

No. 24-5566

**IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

GARY SANCHEZ,
Plaintiff and Appellant,

v.

ROB BONTA, IN HIS OFFICIAL CAPACITY AS
ATTORNEY GENERAL OF THE STATE OF CALIFORNIA,
Defendant and Appellee.

**On Appeal from the United States District Court
for the Southern District of California**
No. 24-cv-767-RSH-MSB
Hon. Robert S. Huie, District Judge

**CIRCUIT RULE 28-2.7 ADDENDUM TO APPELLEE'S
REPLACEMENT ANSWERING BRIEF**

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TABLE OF CONTENTS

<u>Description</u>	<u>Page</u>
CURRENT CALIFORNIA STATUTES	
Cal. Penal Code § 33410.....	1
Cal. Penal Code § 17210.....	2
HISTORICAL STATUTES¹	
7 Rich. 2, ch. 13 (1383).....	3
33 Hen. 8, ch. 6, §§ 1, 18 (1541)	4
An Act Against Wearing Swords (1686), reprinted in The Grants, Concessions, and Original Constitutions of the Province of New Jersey 289–90 (1881)	8
1750 Mass. Acts 544, ch. 17, § 1	11
1763-1775 N.J. Laws 346, ch. 539, § 10	15
1786 Mass. Acts 87, ch. 38	20
1788-1801 Ohio Laws 321, 323.....	25
An Act to Describe, Apprehend and Punish Disorderly Persons § 2 (1799), <i>reprinted in</i> Laws of the State of New Jersey 474 (Nettleton ed., 1821).....	31
1837 Ala. Acts 7, No. 11, §§ 1–2.....	34
1837 Ga. Acts 90, § 1.....	35
1837-1838 Tenn. Pub. Act 200, ch. 137, § 1	37
1849 N.Y. Laws 403–04, ch. 278, §§ 1–2	39
1849 Vt. Acts & Resolves 26, No. 36, §§ 1–2.....	41
1850 Mass. Gen. Stat. ch. 194, § 2	42

¹ For the Court’s convenience, this addendum includes select historical statutes that are cited in the accompanying answering brief. Those historical laws are not exhaustive of all relevant analogues.

TABLE OF CONTENTS

<u>Description</u>	<u>Page</u>
HISTORICAL STATUTES (CONTINUED)	
1855 Ky. Acts 96, ch. 636, § 1.....	43
1868 Fla. Stat., ch. 1637, <i>reprinted in</i> Blount et al., The Revised Statutes of the State of Florida 783, tit. 2, art. 5, § 2425 (1892).....	45
1871 Tex. Laws 25, § 1.....	48
1877 N.D. Laws 794, §§ 455-56.....	52
1879 Tenn. Pub. Acts 135, ch. 96, § 1.....	55
1881 Ark. Acts 191, § 1.....	57
1881 Ill. Laws 73, § 1.....	59
1883 Tenn. Pub. Acts 17, ch. 13, § 1.....	61
1889 Ariz. Sess. Laws Act 13, § 1.....	62
1890 Okla. Sess. Laws 475–76, §§ 18–19.....	66
1903 S.C. Acts 127–28, No. 86.....	68
1909 Me. L., ch. 129, § 1, p. 141.....	70
1911 N.J. Laws, ch. 128, § 1, p. 185.....	72
1912 Vt. Acts & Resolves, No. 237, p. 310.....	75
1913 Minn. L., ch. 64, p. 55.....	76
1916 N.Y. Laws 338–39, ch. 137, § 1.....	77
1917 Cal. Stat. 221, ch. 145, §§ 1–3.....	79
1926 Mass. Acts 256, ch. 261.....	84
1927 Mich. Pub. Acts, No. 372, § 3, pp. 888–89.....	85
1927 R.I. Pub. L., ch. 1052, § 8, p. 259.....	88
1933 Cal. Stat., ch. 39, at 329-30.....	92

West's Annotated California Codes

Penal Code (Refs & Annos)

Part 6. Control of Deadly Weapons (Refs & Annos)

Title 4. Firearms (Refs & Annos)

Division 10. Special Rules Relating to Particular Types of Firearms or Firearm Equipment (Refs & Annos)

Chapter 9. Silencers (Refs & Annos)

West's Ann.Cal.Penal Code § 33410

§ 33410. Possession; fines and penalties

Effective: January 1, 2012

[Currentness](#)

Any person, firm, or corporation who within this state possesses a silencer is guilty of a felony and upon conviction thereof shall be punished by imprisonment pursuant to [subdivision \(h\) of Section 1170](#) or by a fine not to exceed ten thousand dollars (\$10,000), or by both that fine and imprisonment.

