the man selected by lot, shall be entitled to a credit for as many tours of duty as they may serve. But it is clearly to be understood, that no man shall be called on to perform a tour of duty, who has been drafted on the late six months' expedition, and served his tour by himself or substitute, or has volunteered and served said tour. And whereas, a number of volunteers have served tours of thirty days, or more, either as mounted rifle-men, pack-horse drivers, or guards on the frontiers, and have got a discharge for the same, they nor either of them shall be called on to serve a tour until every other man fit for such service, belonging to their respective companies, shall have served a tour or tours,

Restrictions

Exhibit 37

A C T S

PASSED

AT THE SECOND SESSION

OF THE

FIRST LEGISLATURE

OF THE

STATE OF LOUISIANA.

Render account
 Penalty for default

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 default 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.

Clerk and collector
 Fees

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.

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

APPROVED, March 25th, 1813.
 WILLIAM C. C. CLAIBORNE,
Governor of the state of Louisiana.

AN ACT

Against carrying concealed weapons, and going armed in public places in an unnecessary manner.

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;

Penalty for carrying concealed weapons

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-

esclaves) et pour son usage, d'une piastre sur chaque mille piastres, suivant le tableau des taxes; et les administrateurs, à l'expiration du terme pour lequel ils auront été élus, en rendront compte au juge de la paroisse, et, s'il restait en caisse des fonds disponibles, ils seront versés entre les mains du juge de paroisse qui les gardera jusqu'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 devoir du juge de paroisse de les sommer de rendre leurs comptes et de les poursuivre en justice et de lancer contre eux des mandats d'exécution pour les sommes arriérées, s'il le juge nécessaire.

Reditio de compte.

Peines pour défaut.

SECT. 3. Et il est de plus decreté, Que lesdits administrateurs nommeront un commis et un collecteur de taxe, dont le tems de service finira en même tems que celui des administrateurs et qui auront droit à la compensation que les administrateurs jugeront à propos de leur accorder.

Commis et collecteur.

Compensation,

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.



ACTE

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

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

Preambule.

SECT. 1^{ère}. Il est decreté par le senat et la chambre des Représentans de l'Etat 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, couteau, pistolet ou toute autre arme meurtrière dans son habit ou ailleurs sur lui et qui ne seront point ostensibles, toute personne coupable de cette contravention, sera, sur conviction du fait, devant un juge de paix, condamné à une amende qui n'excédera pas

Peines contre ceux qui portent des armes cachées.

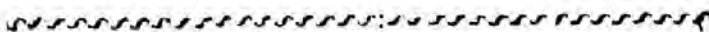
How distributed. lars nor less than twenty dollars, one half to the use of the state, and the balance to the informer; and should any person be convicted of being guilty of a second offence before any court of competent jurisdiction, shall pay a fine not less than one hundred dollars to be applied as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

Penalty for stabbing &c. **SECT. 2.** *And be it further enacted,* That should any person stab or shoot, or in any way disable another 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.

Suspect and persons may be searched. **SECT. 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 concealed manner, 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 dollars nor less than twenty dollars, and to bind over to keep the peace of the state, with such security as may appear necessary 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.

Fine. Sureties of the peace.

STEPHEN A. HOPKINS,
Speaker of the house of representatives,
 J. POYDRAS,
President of the senate.
 APPROVED, March 25th, 1816.
 WILLIAM C. C. CALIBORNE,
Governor of the state of Louisiana,



AN ACT

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

Commissioners. **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 Bardon, Benjamin Howard, Joseph Hertraire and Bea-

Exhibit 38

THEATRES AND BALLS.

trate invited by the Mayor to replace him thereto in case of his absence. Provided that the place so reserved for the Mayor or other persons sent in his place shall be furnished without said managers being entitled to any compensation, and they shall adhere to this condition before obtaining a license to open their theatres.

ART. 14. The Mayor, as often as he may deem it necessary, shall examine whether the theatres, places of public resort be constructed with the requisite solidity, and carefully kept in repair, so that the public may assemble there without danger ; and he shall take suitable measures to prevent the accidents that might result from any negligence in that respect on the part of the proprietors, tenants or other persons having the management or direction of the said theatres, places of public spectacles, or other places of public resort.

ART. 15. The manager, acting manager or other person having the management or direction of a theatre, shall place and constantly keep, within the play-house, several large tubs, and at least one fire-engine in good repair, which must be filled on days of performance ; and on failure of complying with this requisite, and until the manager shall have complied with it, the Mayor shall order the theatre to be and remain shut up.

ART. 16. By virtue of the powers granted by law to the Mayor and City Council, the Mayor shall cause to be shut up any place of public resort, whenever the maintenance of order, the public safety or tranquillity may require it.

Approved, June 8, 1816.

An Ordinance respecting public Balls.

THE CITY COUNCIL ORDAINS AS FOLLOWS :

ART. 1. It shall not be lawful for any person to enter into a public ball-room with any cane, stick, sword or any other weapon, and every person having either a cane, stick, sword or any other weapon, shall, before he enter the ball-room, deposite the same at the office which shall be at the door of the entrance of said ball-room, where there will be a person appointed to receive and take care of such articles which he shall carefully keep, affixing to each article a number, a check of which he shall give to the owner ; and said articles shall not be returned to the persons respectively depositing them, until said persons are quitting the balls and produce their checks.

ART. 2. Every person entering in any public ball-room, in contravention to the above provision, shall pay a fine of five dollars ; and every person giving a public ball without having previously established an office at the door of the entrance of said ball-room, and without appointing a person to receive and take care, in the manner aforesaid, of the articles before mentioned shall pay a fine of twenty-five dollars, and if the offence is repeated, the offender shall forfeit the right to hold any further permission to give such public balls.

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Exhibit 39

the commanding officer of said company; and if any commissioned officer shall issue such certificate to any person, who is not entitled under the provisions of this act to receive the same, he shall be cashiered or fined not exceeding one hundred dollars, in the discretion of such court-martial as the case may require; and if any person shall give such certificate who is not authorised to do so by the provisions of this act, such person shall forfeit and pay the sum of fifty dollars, the recovery of which shall be directed by any officer discovering the same.

41. *And be it enacted,* That the commanding officer of each company shall appoint and dismiss, at his pleasure, his non-commissioned officers, and if any person so appointed, having accepted of such appointment, shall neglect to do the duties thereof, or refuse or neglect to obey the orders of his superiour officers, he shall forfeit and pay a sum not less than one dollar nor exceeding ten dollars, in the discretion of such court-martial as the case may require.

Non-commissioned officers to be appointed.

42. *And be it enacted,* That if any field or other commissioned officer shall be guilty of any breach of orders, or shall at any brigade, regimental, extra battalion, battalion, or company meeting, or on any other occasion when the brigade, regiment, extra battalion, battalion or company, to which he may belong, or in or over which he holds a command, is paraded, or on duty, as prescribed in this act, or in the by-laws of any company, shall misbehave, demean himself, or appear in an unofficer like manner, he shall, for such offence, be cashiered, suspended, reprimanded, or punished by fine, in the discretion of such court-martial as the case may require, not exceeding one hundred dollars, nor less than five dollars; and that the proceedings of every court-martial in case of cashiering, shall be transmitted to the commander in chief for his approbation or disapprobation: and if any non-commissioned officer, private or musician, shall at the time of parading the company, (as directed by this act, or in the by-laws of the company to which he belongs) appear drunk, or disobey orders, or use any reproachful, insulting, or abusive language, to his officers, or any of them, or shall quarrel himself, or promote any quarrel among his fellow soldiers, or interrupt them in the discharge of their duty, he may be disarmed, and put under guard, by order of the commanding officer, until the company is dismissed, and shall be fined, at the discretion of such court-martial as the case may require, a sum not exceeding twenty dollars; and if on field days, or when the brigade, regiment, or extra battalion, is paraded, any non-commissioned officer, private or musician, shall use any reproachful or insulting language to the commanding officer, oppose his orders, or promote an opposition to such orders among his fellow soldiers, he shall be disarmed and put under guard, during such parade, and he shall be tried by a court-martial, chosen by the commanding officer, consisting of three commissioned officers, attached to the regiment or extra battalion to which such offender belongs, and he shall be fined a sum not exceeding fifty dollars, in the discretion of said court.

Officers not to misbehave or be guilty of any breach of orders.

Punishment.

Non-commissioned officers and privates not to misbehave or disobey orders.

Punishment.

Further punishment.

43. *And be it enacted,* That if any by-stander shall interrupt, molest or insult, any officer, or soldier while on duty, at any time as required by this act or by the by-laws of any company, the commanding officer, at the time of such offence, may

By-standers not to offend, at parades or court-martial.

Exhibit 40

THE
L A W S
OF THE
STATE OF INDIANA,

PASSED AT THE FOURTH SESSION OF THE

GENERAL ASSEMBLY,

HELD AT CORYDON ON THE FIRST MONDAY IN DECEMBER
IN THE YEAR ONE THOUSAND EIGHT
HUNDRED AND NINETEEN.

(BY AUTHORITY.)

JEFFERSONVILLE :

PRINTED AND PUBLISHED BY ISAAC COY,
PRINTER OF THE STATE LAWS.

1820.

CHAPTER XXIII.

AN ACT to prohibit the wearing of concealed weapons.

APPROVED, January 14, 1820.

SEC. 1. *BE it enacted by the General Assembly of the State of Indiana, That any person wearing any dirk, pistol, sword in cane, or any other unlawful weapon, concealed, shall be deemed guilty of a misdemeanor, and on conviction thereof, by presentment or indictment, shall be fined in any sum not exceeding one hundred dollars, for the use of county seminaries: Provided however, that this act shall not be so construed as to affect travellers:*

Persons wearing concealed weapons indictable

Proviso

CHAPTER XXIV.

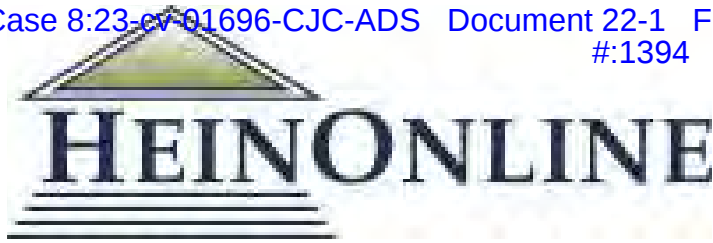
AN ACT supplemental to "an act for the appointment of County Surveyors:

APPROVED, January 14, 1820.

SEC. 1. *BE it enacted by the General Assembly of the State of Indiana, That whenever hereafter any dispute may arise about the division of any land within this state, wherein the county surveyor of the county, where the lands lie, may be a party, or in any manner interested, it shall be lawful for the Circuit Court on application of either par-*

County surveyor interested in partition Circuit court to appoint surveyor

Exhibit 41



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1820 287 .

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Chicago 17th ed.
," New Hampshire - November Session : 287-326

AGLC 4th ed.
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A.D.1820. or pistol, in any public road or near thereunto, or in or near to any house, or on or near the place of parade, unless leave therefor be first had from a commissioned officer, on penalty of paying for each offence so committed, the sum of two dollars, to be recovered by action before any justice of the peace within the county where such offence shall be committed, by any person who shall sue for the same, with costs of prosecution.

Penalty for loaded arms.

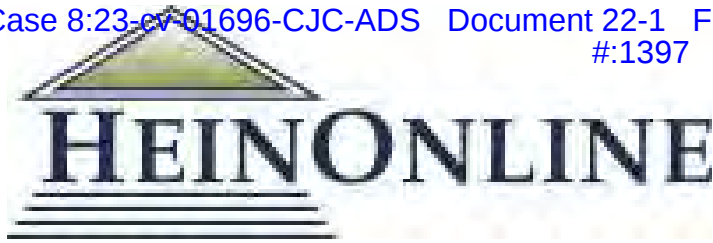
If any non-commissioned officer or private shall come on to any parade with his musket, rifle or pistol loaded with powder and ball, slugs or shot, he shall for such offence forfeit not less than two nor more than ten dollars: and if any non-commissioned officer or private shall, without leave from his officer, quit his guard, section, platoon or company, he shall for each offence forfeit not less than one, nor more than five dollars.

Fines—how recovered.

SEC. 50. *And be it further enacted,* That all fines for non-appearance, non-equipment, coming on parade without uniform, coming on parade with musket, rifle or pistol loaded with powder and ball, slugs or shot, shall be prosecuted for and recovered with costs by the respective clerks of the companies to which such non-commissioned officer or officers, private or privates, incurring such fine or forfeiture, belong, in the manner following, to wit:

The clerk of each company, after the expiration of fifteen days, and within sixty days after the day of any parade of the company to which he belongs, either company or regimental, shall make out and subscribe an information against the offending non-commissioned officer or officers, private or privates of the company, who have not been excused by the commanding officer of the company, or who have not, within fifteen days aforesaid, paid to such clerk the fine or forfeiture, or fines or forfeitures, which he or they may have incurred; which information shall within the sixty days aforesaid, be left with some justice of the peace, not being at the same time a military officer, of the county in which the offending non-commissioned officer or officers, private or privates, reside or resides; which information shall be in substance as follows, to wit:

Exhibit 42



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Citations:

Bluebook 21st ed.
1821 50 .

ALWD 7th ed.
, , 1821 50 .

Chicago 17th ed.
", " Maine - Public Acts, Revision of 1821, Regular Session : 50-682

AGLC 4th ed.
" Maine - Public Acts, Revision of 1821, Regular Session 50.

OSCOLA 4th ed.
" 1821 50

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CHAPTER LXXVI.

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

SEC. 1. **BE** it enacted by the Senate, and House of Representatives, in Legislature assembled, That it shall be within the power, and be the duty of every Justice of the Peace within his county, to punish by fine not exceeding five dollars, all assaults and batteries that are not of a high and aggravated nature, and to examine into all homicides, murders, 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.

General jurisdiction of Justices of the Peace, and their duty in criminal cases, in arresting, trying, recognizing and committing offenders.

SEC. 2. *Be it further enacted,* That all fines and forfeitures accruing for the breach of any bye-law, in any town within this State, may be prosecuted for, and recovered before any 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 before the Justices of the Peace within this State.

Breaches of the bye-laws of towns may be prosecuted before Justices of the Peace.

SEC. 3. *Be it further enacted,* That any person aggrieved at the sentence given against him, by any justice of the Peace, may appeal therefrom to the next Circuit Court of Common Pleas to be held within the same county, and shall, before his appeal is granted, recognize to the State in such reasonable 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 all writings filed before the Justice, at the Court appeal-

Persons aggrieved may appeal to the C. Court of Com. Pleas.

Must recognize with sureties,

and produce copies of case at C. C. Common Pleas.

Failing to prosecute his appeal, his default to be entered.

Court may order such case to be laid before Grand Jury, or arrest appellant, and affirm sentence, &c.

Justices may command assistance of sheriff, deputies and constables at riots, affrays, &c.

Justices may, on their own view, (in absence of sheriff, deputies or constables,) require any person to apprehend offenders.

Penalty for refusing to obey such Justice.

If the Justice be known or declared—plea of ignorance of his office not admissible.

Justices may grant subpoenas for witnesses in criminal cases:

But not on behalf of the State without consent of Attorney General, or County Attorney, except before himself.

Justices to account annually to State, County and Town Treasurers for all fines, &c.

Penalty for neglect.

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 cause him thereby to be brought before them, and when he is so in Court, shall affirm the sentence of the Justice against 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 thereof, 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 offenders. 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 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 within their respective counties, be, and they are hereby authorized and empowered to grant subpoenas 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 Peace shall account annually with the Treasurer of the State, 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.

POWER OF JUSTICES.

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

SEC. 10. *Be it further enacted,* That any party aggrieved Party aggriev-
 at the judgment of any Justice of the Peace, in a civil action, ed may appeal
 where both parties have appeared and plead, may appeal to C. C. Com-
 therefrom to the next Circuit Court of Common Pleas to be Pleas.
 held within the same county; and shall before his appeal is -Must recog-
 allowed, recognize with a surety or sureties, in such reason- nize to prose-
 able sum as the Justice shall order, not exceeding thirty dol- cute.
 lars, to pay all intervening damages and costs, and to prose- and produce co-
 cute his appeal with effect; and shall be held to produce a pies at C. C. C.
 copy of the whole case, at the Court appealed to, and both Pleas.
 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 ap-
 other appeal shall be had on such action after one trial at the peal.
 Circuit Court of Common Pleas. And the Circuit Court of Defendant in
 Common Pleas, when any person recognized as before men- trespass failing
 to bring for-

ward the action according to his recognition.—Plaintiff to have his damages.

Appellant failing to prosecute, on complaint judgment may be affirmed.

In action of trespass when defendant pleads title to real estate—mode 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 matter given in evidence except where title to real estate is relied on by defendant.

Justices may grant subpoenas in all civil actions.

May adjourn their Courts by proclamation:

No Justice to be of counsel in any suit before himself.

tioned to bring forward an action of trespass, doth neglect to do it, upon complaint thereof made in writing by the plaintiff, 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 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 pleading the title of himself or any other person under whom he 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 subpoenas 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 pending before arbitrators or referees. And every Justice of 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.

POWER OF JUSTICES.

SEC. 14. *Be it further enacted,* That when an executor or administrator shall be guilty of committing waste, whereby he is rendered unable to pay the judgment recovered before any Justice of the Peace, against the goods and estate of the deceased in his hands, out of the same, the Justice may proceed 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.

In case of waste by executor or administrator, Justice may proceed as C. C. Pleas may in such cases.

SEC. 15. *Be it further enacted,* That each Justice of the Peace shall keep a fair record of all his proceedings; and 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 any Justice of the Peace in the same county to grant a scire facias upon the same judgment, to the party against whom such judgment was rendered up, for him to show cause if any 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

Justice to keep record of his proceedings.

When Justice shall die before a judgment given by him is satisfied what proceedings to be had.

in other personal actions, where judgment is given by a Justice of the Peace. And every Justice of the Peace who shall have complaint made to him, that a judgment given by a Justice of the same county then deceased, remains unsatisfied, shall issue his summons to the person in whose possession the record of the same judgment is, directing him to bring and to produce to him the same record; and if such person shall contemptuously refuse to produce the same record, or shall refuse 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 aforesaid; and when the Justice is possessed of such record, he shall transcribe the same upon his own book of records, before he shall issue his scire facias; and shall deliver the original back again to the person who shall have produced it, and a copy of such transcription, attested by the transcribing Justice, shall be allowed in evidence in all cases, where an authenticated copy of the original might be received.

Appeal allowed to either party.

Justice to whom complaint is made in such cases may summon the person possessing the record to produce it.

Punishment for refusal so to do.

Duty of the Justice when the record is produced, to transcribe it into his own records. Copy of such transcript to be evidence.

SEC. 16. *Be it further enacted,* That all Justices of the Peace before whom actions may be commenced under former commissions, and such commissions shall expire before judgment shall be rendered thereon, or judgment being rendered, the same remains in whole or in part unsatisfied, such Justices of the Peace who shall hereafter have their said commissions seasonably renewed, and being duly qualified 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-

Justices, whose commissions expire before judgment or satisfaction, may proceed, under a new commission, seasonably obtained, to render judgment, &c.

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.]

—:00:—

CHAPTER LXXVII.

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

Justices may take recognizances for debts. SEC. 1. BE it enacted by the Senate and House of Representatives, in Legislature assembled, That every Justice of the Peace 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:—

Form of recognizance. Know all men, that I, A. B. of , in the County of , do owe unto C. D. of , the sum of , to be paid to the said C. D. on the day of ; and if I shall fail of 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 , this day of , in the year of our Lord , Witness, my hand and seal A. B.

ss. Acknowledged the day and year last abovesaid. Before E. F. Justice of the Peace.

To be recorded by the Justice. Execution may issue thereon within 3 years. 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 the Conusee; and upon the Conusee's lodging the same with 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 execution. Because A. B. of , in the County of , on the day of , 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 county of in the sum of which he ought to have paid on the day of , and remains unpaid as it is said : We command you therefore, that of the goods, chattels 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

Exhibit 43

1821

CHAP. XLIX.

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

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Mississippi, in General Assembly convened,* That from and after the passage of this act, any person or persons convicted before any magistrate of his or their wearing or carrying any pistols, dirk or other such offensive weapons, concealed about his or their persons, shall forfeit and pay the sum of fifty dollars for every such offence, to be applied to the use of the literary fund: *Provided,* That in all cases of persons travelling, they shall not be bound by the provisions of this act.

COWLES MEAD,

Speaker of the House of Representatives.

JAMES PATTON,

Lieutenant-Governor and President of the Senate.

APPROVED, NOVEMBER 28, 1821.

GEO. POINDEXTER.

CHAP. L.

An Act, to regulate the salaries of the district attorneys of the third and fourth Judicial Districts.

Salaries fixed.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Mississippi, in General Assembly convened,* That the district attorneys of the third and fourth judicial districts of this State, shall hereafter receive for their services the sum of six hundred dollars per annum, payable quarter yearly, out of any money in the treasury, not otherwise appropriated.

Repealing clause.

SEC. 2. *And be it further enacted,* That so much of the acts as allows the district attorney of the third judicial district, the sum of four hundred dollars, and the district attorney of the fourth judicial district, the sum of eight hundred dollars, be, and the same is hereby repealed.

COWLES MEAD,

Speaker of the House of Representatives.

JAMES PATTON,

Lieut. Gov. and President of the Senate.

APPROVED, NOVEMBER 28, 1821.

GEO. POINDEXTER.

Exhibit 44

THEATRES AND BALLS.

trate invited by the Mayor to replace him thereto in case of his absence. Provided that the place so reserved for the Mayor or other persons sent in his place shall be furnished without said managers being entitled to any compensation, and they shall adhere to this condition before obtaining a license to open their theatres.