Credits

(Added by [Stats.2010, c. 711 \(S.B.1080\)](#), § 6, operative Jan. 1, 2012. Amended by [Stats.2011, c. 15 \(A.B.109\)](#), § 554, eff. April 4, 2011, operative Jan. 1, 2012.)

Editors' Notes

LAW REVISION COMMISSION COMMENTS

2010 Addition

Section 33410 continues former Section 12520 without substantive change.

See [Section 17210](#) (“silencer”). [38 Cal.L.Rev.Comm. Reports 217 (2009)].

Notes of Decisions (6)

West's Ann. Cal. Penal Code § 33410, CA PENAL § 33410

Current with urgency legislation through Ch. 1002 of 2024 Reg.Sess. Some statute sections may be more current, see credits for details.

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West's Annotated California Codes
Penal Code (Refs & Annos)
Part 6. Control of Deadly Weapons (Refs & Annos)
Title 1. Preliminary Provisions (Refs & Annos)
Division 2. Definitions (Refs & Annos)

West's Ann.Cal.Penal Code § 17210

§ 17210. Silencer defined

Effective: January 1, 2012

[Currentness](#)

As used in Chapter 9 (commencing with [Section 33410](#)) of Division 10 of Title 4, “silencer” means any device or attachment of any kind designed, used, or intended for use in silencing, diminishing, or muffling the report of a firearm. The term “silencer” also includes any combination of parts, designed or redesigned, and intended for use in assembling a silencer or fabricating a silencer and any part intended only for use in assembly or fabrication of a silencer.

Credits

(Added by [Stats.2010, c. 711 \(S.B.1080\)](#), § 6, operative Jan. 1, 2012.)

Editors' Notes

LAW REVISION COMMISSION COMMENTS

2010 Addition

Section 17210 continues former Section 12500 without substantive change. [38 Cal.L.Rev.Comm. Reports 217 (2009)].

West's Ann. Cal. Penal Code § 17210, CA PENAL § 17210

Current with urgency legislation through Ch. 1002 of 2024 Reg.Sess. Some statute sections may be more current, see credits for details.

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force & Vtrue en toutz pointz; et outre ceo est auxint assentuz q̄ si aucun alien eit purchacez ou desore purchace aucun benefice de Seinte Eglise Dignite ou autre & en ppre p̄sone p̄sone possession dicelle ou loccupie de fait, deinz mesme le Roialme, soit il a son oeps ppre, ou al oeps dautri sanz especiale congie du Roi, soit il compris en mesme lestatut, & outre ceo encourage en toutz pointz tielx peines & forfaiture come sont ordeignez p un autre estatut fait en lan xxv^e del regne luy noble Roi E. aiel n̄re R^e le Roi qore est, contre ceux qi purchacent p̄visions dabbies ou Pories; et en outre au fyn q̄ tielx licences ne se facent desore enavant, le Roi voet & comande a toutz ses lieges & autres qils lour abstiegnent de cy enavant de luy prier dascuns tiels licences doner; et si voet auxi le Roi luy mesmes abstiegnent de doner aucune tiele licence, durantes les guerres horspris au Cardinal de Naples ou a autre especiale p̄sone a qi le Roi soit p especiale cause tenez.

xiiij.

Item est ordeignez & assentuz & le Roi defende q̄ desoremes null hōme chivache deinz le Roialme armez, encontre la forme de lestatut de Northampton sur ce fait, ne ovesq lancegay deinz mesme le Roialme, les queux lancegayes soient de tout oustez deinz le dit Roialme come chose defendue p n̄re R^e le Roi, sur peine de forfaiture dicelx lancegayes armures & auts herneys quelconques es mayns & possession de celluy qi les port'a desore deinz mesme le Roialme contre cestz estatut & ordonances sanz especiale congie de Roi n̄re R^e.

xiiij.