ART. 14. The Mayor, as often as he may deem it necessary, shall examine whether the theatres, places of public resort be constructed with the requisite solidity, and carefully kept in repair, so that the public may assemble there without danger ; and he shall take suitable measures to prevent the accidents that might result from any negligence in that respect on the part of the proprietors, tenants or other persons having the management or direction of the said theatres, places of public spectacles, or other places of public resort.

ART. 15. The manager, acting manager or other person having the management or direction of a theatre, shall place and constantly keep, within the play-house, several large tubs, and at least one fire-engine in good repair, which must be filled on days of performance ; and on failure of complying with this requisite, and until the manager shall have complied with it, the Mayor shall order the theatre to be and remain shut up.

ART. 16. By virtue of the powers granted by law to the Mayor and City Council, the Mayor shall cause to be shut up any place of public resort, whenever the maintenance of order, the public safety or tranquillity may require it.

Approved, June 8, 1816.

An Ordinance respecting public Balls.

THE CITY COUNCIL ORDAINS AS FOLLOWS :

ART. 1. It shall not be lawful for any person to enter into a public ball-room with any cane, stick, sword or any other weapon, and every person having either a cane, stick, sword or any other weapon, shall, before he enter the ball-room, deposite the same at the office which shall be at the door of the entrance of said ball-room, where there will be a person appointed to receive and take care of such articles which he shall carefully keep, affixing to each article a number, a check of which he shall give to the owner ; and said articles shall not be returned to the persons respectively depositing them, until said persons are quitting the balls and produce their checks.

ART. 2. Every person entering in any public ball-room, in contravention to the above provision, shall pay a fine of five dollars ; and every person giving a public ball without having previously established an office at the door of the entrance of said ball-room, and without appointing a person to receive and take care, in the manner aforesaid, of the articles before mentioned shall pay a fine of twenty-five dollars, and if the offence is repeated, the offender shall forfeit the right to hold any further permission to give such public balls.

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Exhibit 45

9388X

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

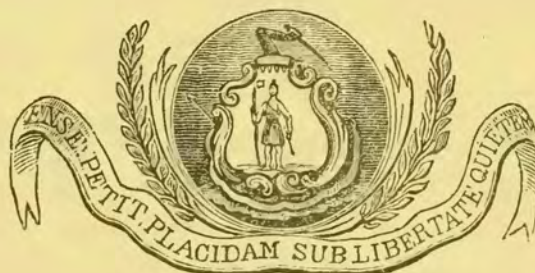
OF THE

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.

Nos. 10 & 12 Exchange Street.

1836.

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.

SECT. 11. The court, before which such appeal is prosecuted, 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 finding sureties, how discharged.

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

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 required to find 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 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, 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

Exhibit 46

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.
- 3. 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.
- 6. 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

Exhibit 47

ACTS

OF THE

GENERAL ASSEMBLY

OF

VIRGINIA,

PASSED AT THE SESSION OF **1838,**

COMMENCING 1ST JANUARY, 1838, AND ENDING 9TH APRIL, 1838,

IN THE

SIXTY-SECOND YEAR OF THE COMMONWEALTH.

RICHMOND:

PRINTED BY THOMAS RITCHIE,

Printer to the Commonwealth.

1838.

Free Negroes.—Burning in Hand.—Concealed Weapons.

CHAP. 99.—An ACT to prevent free persons of colour who leave the state from returning to it in certain cases.

(Passed April 7, 1833.)

Free negroes leaving state to be educated not permitted to return.

Infants so returning how dealt with.

Adults how punished.

Commencement.

1. *Be it enacted by the general assembly,* That if any free person of colour, whether infant or adult, shall go or be sent or carried beyond the limits of this commonwealth for the purpose of being educated, he or she shall be deemed to have emigrated from the state, and it shall not be lawful for him or her to return to the same; and if any such person shall return within the limits of the state contrary to the provisions of this act, he or she being an infant, shall be bound out as an apprentice until the age of twenty-one years, by the overseers of the poor of the county or corporation where he or she may be, and at the expiration of that period, shall be sent out of the state agreeably to the provisions of the laws now in force, or which may hereafter be enacted to prohibit the migration of free persons of colour to this state; and if such person be an adult, he or she shall be sent in like manner out of the commonwealth; and if any person having been so sent off, shall thereafter return within the state, he or she so offending shall be dealt with and punished in the same manner as is or may be prescribed by law in relation to other persons of colour returning to the state after having been sent therefrom.

2. This act shall be in force from and after the first day of August next.

CHAP. 100.—An ACT abolishing the punishment of burning in the hand in all cases.

(Passed February 8, 1833.)

Burning in hand abolished.

Commencement.

1. *Be it enacted by the general assembly,* That so much of any law of this commonwealth as authorizes or inflicts the punishment of burning in the hand in any case whatever, shall be, and the same is hereby repealed. And every person who may be hereafter convicted of any offence within the benefit of clergy, shall be punished in the mode now prescribed by law, except only the burning in the hand.

2. This act shall be in force from the passing thereof.

CHAP. 101.—An ACT to prevent the carrying of concealed weapons.

(Passed February 9, 1833.)

Penalty for carrying concealed weapons.

Courts to ascertain if murders or felonies be perpetrated by concealed weapons.

1. *Be it enacted by the general assembly,* That if any person shall hereafter habitually or generally keep or carry about his person any pistol, dirk, bowie knife, or any other weapon of the like kind, from the use of which the death of any person might probably ensue, and the same be hidden or concealed from common observation, and he be thereof convicted, he shall for every such offence forfeit and pay the sum of not less than fifty dollars nor more than five hundred dollars, or be imprisoned in the common jail for a term not less than one month nor more than six months, and in each instance at the discretion of the jury; and a moiety of the penalty recovered in any prosecution under this act, shall be given to any person who may voluntarily institute the same.

2. *And be it further enacted,* That if any person shall hereafter be examined in any county or corporation court upon a charge of murder or felony, perpetrated by shooting, stabbing, maiming, cutting or wounding, and it shall appear that the offence charged was

#1416
Concealed Weapons.—Banks.

in fact committed by any such weapon as is above mentioned, and that the same was hidden or concealed from or kept out of the view of the person against whom it was used, until within the space of one half hour next preceding the commission of the act, or the infliction of the wound, which shall be charged to have caused the death, or constituted the felony, it shall be the duty of the examining court to state that the fact did so appear from the evidence; and if the court shall discharge or acquit the accused, such discharge or acquittal shall be no bar to an indictment for the same offence in the superior court having jurisdiction thereof, provided the same be found within one year thereafter. And whether the accused shall be by such court sent on for further trial or discharged, it shall be lawful to charge in the indictment that the offence was committed in any of the modes herein before described; and upon the trial it shall be the duty of the jury (if they find the accused not guilty of the murder or felony) to find also whether the act charged was in fact committed by the accused, though not feloniously, and whether the same was committed or done with or by means of any pistol, dirk, bowie knife, or other dangerous weapon, which was concealed from or kept out of the view of the person on or against whom it was used, for the space before mentioned, next preceding such use thereof; and if the jury find that the act was so committed, they shall assess a fine against the accused, and it shall be lawful for the court to pronounce judgment as in cases of misdemeanor.

Acquittal no bar to indictment in superior court.

Offence how charged in indictment.

Verdict of jury what to contain.

Penalty.

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

Commencement.

CHAP. 102.—AN ACT to extend the act for the temporary relief of the banks of this commonwealth.

(Passed February 20, 1837.)

1. *Be it enacted by the general assembly,* That the first, second and seventh sections of the act passed on the twenty-fourth day of June, eighteen hundred and thirty-seven, entitled, "an act for the temporary relief of the banks of this commonwealth, and for other purposes," shall be, and the same are hereby continued in force till the twentieth day of March next.

Laws for temporary relief of banks extended. See post, ch. 102. Acts extra session 1837, pp. 3, 4, § 1, 2, 7.

2. *Be it further enacted,* That so much of the provisions of the act, entitled, "an act increasing the banking capital of the commonwealth," passed March the twenty-fifth, eighteen hundred and thirty-seven, as relates to the Bank of Virginia, the Farmers bank of Virginia, and the Bank of the Valley of Virginia, shall be and the same is hereby suspended until the first day of April next.

Part of act increasing banking capital suspended. Acts 1836-7, pp. 63-74.

3. This act shall commence and be in force from the passage thereof.

Commencement.

CHAP. 103.—AN ACT further to extend the act for the temporary relief of the banks of this commonwealth.

[Passed March 16, 1838.]

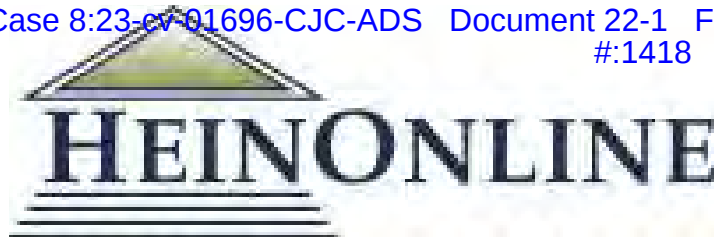
1. *Be it enacted by the general assembly,* That the first, second and seventh sections of the act passed on the twenty-fourth day of June, eighteen hundred and thirty-seven, entitled, "an act for the temporary relief of the banks of this commonwealth," be and the same is hereby continued in force till the expiration of the present session of the legislature, any law to the contrary notwithstanding.

Laws for temporary relief of banks further extended.

2. This act shall be in force from its passage.

Commencement.

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STATUTES OF WISCONSIN.

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.

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

§ 14. Every recognizance taken in pursuance of the foregoing provisions shall be transmitted by the magistrate to the district court for the county on or before the first day of the next term, and shall be there filed of record by the clerk. Recognizances transmitted to court.

§ 15. Any person who shall, in the presence of any magistrate mentioned in the first section of this statute, 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 and being of good behavior, for a term not exceeding six months, and in case of refusal may be committed as before directed. When required on view of court, &c.

§ 16. If any person shall go armed with a dirk, dagger, sword, pistol or pistols, 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 other 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. Persons going armed to give security, &c.

§ 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. Part of penalty remitted.

§ 18. Any surety in a recognizance to keep the peace or for good behavior or both, shall have the same authority and right to take and surrender his principal as if he had been bail for him in a civil cause, and upon such surrender shall be discharged and exempt from all liability for any act of the principal subsequent to such surrender, which would be a breach of the condition of the recognizance; and the person so surrendered may recognize anew, with sufficient sureties, before any justice of the peace for the residue of the term, and thereupon shall be discharged. Surety may surrender principal.

AN ACT making general provisions concerning crimes and punishments.

§ 1. That every person who shall be aiding in the commission of any offence, which shall be a felony either at common law or by any statute now made, or which shall be hereafter made, or who shall be accessory thereto before the fact, by counselling, hiring or otherwise procuring such felony to be committed, shall be punished in the same manner as is or shall be prescribed for the punishment of the principal felon. Accessory to felony before the fact, how punished.