Item es briefs de p̄munire fā est assentuz & accordez q̄ ceux V̄s queux tielx briefs sont portez, & qi sont de p̄sent hors de Roialme & sont de bone fame & aient faitz lo' genalx atto'nes devant lo' deptir, q̄ le Chaunceller [Dengle're'] pur le temps esteant, p ladvis des Justices purra ḡntier q̄ mesmes les p̄sones purront apparoir & respondre & faire & resceivre ce q̄ la ley demande, p lo' genalx atto'nes avantdiz siavant come es autres cas & queeles; et ceux p̄sones qi decy enavant passeront p licence n̄re R^e le Roi & soient auxint de bone fame, q̄ a lo' requeste le dit Chaunceller p ladvis des Justices lour purra ḡntier defaire lo' genalx atto'nes en la Chancellerie p patent du Roi devant lo' passer, [a respondre'] sibn es ditz briefs de p̄munire fā, come en auts queeles en quel cas toutes voies soit exp̄sse mencion [faite'] des briefs & queeles de p̄munire fā; et celle patente ensi faite, purront des lors les ditz atto'nes en absence de lo' Meistres, respondre p eux & auts atto'nes desouz eux, devant quelconq̄ juge du Roialme & faire & resceivre el dit cas, siavant come en null autre cas nientcontrestant aucun estatut fait a cont̄rie avant ces heures.

Item sur la grevouse plainte qest faite des meyneno's des queeles & chaumpto's; est ordeignez & assentuz q̄ lestatutz ent faitz en les ans du regne le Roi Edward aiel n̄re dit R^e le Roi primer & quart, et auxint en lan de n̄re R^e le Roi qore est primer, soient tenez & gardez & duement executz en toutz pointz.

Item est assentuz & le Roi defende estroitement q̄ decy enavant nulle p̄sone aliene ou denszein de quelconq̄ estat ou condicion qil soit amesne ou envoie ou face amesner ou envoie p V̄re ou p meer hors du Roialme Dengle're as ascunes pties Descocce en prive ne en appt aucune man̄re darmure de blee de bree ne dautre vitaille ou dautre refreshchement queconq̄, sur peine de forfaiture de mesmes les vitailles armures & des autres choses avantdites ensemble avec les niefs vesseulx charettes & chivalx qi les portent ou amesment, ou de la V̄roie value dicelles, si ensi ne soit q̄ le

Interlined on the Roll.

Force and Effect in all Points; and moreover it is assented, That if any Alien have purchased, or from henceforth shall purchase any Benefice of Holy Church, Dignity, or other Thing, and in his proper Person take Possession of the same, or occupy it himself within the Realm, whether it be to his own proper Use, or to the Use of another, without especial Licence of the King, he shall be comprised within the same Statute; and moreover shall incur all Pains and Forfeitures in all Points as is before ordained by another Statute made the Five and twentieth Year of the noble King Edward the Third, Grandfather to our Lord the King that now is, against them that purchase Provisions of Abbeyes or Pories; and to the Intent that such Licences shall not be from henceforth made, the King willeth and commandeth to all his Subjects and other, that they shall abstain them from henceforth to pray him for any such Licence to be given; and also the King himself will refrain to give any such Licence during the Wars, except to the Cardinal of Naples, or to some other special Person to whom the King is beholden for a special Cause.

ITEM, It is ordained and assented, and also the King doth prohibit, That from henceforth no Man shall ride in Harness within the Realm, contrary to the Form of the Statute of Northampton thereupon made, neither with Launcegay within the Realm, the which Launcegays be clearly put out within the said Realm, as a Thing prohibited by our Lord the King, upon Pain of Forfeiture of the said Launcegays, Armours, and other Harness, in whose Hands or Possession they be found that bear them within the Realm, contrary to the Statutes and Ordinance aforesaid, without the King's special Licence.

ITEM, In Writs of Præmunire facias, It is assented and agreed, That they against whom such Writs be sued, and who at this Time be out of the Realm, and be of good Fame, and have made their general Attornies before their departing, that the Chancellor of England for the Time being, by the Advice of the Justices, may grant, that the same Persons may appear to answer, to do, and to receive that Thing which the Law demandeth, by their general Attornies aforesaid, as well as in other Causes and Quarrels; and those Persons which from henceforth shall pass by the King's Licence, and be of good Fame, that at their Request the Chancellor, by the Advice of the Justices, may grant to them to make their general Attornies in the Chancery by the King's Patent, before their Passage, to answer as well in the said Writs of Præmunire facias, as in other Writs and Plaints; in which Case express Mention shall be made at all Times of the Writs and Plaints of Præmunire facias; and this Patent so made, the said Attornies from henceforth, in Absence of their Masters, may answer [for them, and make'] other Attornies under them, before any Judge of the Realm, [to'] do and receive in the said Case as much as in any other Case or Matter, notwithstanding any Statute made to the contrary heretofore.

ITEM, For the grievous Complaint that is made of Maintainers of Quarrels, and Champertors; It is ordained and assented, That the Statutes thereof made in the First and Fourth Years of King Edward, Grandfather to our Lord the King that now is, and also in the First Year of our Lord the King that now is, shall be holden and kept, and duly executed in all Points.

ITEM, It is assented, and the King straitly defendeth, That from henceforth no Person, Alien nor Denizen, of whatsoever Estate or Condition that he be, shall carry nor send, nor do to be carried nor sent, by Land nor by Sea, out of the Realm of England, to any Parts of Scotland, privily nor apertly, any Manner of Armour, Corn, Malt, or other Victuals, or any other refreshing, upon Pain of Forfeiture of the same Victuals, Armours, and other Things aforesaid, together with the Ships, Vessels, Carts, and Horses which shall bring or carry the same, or of the very Value of the same, except so it be

by themselves and

and

who shall also be liable to the Penalties of 25 Ed. III. st. 5. c. 22.

The King's Licences to the contrary shall not be asked for.

XIII. No Man shall ride armed contrary to the Statute 2 Edw. III. chapter 3.

XIV. For enabling Parties out of the Realm to appoint Attornies in Writs of Præmunire.

XV. Statutes 1 Edw. III. stat. 2. c. 14; 4 E. III. c. 11; 1 Ric. II. c. 4; against Maintenance, &c. confirmed.

XVI. No Armour or Victual shall be sent into Scotland without Licence of the King; on Pain of Forfeiture thereof.

VI.
Proviso as to
Persons whose
Wives wear
Velvets, &c.
[Sec § I.]

AND be it pyvded and enacted by au^ttie aforesaid, that if the Wif of any pson or psons were any velvet in the lynnyng or other part of her gowne other then in the cufes or purfels of suche gowne, or ell^e were any velvet in her kyrtell or were any peticote of silke, that then the husbnde of evy suche Wif shall fynde one stoned horse of the stature above in this acte resyted, or shall incurre the abovesaide penaltie and forfeiture of tenne poundes to be levyed and recover^d. as is afore declared: Provyded also that this Acte or any thing therin conteyned shall not extende to charge any pson or psons whose Wif or Wiffes shall were any of the apparell or thing^e above rehersed during the tyme such Wif or Wyffes shalbe devorsyd from her or ther husbnde or husbondes, or shall willingly absent her self from her said husbound and duringe suche absence shall were any of the apparell or other thyng^e afore resyted: Provyded alwaies that heires wⁱn age being wardes whose landes teit^e and hereditament^e amount to the yerely value of CC li. shall not be compelled by au^ttie of this acte till they cūme to ther full age to kepe any horses, althoughe the wiffes of suche heires wⁱn age were any gowne of Sylke or any Frenche hood or Bonet of Velvet wⁱ any habilyment past or egge of Gold Perle or Stone or any chayne of gold about ther nekk^e or in ther plett^e or in any apparell of ther bodie; Any thing in this Acte to the contrary notw^ostanding.

VII.
Proviso for
replacing Horses
killed in War, &c.

PROVYDED also that if all or any the horses kept by vertue of this acte shall happen to be kyllyd maymyd or lost in the fvice of the King^e warres, That then in evy suche case the owners of suche horse or horses so kyllyd maymed pished^r or lost in the warres shall have libtie, by the space of twoo yeres next after suche chaunce of kylling maymyng pishing or losing ther horses, to pvide other horses in the stede and place of the horses so kylled maymed pished or lost in the Warres, w^out any daunger losse or penaltie of this acte; Any thing in this acte to the contrary therof notw^ostanding.