Exhibit 49

sons, and each and every individual of said company, corporation, or unchartered banking association, so making, issuing, emitting, or putting in circulation, such note, bill, bond, draft, check, post note, or other paper, shall be held to be guilty of a misdemeanor, and shall be liable to be indicted therefor, and, upon conviction, shall be fined for every such offence, at the discretion of the jury trying the same, not less than one hundred, nor more than five hundred dollars, and, upon failure to pay the fine, shall be imprisoned in the county jail for a term not exceeding twelve months.

Penalty.

Signing such note, bill, &c. as president, cashier, or otherwise, for any such company

§ 2. If any person or persons shall sign any note, bill, bond, draft, check, post note, or any paper of other name or description whatsoever, as cashier, or president, or under any other name, or in the name of any company, incorporation, or unchartered banking association, to be put in circulation to answer the purposes of money, such president, or cashier, or other person, under any other name, so signing said note, bill, bond, draft, check, post note, or paper as aforesaid, shall be deemed guilty of a misdemeanor, and shall be liable to be indicted, and, upon conviction, shall be fined for every such offence, in a sum not less than one hundred, nor more than five hundred dollars, at the discretion of the jury trying the same, and the signatures of the person or persons, so charged, to the note, bond, bill, draft, check, post note, or paper aforesaid, shall be taken and held to be proof of such signing, unless the fact of signing be denied on oath by the defendant.

Penalty.

Unlawful to pass any such paper.

§ 3. It shall be unlawful for any person or persons, within the limits of this state, to pass off, issue, emit, or put in circulation, any note, bill, bond, check, draft, or post note, of any incorporation, company, or unchartered banking association; and any person or persons, violating the provisions of this section, shall be deemed guilty of a misdemeanor, and shall be liable to be indicted, and, upon conviction, shall be fined for every such note, bill, bond, check, draft, post note, or other paper so issued, emitted, passed off, or put in circulation, not less than twenty, nor more than one hundred dollars, at the discretion of the jury trying said offence.

Penalty.

Carrying concealed weapons, unless there be cause to apprehend an attack, or person be travelling.

§ 4. Every one, who shall hereafter carry concealed about his person, a bowie knife, or knife or instrument of the like kind or description, by whatever name called, dirk or any other deadly weapon, pistol or any species of fire arms, or air gun, unless such person shall be threatened with, or have good cause to apprehend an attack, or be traveling, or setting out on a journey, shall, on conviction, be fined not less than fifty nor more than three hundred dollars: It shall devolve on the person setting up the excuse here allowed for carrying concealed weapons, to make it out by proof, to the satisfaction of the jury; but no excuse shall be sufficient to authorize the carrying of an air gun, bowie knife, or knife of the like kind or description.

Burthen of proof, as to excuse—but none sufficient as to air gun, bowie knife, &c.

Illegal voting at elections.

§ 5. If any person shall, at the same election, vote more than once for the same candidate for the same office, or for different candidates for the same office, either in the same or in different precincts, or vote, when he is not legally authorized so to do, he shall, upon conviction, be adjudged guilty of a misdemeanor, and fined in the sum of two hundred dollars, and be imprisoned in the county jail not exceeding one year.

How punished.

Apothecary selling poisonous drugs, without label.

§ 6. Every apothecary, druggist, or other person, who shall sell and deliver any arsenic, corrosive sublimate, prussic acid, or other substance, either solid or liquid, usually denominated poisonous,

Exhibit 50

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

CHAP. 169.

may be taken after commitment. Return of such recognizance.

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

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

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

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

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

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

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

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

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

CHAPTER 170.

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

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

Exhibit 51

1846.

Proviso

lowing manner, and not otherwise, that is to say—In all criminal prosecutions, the Solicitor's fee shall be taxed in the bill of costs and collected by the Sheriff with the other costs of the case, and be by him paid over to the Solicitor: *Provided*, That in all instances where said fee or any part thereof cannot be so collected, and it shall so appear by the return of the Sheriff, then the same shall be a charge upon the Treasury of the State.

Repeal

SEC. 2. *Be it further enacted*, That all acts or parts of acts conflicting with the provisions of this act, be, and the same are hereby repealed.

[Passed the Senate, December 22, 1846. Passed the House of Representatives, December 26, 1846. Approved, December 29, 1846.]

CHAPTER 75.—[No. 5.]

AN ACT amendatory of the Criminal Laws now in force in this State

Punishment of certain offences

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That hereafter, if any person shall be convicted, whether upon indictment now pending or hereafter to be presented, of any of the offences, the punishment of which under the provisions of an act approved, February 27th, 1839, entitled, an act to amend an act entitled, an act relating to crimes and misdemeanors, approved, February 10th, 1832, is prescribed to be a fine not exceeding fifteen hundred dollars nor less than two hundred dollars, and imprisonment not exceeding six months, nor less than thirty days, at the discretion of the court, he shall be fined in any sum not exceeding fifteen hundred dollars and not less than ten dollars, and imprisoned for any time not exceeding six months and not less than one month, at the discretion of the court.

Selling liquor to slaves

Trading with slaves

SEC. 2. *Be it further enacted*, That if any person or persons shall either himself or by his servant, or agent, sell or barter to any slave or slaves, any vinous or spirituous liquors of any description, without an express license in writing from the person having control of said slave or slaves authorising said slave to purchase the same, or buy or barter with any slave or slaves any article whatever, without license as aforesaid, he, she, or they so offending, on conviction thereof before the Circuit court, shall be fined in a sum not less than twenty-five dollars nor more than two hundred dollars, or imprisoned not exceeding three months, at the discretion of the Judge.

Carrying arms secretly

SEC. 3. *Be it further enacted*, That hereafter it shall not be lawful for any person in this State to carry arms of any kind whatsoever secretly, on or about their person, and if any dirk, pistol or other arm or weapon, except a common pocket knife, shall be seen or known to be secreted upon the person of any one in this State, such person so offending, shall on conviction, be fined not exceeding five hundred dollars and not less than five dollars, or imprisoned not exceeding six months and not less than ten days, at the discretion of

Exhibit 52

ARREST &c. OF OFFENDERS.

TITLE XXXI.
CHAPTER 161.

Breach of peace
in presence of
magistrate, &c.

SEC. 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, for a term not exceeding six months, and in case of refusal, may be committed as before directed.

Person going
armed to find su-
reties for the
peace.

SEC. 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 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, for a term not exceeding six months, with the right of appealing as before provided.

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

SEC. 17. Whenever upon a suit brought on any recognizance entered into in pursuance of this chapter, 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 sur-
render his prin-
cipal, effect of
surrender.

SEC. 18. Any surety in a recognizance to keep the peace, shall have the same authority and right to take and surrender his principal as in other criminal cases, and upon such surrender shall be discharged and exempt from all liability for any act of the principal subsequent to such surrender, which would be a breach of the condition of the recognizance; and the person so surrendered may recognize anew, with sufficient sureties, before any justice of the peace or circuit court commissioner for the residue of the term, and shall thereupon be discharged.

CHAPTER 163.

OF THE ARREST AND EXAMINATION OF OFFENDERS, COMMITMENT FOR TRIAL AND TAKING BAIL.

What officers
may issue pro-
cess for the arrest
of offenders, &c.

SECTION 1. For the apprehension of persons charged with offences, excepting such offences as are cognizable by justices of the peace, the justices of the supreme court, judges of the county courts, circuit court commissioners, mayors and recorders of cities, and all justices of the peace, shall have power to issue process and to carry into effect the provisions of this chapter.

Complainant, &c.
to be examined.

SEC. 2. Whenever complaint shall be made to any such magistrate, that a criminal offence, not cognizable by a justice of the peace, has been committed, he shall examine on oath the complainant, and any witnesses who may be produced by him.

Proceedings if it
appear that an
offence has been
committed.

SEC. 3. If it shall appear from such examination, that any criminal offence, not cognizable by a justice of the peace, has been committed, the magistrate shall issue a warrant, directed to the sheriff or any constable of the county, reciting the substance of the accusation, and

Exhibit 53

ACTS

OF THE

GENERAL ASSEMBLY

OF

VIRGINIA,

PASSED AT THE SESSION COMMENCING DECEMBER 6, 1847, AND
ENDING APRIL 5, 1848,

IN THE

SEVENTY-SECOND YEAR OF THE COMMONWEALTH.

RICHMOND:

SAMUEL SHEPHERD--PRINTER TO COMMONWEALTH.

1848.

Arrest and Commitment.

15. Every person who shall, in the presence of any magistrate, mentioned in the first section of this act, 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 behaviour, for a term not exceeding six months, and in case of refusal may be committed as before directed.

Recognizances required for offences in presence of magistrate or court.

16. If any person shall go armed with any offensive or 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 be required to find sureties for keeping the peace for a term not exceeding twelve months, with the right of appealing as before provided.

Persons armed, required to find sureties.

Appeal allowed.

17. Such persons as are not of good fame may be required to give sufficient surety of their good behaviour for such term, not exceeding twelve months, as the magistrate requiring it may order.

Persons not of good fame to give surety.

CHAP. XV.

OF ARREST AND COMMITMENT.

SECTION

1. Officers empowered to act.
2. Complaints, warrants and summonses.
3. Offence committed in another county.
4. In what county warrant may be executed.
5. Prisoner, when to be brought before magistrate on arrest.
6. Magistrate, if he take bail, to return recognizance, &c.
7. Officer, how to proceed if prisoner not bailed.
8. Prisoner, when to be carried to county whence warrant issued.
9. Same subject.
10. Magistrate may adjourn examination.
11. In case of default, recognizance to be certified.
12. Proceedings when party fails to recognize.
13. } Manner of conducting examination.
14. } Manner of conducting examination.
15. } Manner of conducting examination.
16. Testimony to be reduced to writing.

SECTION

17. When prisoner to be discharged.
18. When to be bailed or committed.
19. If party entitled to examination, &c.
20. If not so entitled, and triable on indictment, &c.
21. If party charged be free negro, &c.
22. Duty of magistrate, &c.
23. Witnesses to recognize.
24. Witnesses, when to recognize with sureties.
25. Recognizances of minors, &c.
26. Witnesses refusing to recognize.
27. Magistrate may associate others.
28. Prisoner by whom let to bail.
29. Recognizances, &c. to be returned.
30. Commitments, &c. when to be discharged.
31. Orders therefor, how to be filed &c.
32. } Proceedings on forfeited recognizances.
33. } Proceedings on forfeited recognizances.
34. } Proceedings on forfeited recognizances.
35. } Proceedings on forfeited recognizances.
36. Right of surety to surrender principal.
37. To whom to be surrendered.
38. When to the court.

1. For the apprehension of persons charged with offences, the judges of the general court, and all justices of the peace in vacation as well as in term time, are authorized to issue process to carry into effect the provisions of this act.

Process to arrest for offences, by whom issued.

2. Upon complaint made to any such magistrate that a criminal offence has been committed, he shall examine on oath the complainant and any witnesses produced by him, and shall reduce the complaint to writing, and cause the same to be subscribed by the complainant; and if it shall appear that any such offence has been com-

Examination on complaint.