VIII.
Cart-Horses and
Sumpter-Horses.

PROVYDED also that cart horses or sumpter horses shall not be takyn reputed or reckned for any suche horses whiche any pson is or shalbe bounden to kepe by vertu of this acte.

CHAPTER VI.

AN ACTE concerninge Crosbowes and Handguns.

Recital of Stat.
25 H. VIII. c. 17.
against shooting
with Cross-bows
and Hand-guns:

Violation thereof;

Penalty on Persons,
having less than
£100. per Annum,
keeping or using
Cross-bows, &c.
£10.

II.
Length of
Hand-guns, &c.
to be kept.

Those of less
Length may be
seized and
destroyed by
Persons having
£100. a Year.

WHERE in the Parliament holden at Westm̄ the fyfente daye of Januarie in the twenty fyve Yere of the Kinges most gracious Raigne, and there contynued and kepte untill the thirtieth daye of Marche then next ensuyng, amonge di^vse and sondrie holsome and lawdable Act^e Statut^e and ordynⁿc^e one Statute and Ordynⁿc^e was made and ordeyned for the avoydinge and eschewinge of shotinge in Crosbowes and Handguns; synce the makinge of whiche Acte di^vse malicious and evill disposed psons not only psumyng wilfullye and obstynatlye the violacōn and breach of the saide Acte, but also of their malicious and evill disposed myndes and purposes have wilfully and shamefully cōmytted ppetrated and done di^vse detestable and shamefull murthers roberies felonies ryott^e and rout^e with Crosbowes little shorte handguns and little hagbutt^e, to the great pill and contynuall feare and danger of the King^e most lovinge subject^e, and also di^vse Kepers of Forest^e Chases and Park^e aswell of our saide Sovereigne Lorde as other his Nobles and Cōmons and di^vse Gentlemen Yomen and Servingmen nowe of late have layde aparte the good and laudable e^xcise of the longe bowe, whiche alwaye heretofore hathe bene the suertie savegarde and contynuall defence of this Realme of Englande, and an inestimable dread and terror to the Enemyes of the same, and nowe of late the saide evill disposed psons have used and yet doe daylie use to ryde and goe in the King^e highe Wayes and elsewhere, havinge with them Crosbowes and little handguns, ready furnished with Quarrell^e Gunpowder fyer & touche to the great pill and feare of the King^e most lovinge Subject^e: FOR REFORMACōN wherof be it enacted ordeyned and established by the Kinge our Sovereigne Lorde the Lordes s^puall and temporall and the Cōmons in this p^sent Parliament assembled and by thautoritie of the same, in maner and fourme followinge That ys to saye; that noe pson or psons of what estate or degree he or they be, excepte he or they in their owne right or in the right of his or their Wyeff^e to his or their owne uses or any other to the use of any suche pson or psons, have landes teit^e fees annuyties or Offic^e to the yerely value of one hundred pound^e, from or after the laste daye of June next cōmyng, shall shote in any Crosbowe handgun hagbutt or demy hake, or use or kepe in his or their houses or elsewhere any Crosbowe handgun hagbut or demy hake, otherwise or in any other manner then ys hereafter in this p^sent Acte declared, uppon payne to forfeyt for everie tyme that he or they so offendinge cont^rie to this Acte tenne poundes.

AND furthermore be it enacted by thautoritie aforesaide that no pson or psons, of what estate or degree soever he or they be, from or after the saide laste daye of June shall shote in carye kepe use or have in his house or els where any handgune other then suche as shalbe in the stock and gonne of the lenghe of one hole Yarde, or any hagbutt or demyhake other then suche as shalbe in the stock and gune of the lenghe of thre quarters of one Yarde, uppon payne to forfeyt for everie tyme that he or they shall carie use or have anye suche Gun being not of the lenghe of one whole Yarde or hagbutt or demyhake beinge not of the lenghe of thre quarters of a Yarde, Tenne pound^e sterlinge. And that it shalbe lafull to everie pson and psons, w^{ch} have landes teit^e fees annuyties or offic^e to the yerely value of one hundred pound^e as ys aforesaide, to seise and take everie suche Crosbowe, and also everie handgun beinge in stock and gune shorter in lenghe then one whole Yarde and everie hagbutt and demyhake beinge shorter in lenghe then thre quarters of a Yarde, or any of them; from the Keping or possession of everie suche Offendor cont^rie to the forme of this Acte, and the same Crosbowe or Crosbowes to kepe and reteyne to his or their owne

A.D.1541-2.