Warrant for arrest.	mitted, or there is just cause to believe that any such offence has been committed, the court or justice shall issue a warrant reciting the substance of the accusation, and requiring the officer to whom it shall be directed, forthwith to take the person accused and bring him before the said court or justice, or before some other court or magistrate of the county or corporation, to be dealt with according to law, and in the same warrant may require the officer to summon such witnesses as shall be therein named, to appear and give evidence on the examination.
Summons for witnesses.	
Offence committed in another county, prisoner to be conveyed there.	3. If the offence charged in the warrant be committed in any county or corporation other than that in which the warrant shall be issued, the magistrate or court before whom the person arrested may be brought, shall by warrant commit the prisoner to the custody of the officer having him in charge, or some other officer, to be by him conveyed to the county or corporation in which the offence was committed, and there taken before some magistrate thereof, and for that purpose such officer may command the necessary aid; and the warrant with the proper return thereon, signed by the officer, shall be delivered to such magistrate, who shall proceed with the case in the same manner as if the arrest had been by virtue of a warrant originally issued by him, or if the offence charged is not punishable with death or by confinement in the penitentiary, such magistrate or court may take from the person so arrested a recognizance, with sufficient sureties for his appearance at the court having cognizance of the offence, and next to be holden in the county where it shall be alleged to have been committed, and the person arrested shall thereupon be discharged; and the magistrate or court so letting such person to bail, shall certify that fact upon the warrant, and shall cause the same, together with the recognizance taken, to be delivered without delay to the clerk of the court before which the accused was recognized to appear.
Proceedings under warrant.	
When party may be bailed and discharged.	
Return of warrant and bail to proper court.	
Where warrant may be executed.	4. If any person against whom a warrant shall be issued for an alleged offence committed within any county or corporation, shall either before or after the issuing such warrant escape from or be out of the same, the officer to whom such warrant may be directed may pursue and apprehend the party charged in any county or corporation of this state, and for that purpose may command and exercise the same authority as in his own county or corporation.
Right to be brought before magistrate where arrested.	5. In all cases where the offence charged in the warrant is not punishable with death, or by confinement in the penitentiary, if the person arrested shall request that he may be brought before a magistrate of the county or corporation in which the arrest was made, for the purpose of entering into a recognizance, without a trial or examination, the officer who made the arrest shall carry him before a magistrate of that county or corporation, who may take from the person arrested a recognizance, with sufficient sureties, for his appearance at the court having cognizance of the offence, and next to be holden in the county or corporation where it shall be alleged to have been committed, and the party arrested shall thereupon be liberated.
May be bailed.	
Return of recognizance and warrant.	6. The magistrate who shall so let the person arrested to bail, shall certify that fact upon the warrant, and shall deliver the same with the recognizance by him taken to the person who made the arrest, who shall cause the same to be delivered without delay to the clerk of the court before which the accused was recognized to appear; and on application of the complainant, the magistrate who issued the warrant, shall cause such witnesses as he may think necessary to be summoned to the same court.
Witnesses to be recognized.	

7. If the magistrate in the county or corporation where the arrest was made shall refuse to let to bail the person so arrested and brought before him, or if no sufficient bail shall be offered, the officer having him in charge shall take him before the magistrate who issued the warrant, or before some other magistrate of the county or corporation in which the warrant was issued, to be proceeded with as hereafter directed.

Proceedings when bail is refused.

8. When the offence charged in any warrant is punishable with death or by confinement in the penitentiary, the officer making the arrest in some other county or corporation shall convey the prisoner to the county or corporation where the warrant was issued, and he shall be proceeded with in the manner hereinafter directed.

Prisoner, when to be carried to county whence warrant issued.

9. Every person arrested by warrant for any offence where no other provision is made for his examination thereon, shall be brought before the magistrate who issued the warrant, or before some other magistrate of the same county or corporation, and the warrant, with a proper return thereon, signed by the person who made the arrest, shall be delivered to the magistrate.

Where no other provision, like proceedings.

10. Any magistrate may adjourn an examination or trial pending before himself, from time to time, as occasion shall require, not exceeding ten days at any one time, without the consent of the accused, and to the same or a different place in the county, as he shall think proper; and in such case, if the party is charged with a felonious offence, he shall be committed in the mean time, otherwise he may be recognized in a sum and with securities to the satisfaction of the magistrate, for his appearance for such further examination, and for want of such recognizance he shall be committed to prison.

Adjournment of examination both for time and place.

Prisoner, when committed or bailed.

11. If the person so recognized shall not appear before the magistrate at the time appointed for his further examination, according to the condition of such recognizance, the magistrate shall record the default, and shall certify the recognizance, with the record of such default, to the county court at its next term, and like proceedings shall be had thereon, as upon the breach of the condition of a recognizance for appearance before that court.

Breach of recognizance to be certified to court.

Proceedings thereon.

12. When such person shall fail to recognize, he may be committed to prison by an order under the hand of the magistrate, stating concisely that he is committed for further examination on a future day, to be named in the order, and on the day appointed he may be brought before the magistrate by his verbal order to the same officer by whom he was committed, or by an order in writing to a different person.

Proceedings when party fails to recognize.

Orders of magistrates, when verbal, when written.

13. The magistrate before whom any person is brought upon a charge of having committed an offence, shall, as soon as may be, examine the complainant, and the witnesses to support the prosecution, on oath, in the presence of the party charged, touching any matters connected with such charge as may be deemed pertinent.

Mode of examination; testimony for prosecution.

14. After the testimony to support the prosecution, the witnesses for the prisoner, if he have any, shall be sworn and examined, and he may be assisted by counsel in such examination, and also in the cross-examination of the witnesses in support of the prosecution.

Testimony for prisoner. Counsel allowed.

15. The magistrate while examining any witness, may at his discretion, exclude from the place of examination all the other witnesses; he may also, if requested, or if he think proper, direct the witnesses for or against the prisoner, to be kept separate, so that they cannot converse with each other until they shall have been examined.

Witnesses may be excluded or kept separate.

16. The testimony of the witnesses examined shall be reduced to writing by the magistrate, or under his direction, when he shall think

Testimony to be reduced to writing.

- it necessary, and shall be signed by the witnesses if required by the magistrate.
- When prisoner to be discharged.** 17. If it shall appear to the magistrate upon the whole examination that no offence has been committed, or that there is not probable cause for charging the prisoner with the offence, he shall be discharged.
- When to be bailed or committed.** 18. If it shall appear that an offence has been committed, and that there is probable cause to believe the prisoner guilty, and if the offence be bailable by the magistrate, and the prisoner offer sufficient bail, it shall be taken and the prisoner discharged; but if no sufficient bail be offered, or the offence be not bailable by the magistrate, the prisoner shall be committed to prison for trial or examination.
- If entitled to examining court, to be bailed or committed therefor.** 19. If the offence be one for which the party charged may be entitled to the benefit of an examining court before trial, the magistrate shall bail or commit him for examination before the next succeeding court of his county or corporation.
- If not, and triable on indictment, like proceedings therefor.** 20. If the offence be one for which the party charged may not be entitled to the benefit of an examining court, and may be tried on an indictment, the magistrate shall bail or commit him to answer any indictment which may be found against him therefor at the next court of his county or corporation in which a grand jury may be impaneled for such county or corporation.
- If party charged be a slave or free negro.** 21. If the offence be felony, and the party charged a slave, free negro or mulatto, except in the case of free negroes and mulattoes charged with felonious homicide, or any offence punishable with death, the magistrate shall bail or commit him for trial at his next succeeding county or corporation court.
- Return of magistrate where, when and how made.** 22. If the party charged be bailed or committed for examination or trial, or to answer an indictment as aforesaid, it shall be the duty of the magistrate to return to the clerk of his county or corporation court, on or before the first day of the next term thereof, a certificate stating the nature of the offence, and that the party charged was so bailed or committed therefor; and it shall be the duty of the said clerk forthwith to inform the attorney for the commonwealth in said court that such certificate had been so returned, and to exhibit it to the said court as soon as may be after it shall have been received by him.
- Clerk to inform prosecuting attorney. To exhibit return to court.**
- Witnesses to be recognized.** 23. When the prisoner is admitted to bail or committed by the magistrate, he shall also bind by recognizance such witnesses against the prisoner as he shall deem material, to appear and testify at the next court having cognizance of the offence, and in which the prisoner shall be held to answer.
- When, with sureties.** 24. If the magistrate shall be satisfied that there is good cause to believe that any such witness will not perform the condition of his recognizance, unless other security be given, such magistrate may order the witness to enter into a recognizance with such sureties as may be deemed necessary for his appearance at court.
- Recognizances of feme covert, minors or slaves.** 25. When any married woman or minor or slave is a material witness, any other person may be allowed to recognize for the appearance of such witness, or the magistrate may in his discretion, take the recognizance of such married woman or minor, in a sum not exceeding fifty dollars, which shall be valid and binding in law, notwithstanding the disability of coverture or minority.
- Witnesses refusing to recognize, committed.** 26. All witnesses required to recognize either with or without sureties, shall if they refuse, be committed to jail by the magistrate, there to remain until they comply with such order, or be otherwise discharged according to law.

27. Any magistrate to whom complaint is made, or before whom any prisoner is brought, may associate with himself one or more of the magistrates of the same county, and they may together execute the powers and duties before mentioned.

Magistrate may associate others.

28. The circuit superior courts of law and chancery, and the county courts of the several counties, and any judge or justice thereof in vacation, on application of any prisoner committed for a bailable offence, or of any person committed for not finding sufficient securities to recognize for him, may enquire into the case and admit such prisoner or person to bail: *Provided*, That no person shall be admitted to bail by a justice of the peace in a less sum than was required by the order of commitment.

Who may let to bail.

29. All examinations and recognizances taken by any magistrate, pursuant to the provisions of this act, shall be certified and returned by him to the clerk of the court before which the party charged is bound to appear, on or before the first day of the sitting thereof; and if such magistrate shall refuse or neglect to return the same, he may be compelled forthwith by rule of court, and in case of disobedience, may be proceeded against by attachment as for a contempt.

Examinations and recognizances to be returned to clerk of court.

Magistrate compellable to make return.

30. When any person shall be committed to prison, or be under recognizance to answer to any charge of assault and battery, or other misdemeanor, for which the party injured may have a remedy by civil action, except when the offence was committed by or upon any sheriff or other officer of justice, or riotously, or with intent to commit a felony, if the party injured shall appear before the magistrate who made the commitment or took the recognizance, and acknowledge in writing that he has received satisfaction for the injury, the magistrate may in his discretion, on payment of the costs that have accrued, discharge the recognizance, or supersede the commitment, by an order under his hand, and may also discharge all recognizances, and supersede the commitment of all witnesses in the case.

Commitments when to be discharged if injured party satisfied.

31. Every such order of the magistrate discharging the recognizance of the party or witnesses, shall be filed in the office of the clerk before the sitting of the court at which they are bound to appear, and every order superseding the commitment of the party charged, or of any witness, shall be delivered to the keeper of the jail in which he is confined, who shall forthwith discharge him; and every such order, if so filed and delivered, and not otherwise, shall for ever bar all remedy by civil action for such injury.

Orders for discharge, how to be filed.

Bar to civil action.

32. When any person under recognizance in any criminal prosecution, either to appear and answer or to prosecute an appeal, or to testify in any court, shall fail to perform the condition of such recognizance, his default shall be recorded, and process shall be issued against the persons bound by the recognizance, or such of them as the prosecuting attorney shall direct.

Process against person forfeiting recognizance.

33. Any surety in such recognizance may, by leave of the court, after default, and either before or after the process has been issued against him, pay into court the amount for which he was bound as surety, with such costs as the court shall direct, and be thereupon forever discharged.

Sureties discharged by paying amount for which bound and costs.

34. When any action is brought on behalf of the commonwealth against a principal or surety in any recognizance, entered into either by a party or a witness, in any criminal prosecution, and the penalty of such recognizance shall be adjudged to be forfeited, the court may, on application of the party defendant, and if a county court, with the assent of the prosecuting attorney, remit any part or the whole of such penalty, and may render judgment thereon for the

When and how penalty on forfeited recognizance may be remitted.

commonwealth upon such terms and conditions as shall seem just and reasonable.

What neglect or omission no bar to action and no arrest of proceedings.

35. No such action brought on a recognizance, as mentioned in the preceding section, shall be barred or defeated, nor shall judgment thereon be arrested, by reason of any neglect or omission to note or record the default of any principal or surety, at the term when such default shall happen, nor by reason of any defect in the form of the recognizance, if it sufficiently appear from the tenor thereof at what court the party or witness was bound to appear, and that the court or magistrate before whom it was taken, was authorized by law to require and take such recognizance.

Right of surety to surrender principal.

36. Every surety in a recognizance shall have the same authority to take and surrender his principal, as if he had been bail for him in a civil cause, and upon such surrender shall be discharged and exempt from all liability for any act of the principal subsequent to such surrender, which would be a breach of the condition of the recognizance.

To whom to be surrendered.

37. If the recognizance be entered into before a judge or justice of the peace, the surrender shall be made to the judge or justice before whom the same was entered into, or to some other justice of the same county, and the person so surrendered, may recognize anew, with sufficient sureties, for the residue of the term, and thereupon shall be discharged, and upon his failure so to recognize, shall be committed for the residue of the term as before directed.

When surrender may be to court.

38. If the recognizance be entered into before a court, the surrender shall be made to the court if in session, and thereupon such order shall be taken in the case as the court may deem proper, and if the court be not in session, the surrender shall be made to the sheriff, sergeant or jailor of the county or corporation, and such sheriff, sergeant or jailor shall receive such defendant and commit him to the jail of his county or corporation, and give his receipt for his body, which shall be transmitted to the clerk of the court wherein the recognizance was entered into, and the court at its next session shall take such order in the case as to it may seem proper.

When to sheriff, sergeant or jailor.

CHAP. XVI.

OF CORONERS' INQUESTS.

<p>SECTION</p> <p>1. Coroners' inquests, when to be taken.</p> <p>2. Coroner to issue his warrant for jury; form of it.</p> <p>3. Duty of officer to whom warrant directed, &c.</p> <p>4. Jurors, how impaneled and sworn.</p> <p>5. Witness, how summoned; attendance, how enforced.</p> <p>6. Oath of witnesses.</p> <p>7. Testimony to be reduced to writing.</p>	<p>SECTION</p> <p>8. Inquisition how taken; form thereof.</p> <p>9. } Coroner's duty in case of murder,</p> <p>10. } &c.</p> <p>11. Coroner, when to bury the body, &c.; costs how paid.</p> <p>12. Inquest may be held on Sunday.</p> <p>13. Fine on coroner for neglect of duty.</p> <p>14. When justice may discharge duty of coroner.</p> <p>15. <i>Post mortem</i> examination.</p>
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Coroners' inquests when to be taken.

1. Coroners shall take inquests upon the view of the dead bodies of such persons only as shall be supposed to have come to their death by violence, and not when the death is believed to have been occasioned by casualty.

Coroner to issue warrant for jury.

2. As soon as any coroner shall have notice of the dead body of any person, supposed to have come to his death by violence, found or

Exhibit 54

Concealed Weapons.

1. Punishment for carrying concealed weapons in Philadelphia.

2. And in the borough of York.

1. Any person within the limits of the city and county of Philadelphia, who shall carry any fire-arms, slung-shot or other deadly weapon concealed upon his person, with the intent therewith unlawfully and maliciously to do injury to any other person, shall be deemed guilty of a misdemeanor, and upon the conviction thereof, shall be sentenced to undergo solitary confinement at hard labor in the prison of said county for a period of not less than one month, nor more than one year, at the discretion of the court: and the jury trying the case may infer such intent as aforesaid, from the fact of the said defendant carrying such weapons in the manner as aforesaid.^(a)

Punishment for carrying concealed weapons in Philadelphia.

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

And in the borough of York.

Constables.

A. ELECTION AND QUALIFICATION OF CONSTABLES.

1. Constables to be elected annually.
2. Acting constable to notify person elected.
3. Person elected to appear in court to accept or decline the office.
4. Term of office. Constable to be a freeholder or to give bond.
5. Court to appoint in case of vacancy.
6. Penalty for refusal to accept the office.
7. Exceptions.
8. Condition of constables' bonds.
9. Limitation of actions thereon against sureties.
10. How penalties to be recoverable.
11. Local laws not to be repealed.

B. APPOINTMENT OF DEPUTIES.

12. Deputies not to be appointed, without the approbation of the court, except in special cases.
13. Vacancy in the office of deputy-constable, how supplied.

C. REMOVAL FOR MISCONDUCT, &c.

14. In case of intemperance or misconduct, constable may be required, on complaint of his surety, to give additional security. In default, to be removed. In certain cases, constables appointed without security, may be required to give bond. In default, to be removed.

D. THEIR DUTIES AND LIABILITIES IN CIVIL CAUSES.

15. Duties of constables on an execution issued by a justice Return day.
16. Schedule of goods levied on to be made. Men of levy. Constable may take forthcoming bond. Form thereof. Proceedings in case of breach. Constable to be accountable for sufficiency of bail.
17. Time of levy to be indorsed. Execution not to be a lien before levy.
18. Constable to give receipt, with bill of particulars of his fees and charges. Penalty for refusal.
19. On delivery of an execution, account to be stated on the docket. Constable not to be discharged, except by producing plaintiff's receipt, or making other sufficient return. Proceedings against constable for false or insufficient return. On return of process, judgment to be entered against constable, without stay of execution. Constable may take the benefit of insolvent laws.
20. And may appeal from the judgment.
21. Transcript may be filed in the common pleas, and execution issued therefrom. Or attachment may be awarded.
22. Proceedings to compel payment of overplus to defendant.
23. Refusal to pay over money collected on execution to be

deemed a misdemeanor. Punishment.

24. When justices may issue process against constable's sureties. Appeal allowed.
25. On payment by sureties, the original judgment to vest in them.
26. Deputy-constables not to purchase at sales by their principals. Nor any other constable of the same township, &c. Penalty for so doing.
27. Constables not to sell at auction, except on execution.
28. Constables to serve process where the sheriff is interested, and no coroner in commission.

E. THEIR DUTIES IN REGARD TO ELECTIONS.

29. To give notice of election of inspectors.
30. And of township elections. Form of notice. In case of neglect, duty to be performed by supervisors or assessors.
31. Compensation for advertising township elections. And delivering certificates of election.
32. To clear election polls, in case of obstruction. Penalty for neglect or refusal. To be present at elections.
33. To report disturbances to the court. Indictments to be preferred.
34. Penalty for not reporting disturbances.
35. To be examined in reference thereto, on oath.
36. Penalty for neglect of duty in regard to elections.
37. To serve certificates of election of township officers.

F. ACTIONS AGAINST CONSTABLES.

38. No action to be brought against a constable for anything done in obedience to a warrant, without a previous demand and refusal of a copy. If furnished, justice to be made a party, or verdict rendered for defendant. In joint action against justice and constable, verdict to be rendered for constable, on proof of warrant. All costs to be taxed against the justice, in case of verdict against him. In certain cases, double costs to be recovered.
39. Limitation of actions.
40. How process to be served on constables.

G. MISCELLANEOUS PROVISIONS.

41. To return retailers of liquors. Duties of judges. Penalty for neglect.
42. To be allowed mileage for arresting and conveying to jail escaped convicts.
43. Judges to select constables to attend the courts.
44. Prothonotary or clerk to certify to attendances. To be paid by county treasurers. Except for return day.
45. Judges to fix their compensation.

A. ELECTION AND QUALIFICATION OF CONSTABLES.

1. The several acts that have been passed relating to the election of constables in the different boroughs, wards and townships, in the several counties in this commonwealth, shall be so altered and construed as that each of the electors of each borough, ward and

Constables to be elected annually.

1. Act 13 May 1850, § 14.

2. Act 8 April 1851, § 4. P. L. 362.

1. Act 9 April 1849, § 3. P. L. 508.

(a) By act 3 May 1850, § 22, establishing a police force for the city and incorporated districts of the county of Philadelphia, in case of a riot, "any person arrested upon whose person or in whose possession shall be found fire-arms, or any other deadly

weapon, shall be deemed guilty of an intention to riot, whether said fire-arms, or deadly weapon, shall be used or not, unless the contrary can be satisfactorily established, and punished accordingly." P. L. 670.

Exhibit 55

CHAPTER XVI.

Regulating the keeping and conveying Gun Powder and Gun Cotton.

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| <p>§ 1. Gun powder not to be sold without permit.</p> <p>2. Applications for, how made; not more than four in any block to be granted; clerk to register permits; not more than fifty pounds to be kept; when not to be weighed unless sealed; sign to be kept on the door.</p> <p>3. Gun powder not to be conveyed through the streets unless secured.</p> <p>4. No vessel laden with to make fast at dock or lie in the river; penalty for.</p> | <p>5. Mayor may cause vessel to be removed when; penalty for resisting or refusing to obey order.</p> <p>6. Permits to expire on 10th of June; to whom permits shall not be granted.</p> <p>7. Duty of certain officers to execute this ordinance.</p> <p>8. Penalties to be distributed; one half to fire department; the other to firemen's fund.</p> <p>9. Individuals may keep one pound.</p> |
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Be it ordained by the common council of the city of Chicago,

I. That no person shall keep, sell, or give away gun powder or gun cotton in any quantity without permission of the common council or mayor in writing, signed by the mayor and clerk and sealed with the corporate seal, under a penalty of twenty-five dollars for every offence.