33° HEN.VIII. c.6.

833

ise, and also the same handguns hagbutt^e and demyhak^e so seised and taken within twenty dayes next after the same seisure or takinge to breake and distroye, upon peyne of fourtye Shilling^e for everie Gune so seised and not broken and destroyed, and the same so broken and destroyed to kepe & reteyne to his or their owne use.

AND be it further enacted by thau^roritie aforesaide, that noe pson or psons, other then suche as have land^e teñt^e rent^e fees annuyties or Offic^e to the yerely value of one hundred Pound^e as ys aforesaide, from or after the saide laste daye of June, shall carrie or have, in his or their Jorney goinge or ridinge in the King^e highe waye or elsewhere, any Crosbowe bent or Gune charged or furnished w^{it}he Powder fier or touche for the same, Except it be in tyme and Service of Warre, upon payne to forfeyt for everie suche Offence tenne pound^e; this p^rsent Acte or any thinge therin conteyned to the contr^rie notwithstandinge.

III.
Penalty upon
unqualified Persons
riding, &c. with
Guns charged, &c.

AND be it further enacted by thau^roritie aforesaide, that no pson or psons from the saide laste daye of June shall in anywise shote in or w^{it}he anye handgune demyhake or hagbutt at any thinge at lardge, within any Cittie Boroughe or Markett Towne or within one quarter of a myle of anny Cittie Boroughe or Markett Towne, excepte it be at a Butt or Banck of earth in place convenient, or for the defence of his pson or house, upon payne to forfeyte for everie suche Shott tenne poundes; this p^rsent Acte or anny thinge therin conteyned to the contrarie notwithstandinge.

IV.
None shall shoot at
large in Cities, &c.

AND be it further enacted by thau^roritie aforesaide, that noe pson or psons of what estate or degre soever he or they be, shall from or after the saide laste daye of June cōmaunde any of his or their servaunt^e to shote in any Crosbowe handgune hagbutt or demyhake of his or their saide Masters or of any other psons, at any deare fowle or other thinge excepte it be only at a butt or bank of Earth or in the tyme of Warre as ys abovesaide, upon payne to forfeyt for everie suche offence tenne pound^e: The one moytie of all w^{it}h forfeitures and penalties in this p^rsent Acte above specified shalbe to the Kinge our Sovereigne Lorde his heires and Successors, and thother moytie thereof to the partie that will sue for the same by bill playnt accōn of Debte or Informacōn in anny of the King^e Court^e of Recorde in whiche suyte noe Essoyne p^rtecōn nor Wager of lawe shalbe allowed.

V.
None shall order
their Servants to
shoot at Deer, &c.
with Hand-guns.

Application
of Penalties.

PROVIDED alwaye and be it enacted by thau^roritie aforesaide, that it shalbe lafull from henceforthe to all Gentlemen Yeomen and Servingemen of everie Lorde or Lord^e s^puall or temporall and of all Knight^e Esquiers and Gentlemen, and to all the Inhabitaunt^e of Citties Boroughe and Markett Townes of this Realme of Englande, to shote w^{it}he any handgune Demyhake or hagbutt at anye butt or bank of Earth onlye in place convenient for the same, so that everie suche handgune Demyhake or hagbutt be of the se^vall lenghes aforesaide and not under; and that it shalbe lafull to everie of the saide Lorde and Lord^e Knight^e Esquiers and Gentlemen, and the Inhabitaunt^e of everie Cittie Boroughe and Markett Towne, to have and kepe in everie of their houses any suche handgune or handgunes of the lenghe of one whole Yarde, or any hagbutt or Demyhake of the lenghe of thre quarters of a Yarde as ys aforesaide and not under, to thintent to use and shote in the same at a butt or banke of Earthe onlye, as ys abovesaid, wherbye they and everie of them by the^xcise thereof in forme abovesaid may the better ayde and assist to the defence of this Realme when nede shall requyre; this p^rsent Acte or any thinge therein conteyned to the contr^rie notwithstandinge.

VI.
Shooting at Butts
with Hand-guns
allowed.

AND be it further enacted by thau^roritie aforesaide, that it shalbe lafull to everie pson and psons whiche dwelleth and inhabiteth in anye house standinge and being sett distant twoo furlong^e from any Cittie Boroughe or Towne, to kepe and have in his saide house for the onelye defence of the same handgunes hagbutt^e and demyhakes beinge of the severall lenghes aforesaide and not under, & to use and exc^rise to shote in the same at any butt or bancke of earthe nere to his house and not otherwise; Any thinge conteyned in this Acte to the contr^rie notwithstandinge.

VII.
Hand-guns allowed
out of Cities for
Defence of Houses,
&c.

AND furthermore the King^e most lovinge Subject^e the Lordes s^puall and temporall and the Cōmons in this p^rsent Parliament assembled, most humblye doe beseche the King^e Majestie that it be further enacted by thau^roritie aforesaide, that all tres patent^e Fraternyties, and also all other placard^e lycences and bill^e assigned heretofore had made or signed by his Highnes or by any other authorised by his Highnes tres patent^e under his Great Seale to give licence and placarde to shote in Crosbowes & handgunes or any of them, shalbe from and after the saide laste daye of June frustrate voyde and of none effecte.

VIII.
Patents, &c. to
shoot in Crossbows,
&c. declared void.
[But see § XIV.]

AND also that it may be further enacted by thau^roritie aforesaide that the saide Statute made in the saide xxvth Yere of the King^e most gracious Raigne, and all other Statut^e heretofore made and p^rvided for thavoydinge and restreynt in shotinge of Crosbowes and handgunes or for any of them, or for the usinge and kepinge of the same, be from henceforth utterlie voyde and of none effecte: Provided alwayes that cverie p^rcesse suyte or Informacōn conceived cōmenced and nowe dependinge for any Offence done contr^rie to the forme of the saide Statute made in the said xxvth Yere of the King^e moste noble Raigne, or of any other Statute made (!) p^rvyded for and concerninge the shotinge in Crosbowes and handgunes, not repealed, and for the kepinge of the same, shalbe as good and effectuell to the parties that have comenced the (!) and shall stande and be in suche forme effecte and condi^rōn as if this Acte had never bene made.

IX.
25 H.VIII. c. 17,
&c. repealed;

Except as to Suits
depending.

PROVIDED also that this Acte or any thinge therin conteyned be not in any wise hurtfull or p^rjudiciall to any pson or psons nowe beinge or that hereafter shalbe appoynted by the King^e Highnes, to kepe receyve or take any Crosbowes or Handguns that shalbe forfeyed or taken within the precincte or lib^rtye of the King^e forrest^e park^e or chaces, but that he or they may lafully kepe and reteyne the same Crosbowes or Handguns from tyme to tyme untill suche tyme

X.
Proviso for Persons
keeping Crossbows,
&c. seized in
Forests:

¹ or O.

² same O.

for Makers
of Crossbows, &c.

as the further pleasure of the King^e Highnes in that behalfe be to evy suche pson shewed & declared: Provided also that this Acte extende not to the makers of Crosbowes or Handguns, but that they may lafully kepe Crosbowes and Handguns Hagbutt^e and Demyhakes in their houses, and shott in the same onlye for provinge & assayinge of them at a butt or bank of earthe in the place convenient and not otherwise, so that the saide Handguns Hagbutt^e & Demyhak^e be of the se^vall lenghes in Stock and Gune as ys above lymitted: Provided also that this Acte nor any thinge therin conteyned extende not or be pjudiciall to any Marchaunt^e whiche have or shall have any Crosbowes Handguns Hagbutt^e and Demyhak^e or any of them to sell within this Realme and to none other use, so that the same Handguns Hagbutt^e and Demyhak^e be of the se^vall lenghes in Gune and Stocke as ys above lymitted and not under.

and Merchants
dealing therein.