II. All applications for permits shall be addressed to the common council or mayor in writing, signed by the applicant. Not exceeding four permits shall be granted in any block. When the number of applications in any block shall at any time exceed the number to be granted, the requisite number shall be chosen by ballot. When issued the clerk shall make an entry thereof in a register to be provided for the purpose, which entry shall state the name and place of business and date of permit. Persons to whom permits may be issued shall not have or keep at their place of business or elsewhere within the city, a greater quantity of gun powder or gun cotton than fifty pounds at one time, and the same shall be kept in tin canisters or cases containing not to exceed thirteen pounds each, and in a situation remote from fires or lighted lamps, candles or gas, from which they may be easily removed in case of fire. Nor shall any person sell or weigh any gun powder or gun cotton after the lighting of lamps in the evening, unless in sealed canisters or cases. It shall be the duty of every person to whom a permit shall be given to keep a sign at the front door of his place of business with the words "gun powder and gun cotton" painted or

Exhibit 56

PROCEEDINGS TO PREVENT CRIME.

deem the complaint unfounded, frivolous, or malicious, he shall order the complainant to pay the costs of prosecution, who shall thereupon be answerable to the magistrate and the officer for their fees as for his own debt.

Costs by whom paid

SEC. 10. When no order respecting the costs is made by the magistrate, they shall be allowed and paid in the same manner as costs before justices in criminal prosecutions; but in all cases where a person is required to give security for the peace or for his good behavior, the magistrate may further order the costs of prosecution or any part thereof to be paid by such person, who shall stand committed until such costs are paid, or he is otherwise legally discharged.

Appeal when allowed.

SEC. 11. Any person aggrieved by the order of any justice of the peace requiring him to recognize as aforesaid, may, on giving the security required, appeal to the district court next to be holden in the same county, or that county to which said county is attached for judicial purposes.

When magistrate may require witness to recognize.

SEC. 12. 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 appeal is made.

District court how to proceed upon such appeal.

SEC. 13. The court before which such appeal is prosecuted, 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 he may deem just and reasonable.

When appellant fails to prosecute appeal, recognizance to be in force.

SEC. 14. 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.

After commitment, how defendant may be discharged.

SEC. 15. Any person committed for not finding sureties, or refusing to recognize as required by the court or magistrate, may be discharged by any judge or justice of the peace on giving such security as was required.

Recognizance to be transmitted to district court.

SEC. 16. Every recognizance taken in pursuance of the foregoing provision, shall be transmitted by the magistrate to the district court for the county, on or before the first day of the next term, and shall be there filed of record by the clerk.

When person may be ordered to recognize without warrant.

SEC. 17. Any 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, and being of good behavior, for a term not exceeding six months, and in case of a refusal, may be committed as before directed.

Persons carrying offensive weapons how punished.

SEC. 18. If any person shall go armed with a dirk, dagger, sword, pistol or pistols, 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 other 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.

Suit brought on recognizance.

SEC. 19. Whenever upon a suit brought on any such recognizances, the penalty thereof shall be adjudged forfeited, the court may remit such

Exhibit 57

LAW^s OF THE THIRD SESSION.

67

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

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

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

Translation.

AN ACT

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

Sec. 1. Kind of arms prohibited.

Sec. 2. Duties of sheriffs and constables.

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

Sec. 4. Punishment for violation of this law.

Sec. 5. Disposition of fines.

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

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

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

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

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LAW^s OF THE THIRD SESSION.

67

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

Juez de Paz para obtener la licencia, quien, habiendola concedida le impondrá al impetrante, que debe conserbar el buen orden, y para esto le recibirá juramento de que procederá fielmente como un oficial de policia, que ejercera durante el baile ò Fandango poseyendo las facultades de un Alguacil y que no permitirá el, que ninguna persona entre al baile ó pieza contigua donde se venda Licor ó que permanezca en ellas con armas, fierros ù otros instrumentos destructores, ya sean mostrados ù ocultos, sobre su persona, y si alguna persona ò personas entraren à dicho baile ò antesala, con armas peligrosas sobre su persona, al ser convicta de tal ofensa ante el Juez de Pruebas ò Juez de Paz sufrirá las mismas penas descritas en la seccion primera de este decreto.

Proveido, que si la persona que solicita la licencia para baile ò Fandango, no fuera competente, el Juez de Pruebas ó Juez de Paz como sea el caso, le impondrá que le presente una persona competente que deba funcionar como un oficial de policia y le recibirá el juramento como prescripto en la anterior seccion :

SEC. 4 Que la persona ò personas que den Fandangos ò bailes seràn suceptibles á las penas designadas en las anteriores secciones de este decreto, si permiten que permanescan persona ò personas armadas en dicho baile y así tambien está sugeto á las mismas penas el oficial de policia que falte ó quebrante lo prevenido en este decreto.

SEC. 5. Que todas las multas que resulten de las provsiones de este decreto seràn cobradas para el uso del respectivo condado.

Aprobado Enero 14 de 1853.

UN ACTO

Proveyendo para el pagamento de los Salarios de Oficiales Territoriales, no proveido de otro modo por la ley.

Sec. 1. Pagamento de oficiales segun el codigo de Kearney.

Sec. 2. Aprobados y pagados, como.

for a License for the same—who, after having granted such license, shall inform the applicant, that he must maintain good order, and for this purpose he shall swear him to faithfully discharge his duties as police officer and perform said duties during such Ball or Fandango, possessing the powers of a Sheriff, and that he will not permit any person to enter said Ball or room adjoining said ball where Liquors are sold, or to remain in said balls or Fandangos with fire arms or other deadly weapons, whether they be shown or concealed upon their persons and if any person or persons shall enter said Balls or Fandangos or ante-chamber, with deadly weapons upon their person, upon conviction for such offence before any Probate Judge or Justice of the Peace, they shall suffer the punishment prescribed in the first section of this Law.

Provided, that, in case any person desires a license for a ball or fandango, who shall not be competent, the Probate Judge or Justice of the Peace as the case may be, shall require him to present a competent person, who shall discharge the duties of a Police Officer, and shall swear him as prescribed in the foregoing section.

SEC. 4. That any person or persons giving Balls or Fandangos shall be liable to the punishments prescribed in the foregoing sections of this Law—if they permit any person or persons armed to remain in said Balls or Fandangos, they shall also be subject to the same penalties of the Police Officers who fail to discharge their duties or violate the provisions of this Law.

SEC. 5. That all fines collected by the provisions of this Law shall be applied to the use of the respective counties.

Translation.

AN ACT

Providing for the payment of the Salaries of Territorial Officers, not otherwise provided for by Law.

Sec. 1. Payment of officers under the Kearney code.

Sec. 2. How audited and paid.

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Exhibit 59

CHAP. 17. charged by any judge or justice of the peace, on giving such security as was required.

Recognizances when to be transmitted.

SEC. 15. Every recognizance taken in pursuance of the foregoing provisions, shall be transmitted by the magistrate to the district court for the county, on or before the first day of the next term, and shall be there filed of record by the clerk.

Order to recognize without warrant.

SEC. 16. Any 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, and being of good behavior for a term not exceeding six months, and in case of a refusal, may be committed as before directed.

Armed persons, when required to find sureties.

SEC. 17. 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, injury, or other violence to his person, or to his family or property, he may, on complaint of any other 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.

Suit on recognizance.

SEC. 18. Whenever on 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 principal.

SEC. 19. Any surety in a recognizance to keep the peace, or for good behavior, or both, shall have the same authority and right to take and surrender his principal, as if he had been bail for him in a civil case, and upon such surrender, shall be discharged and exempted from all liability for any act of the principal, subsequent to such surrender, which would be a breach of the condition of the recognizance; and the person so surrendered, may recognize anew with sufficient sureties, before any justice of the peace for the residue of the term, and thereupon shall be discharged.

CHAPTER XVII.

ARRESTS.

- SEC. 1. Arrest defined.
- 2. Arrest, how and by whom made.
- 3. Every person must aid officer in making arrest, if required.
- 4. Arrest for felony and misdemeanor, when may be made.
 - 5. As to what constitutes arrest.
- 6. Officer may pursue fugitive into other counties.
- 7. When an officer or private person may arrest without warrant.
- 8. Arrest, how made in such case.
- 9. Escape and capture of prisoner.

Arrest.

SEC. 1. Arrest is the taking a person into custody, that he may be held to answer for a public offence.

Exhibit 60

TUESDAY, MARCH 16, 1858.

REGULAR MEETING—3 P. M.

PRESENT :

Commissioner Gray,	Commissioner Fields,
“ Dillon,	“ Green,
“ Russell,	“ Strong,
“ Butterworth,	“ Hogg.
“ Hutchins,	

On motion, the reading of the minutes of the previous meeting was dispensed with.

On motion of Mr. BUTTERWORTH, it was

Resolved, That the Annual Report of this Board to the Common Council, dated January 30, 1858, be printed as one of the documents of this Board.

As follows :

Ayes—Messrs Dillon, Butterworth, Gray, Fields, Green, Strong, Hogg—7.

On motion of Mr. DILLON, the ordinances recommended by the Superintendent were adopted, as follows :

“Be it ordained by the Commissioners of the Central Park :

All persons are forbidden

To enter or leave the Park except by the gateways.

To climb or walk upon the wall.

To turn cattle, horses, goats or swine into the Park.

To carry fire-arms or to throw stones or other missiles within it.

To cut, break, or in any way injure or deface the trees, shrubs, plants, turf, or any of the buildings, fences, bridges, or other constructions upon the Park ;

Or to converse with, or in any way hinder those engaged in its construction.

Exhibit 61

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Minnesota: Laws, statutes, etc.
= Codes. Criminal

57
of

THE

PENAL CODE

OF THE

STATE OF MINNESOTA,

TO TAKE EFFECT JANUARY 1, A. D. 1886,

WITH NOTES OF DECISIONS,

FURNISHED BY THE

ATTORNEY GENERAL.

S
115/12
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SAINT PAUL:
THE PIONEER PRESS COMPANY,
1885.

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123 KEEPING GUNPOWDER UNLAWFULLY. §§ 320-323.

View of premises in the discretion of the court. *Chute v. State*, 19 Minn., 271 (230).

Indictment charging maintaining a dangerous building and a filthy building, bad for duplicity. *Chute v. State, supra*; *State v. Wood*, 13 Minn., 121 (112); *State v. Coon*, 14 id., 456 (340).

Building charged as on lots 1 and 2 and proof that it is also on lot 3, not a case of variance. *Chute v. State, supra*, and cases cited; *State v. Galvin*, 27 Minn., 16.

A jury in a criminal case, is a body of twelve men. *State v. Everett*, 14 Minn., 439 (330).

The title to real estate may become involved, and a justice of the peace should thereupon proceed under § 169, ch. 65. Gen. Statutes 1878. *State v. Sweeny*, 21 N. W. Rep., 847. See *State v. Cotton*, 29 Minn., 187; *State v. Leslie*, 30 id., 533.

When highway open to public use. *State v. Leslie*, 30 Minn., 533.

SEC. 320. Unequal damage.—An act which affects a considerable number of persons, in either of the ways specified in the last section, is not less a nuisance because the extent of the damage is unequal.

SEC. 321. Maintaining a nuisance a misdemeanor.—A person who commits, or maintains, a public nuisance, the punishment for which is not specially prescribed, or who willfully omits or refuses to perform any legal duty relating to the removal of such a public nuisance, is guilty of a misdemeanor.

SEC. 322. Permitting building to be used for nuisance.—A person who lets, or permits to be used, a building, or portion of a building, knowing that it is intended to be used for committing, or maintaining, a public nuisance, is guilty of a misdemeanor.

See §§ 291, 297, *supra*.

SEC. 323. Keeping gunpowder unlawfully.—A person who makes, or keeps, gunpowder, nitro-glycerine, or any other explosive or combustible material, within a city or village, or carries such materials through the streets thereof, in a quantity or manner prohibited by law, or by ordinance of the city or village, is guilty of a misdemeanor.

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§§ 324-326. OMITTING TO LABEL DRUGS. 124

And a person who, by the careless, negligent or unauthorized use or management of gunpowder or other explosive substance, injures, or occasions the injury of, the person or property of another, is punishable by imprisonment in the county jail for not more than one (1) year.

See § 172, *supra*; §§ 477, 484, *post*.

Peo. v. Sands, 1 Johns., 78; *Myers v. Malcolm*, 6 Hill, 292; *Bradley v. Peo.*; 56 Barb., 72; *Heeg v. Licht*, 80 N. Y., 579.

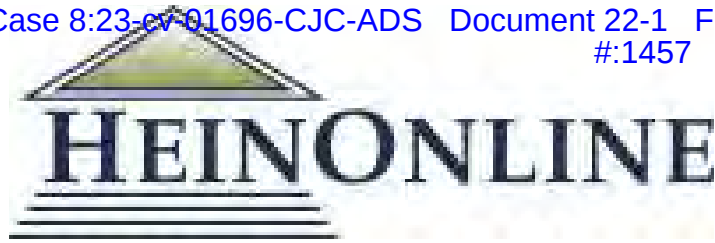
SEC. 324. Obstructing health officer in performance of his duty.—A person who willfully opposes, or obstructs, a health officer, or physician charged with the enforcement of the health laws, in performing any legal duty, is guilty of a misdemeanor.

SEC. 325. Willful violation of health laws.—A person who willfully violates any provision of the health laws, the punishment for violating which is not otherwise prescribed by those laws, or by this code, and a person who willfully violates, or refuses, or omits to comply with any lawful order or regulation prescribed by any board of health or health officer, or any regulation lawfully made or established by any public officer under authority of the health laws, is punishable by imprisonment in the county jail not exceeding one (1) year, or by a fine not exceeding two thousand (2,000) dollars, or by both.

SEC. 326. Apothecary omitting to label drugs, or labeling them wrongly.—An apothecary or druggist, or a person employed as clerk, or salesman, by an apothecary or druggist, or otherwise carrying on business as a dealer in drugs or medicines, who, in putting up any drugs or medicines, or making up any prescription, or filling any order for drugs or medicines, willfully, negligently, or ignorantly omits to label the same, or puts any untrue label, stamp, or other designation of contents upon any box, bottle, or other package containing a drug or medicine, or substitutes

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shall be forever precluded from claiming and showing that said taxes have not been paid, but it shall be taken as conclusively proved that said taxes have been paid. *Provided, however,* that in all cases where the selectmen of any town in this state have heretofore returned to the town clerk a list of the names of persons whose state or town taxes have been by them abated, and have neglected to subscribe their names thereto, the same shall not, by reason of such neglect, be thereby invalidated, and may be proved by any other proper evidence.

Omission of signatures of selectmen not to invalidate lists of abatements heretofore made.

SEC. 4. Any collector of taxes knowingly and designedly making a false certificate, and any selectman of any town knowingly and designedly making a false list of persons whose taxes shall be abated under this act, shall pay a fine not exceeding two hundred dollars; said offence to be a crime, and to be prosecuted and proceeded with like other criminal offences.

Penalty for making false certificate or list.

SEC. 5. The fifth section of the act to which this is an addition, and all acts and parts of acts inconsistent herewith, are hereby repealed.

Approved, June 24th, 1859.

CHAPTER LXXXII.

An Act in addition to and in alteration of "An Act for forming and conducting the Military Force."

Be it enacted by the Senate and House of Representatives in General Assembly convened:

SEC. 1. There shall be one parade annually, sometime in the month of May, for one day only, by company; also one parade annually, for one day only, by regiment or brigade, in the month of August or September, as the commanding officer of the division shall direct, with the approval of the commander-in-chief.

Parades.

SEC. 2. Chaplains, surgeons, paymasters, engineers and sergeant-majors, may appear on horseback only on days of general review; on all other occasions, they shall appear on foot.

What officers may appear on horseback, on days of general review, only.

SEC. 3. Every company that shall comply with the provisions of the military laws, shall be allowed, out of

Allowance for rent of armory and drill-room.

the state treasury, the sum of seventy-five dollars per annum, as rent for armory and drill-room, upon a certificate from the adjutant-general that such company is justly entitled to receive the same.

Allowance to governor's guards.

SEC. 4. Any company of governor's guards which shall do duty in accordance with the provisions of law, shall be allowed seventy-five dollars per annum for armory rent.

Temporary erections for sale of liquors or gambling, near parade ground, may be abated as nuisances.

SEC. 5. If any booth, shed, tent, or other temporary erection, within one mile of any military parade-ground, muster-field or encampment, shall be used and occupied for the sale of spirituous or intoxicating liquor, or for the purpose of gambling, the officer commanding said parade-ground, muster-field or encampment, the sheriff or deputy-sheriff of the county, or any justice of the peace, selectman, or constable of the town in which such booth, shed, tent, or other temporary erection is situated, upon having notice or knowledge that the same is so used or occupied, shall notify the owner or occupant thereof to vacate and close the same immediately; and, if said owner or occupant shall refuse or neglect so to do, said commanding officer, sheriff, deputy-sheriff, justice of the peace, selectman or constable, may forthwith abate such booth, shed, tent, or other such temporary erection, as a nuisance, and may pull down or otherwise destroy the same, with the assistance of any force, civil or military.

Board of officers may be appointed to prepare system of regulations.

SEC. 6. The commander-in-chief is hereby authorized to appoint a board of officers to prepare a system of general regulations for the government of the militia, for which services no compensation shall be claimed or allowed.

Quarter-master-general to inspect armories, gun-houses, &c., annually.

SEC. 7. It shall be the duty of the quarter-master-general, annually, to inspect the armories and gun-houses of the several companies, and also the rooms occupied by the regimental bands; and, on or before the first day of November, to make to the adjutant-general a full report of the condition of the same, and what companies are entitled to the allowance for armory rent; for which services he shall be allowed the sum of nine cents for every mile of necessary travel.

Compensation.

Companies may adopt and enforce regulations, and by laws.

SEC. 8. Each company may adopt, by a vote of two-thirds of its members, rules, regulations and by-laws for the government of its members, not inconsistent with the militia laws; and such rules, regulations and by-laws

shall be binding, and may be enforced by process of law; and any member who shall violate any such rule, regulation or by-law, may be expelled from his company by a major vote of the same, provided that such vote is approved by the commander of the regiment.

SEC. 9. Assessors of persons liable to pay the commutation tax, as provided in section nine of the act approved June 28, 1856, shall be allowed the sum of one cent for each person so assessed; and each collector of commutation taxes shall be allowed the sum of two cents for each tax actually collected and paid into the town treasury by him; and, if any assessor or collector shall refuse or neglect to perform the duty required by said act, he shall forfeit to the state not less than fifty nor more than one hundred dollars.

Compensation of assessors and collectors of commutation tax.

Penalty for neglect.

SEC. 10. Second lieutenants of companies are hereby required to attend the officers' drill, established by act approved June 29, 1855, and to comply with all laws relative thereto.

Second lieutenants required to attend officers' drill.

SEC. 11. This act shall take effect from and after its passage; and section twenty-eight, of the act approved July 1, 1854,—section one, of the act approved June 28, 1856,—section one, section nine, of the act approved June 25, 1857,—and all other acts or parts of acts, inconsistent herewith, are hereby repealed. Section three, of the act approved June 29th, 1855, is hereby re-enacted.

To take effect from passage.

Repeal.

Re-enactment of provision of 1855, for officers' drill.

Approved, June 24th, 1859.

CHAPTER LXXXIII.

An Act concerning Communities and Corporations.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

The secretaries or clerks of all stock fire and fire and marine insurance companies who are by law required to make returns to the comptroller, in the month of January of each year, shall, at the time of making said return, pay the expense of making the record of the same.

Insurance companies to pay expense of recording returns to comptroller.

Approved, June 24th, 1859.

Exhibit 63

CRIMINAL PRACTICE ACT.

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receive, or agree for in any way, any bribe, present, or reward to him offered, for the purpose of obtaining or influencing his opinion, judgment, verdict, sentence, report or award, in any matter or cause depending, or to be tried before him alone, or before him with others, he shall, on conviction thereof, be imprisoned in the penitentiary not more than seven years, nor less than one year, or be imprisoned in the county jail not more than one year, nor less than one month, and be fined in any sum not exceeding one thousand dollars.

SEC. 74. If any executive, judicial, or ministerial officer, or member of the legislative assembly, shall accept or receive, or agree to accept or receive, in any way, any bribe, present, or reward to him offered, for the purpose of inducing or influencing such officer to appoint any person to office, to give any vote, or to execute any of the powers in him vested, or perform any duty of him required, with partiality or favor, or otherwise than is required by law, or in consideration that such officer hath appointed any person to any office, or voted or exercised any power in him vested, or performed any duty of him required with partiality or favor, or otherwise, contrary to law, he shall, on conviction thereof, be imprisoned in the penitentiary not more than ten years, nor less than one year, or in the county jail not more than one year, nor less than three months, and be fined in any sum not exceeding five thousand dollars.

SEC. 75. Every person who shall bribe, or offer or attempt to bribe, any of the officers mentioned in the two preceding sections, shall, on conviction thereof, be imprisoned in the county jail any length of time not exceeding one year, and be fined in any sum not exceeding two thousand dollars, or fined only.

SEC. 76. Every person who shall convey into any penitentiary, jail or house of correction, or house of reformation, any disguise, or any instrument, tool, weapon or other thing, adapted to, or useful, in aiding any prisoner there, lawfully committed or detained, to make escape, or shall by any means whatever aid or assist any such prisoner, in his endeavor to escape therefrom, whether such escape be attempted or effected or not; and every person who shall aid or assist any prisoner in escaping, or in attempting to escape from any officer or person who shall have the lawful custody of such prisoner, or who shall forcibly rescue any prisoner from lawful custody of such persons, shall, on conviction thereof, be imprisoned in the penitentiary not more than four years, nor less than one year, or imprisoned in the county jail any length of time not exceeding one year, and be fined in any sum not exceeding five hundred dollars.

SEC. 77. If any jailor or other officer shall voluntarily suffer any prisoner in his custody, charged with or convicted of any criminal offense,