XI.
Proclamation of
the Act in each
County.

PROVIDED also that noe manner of parson rune in any daunger or take hurte by reason of any penaltye or forfeiture conteyned in this Acte untill suche tyme as p^lama^on be made of the same Acte, within the Countye where the partie that shall or maye offende cont^rie to this Acte dwelleth, by the space of twentye dayes nexte after the makinge of the saide p^lama^on.

XII.
Housekeepers not
liable to Penalty
for their Lodgers
keeping Crossbows,
&c.

PROVIDED also that yf any manner of pson bringe or cause to be brought withe him into his lodginge or in or to any other mans house any Crosbowe or Handgune, that then the penaltye and forfeiture, yf any suche be or hereafter shalbe forfeited by reason of this Acte, to rune and be onely upon the bringer of the saide Crosbowe and Handgune and not to the owner of the same lodginge or house, yf the saide [howner¹] of the said lodging or house cause thesaide bringer thereof to take & carrie awaye the saide Crosbowe or Handgune agayne withe him at his departinge; anye thinge in this Acte made to the cont^rie notwithstandinge.

XIII.
Offenders may be
arrested by any
Persons.

AND be it also enacted by thauctoritie of this p^sent parliament that if any pson or psons, from or after the laste daye of June next comynge, see or fynde any pson or psons offendinge or doinge cont^rie to the forme and effecte of this Acte, that then it shalbe lafull to everie suche pson or psons p^oveyng fyndinge or seinge anye suche pson or psons so offendinge cont^rie to the fourme of this acte, to arrest and attache evy suche offendor or offendors and to bringe or convey the same to the next Justice of Peace of the same Countye where the said offendor or offendors shalbe founde soe offendinge; And that the same Justice of Peace upon a due e^xia^on and proeff thereof before him had or made by his discre^on shall have full power and auctoritie to sende or comytt the same offendor or offendors to the next Gaole, there to remayne till suche tyme as the saide penaltye or forfeiture shalbe trulye contented and payde by the saide offendor; the one moytie of the same penaltye to be payde to the King^e Highnes and thother moytie thereof to the first bringer or conveyer of the saide offendor to the same Justice of Peace.

XIV.
Licences, if given,
(See § VIII.)
shall specify at
what Beasts, &c.
the Party licensed
may shoot, and he
shall give Security
to obey such
Regulations.

AND be it further enacted by thauctoritie aforesaide, that yf any pson or psons doe at any tyme hereafter obteyne gett or purchase, of the King^e Majestie his heires or successors, any placarde licence or bill assigned to shote in any Crosbowe Handgun Hagbutt or Demyhake cont^rie to the tenor purporte and effecte of this p^sent acte, that then there shalbe conteyned in everie suche placarde licence and bill assigned, at what beast^e fowles or other thinges the saide pson or psons so obteyninge any suche placarde licence or bill assigned shall shote, withe any Crosbowe Handgune Hagbutt or Demyhake, or els that everie suche placarde licence and bill assigned hereafter to be obteyned gotten or purchased shalbe clerely voyde frustrate and of none effecte: And also that everie suche pson or psons so obteyninge any suche placarde licence or bill assigned, before they shote in any suche Crosbowe Handgun Hagbutt or Demyhake, in any suche manner or forme as shalbe mencioned in any suche placarde licence or bill assigned, shalbe bounden in the King^e Courte of Chauncerie by recognizaunce in the some of twenty pound^e to the King^e use withe and upon condi^on that he so obteyninge or havinge the saide licence placarde or bill assigned, shall not shote in any Crosbowe Handgune Hagbutt or Demyhake at any other beast^e or fowles then in any suche placarde licence or bill assigned shalbe conteyned and specified, and els all suche placardes licenc^e and bill^e assigned so hereafter to be made to any pson or psons not beinge so bounden by recognizaunce in the Courte of Chauncerie as is aforesaide, to be utterlie voide and of none effecte.

XV.
Recovery and
Application of
Penalties.

AND be it further enacted by thauctoritie aforesaide, that it shalbe lafull to all Justic^e of Peace in their sessions and to all Stewardes and Baylieff^e in their se^vall leet^e and lawe dayes to enquire heare and determyne evy suche offence after the saide laste daye of June to be comytted and done cont^rie to the tenor of this p^sent Acte; So that alwayes noe lesse fyne then tenne poundes be assessed upon everie suche p^sentment and convic^on made accordinge to the due course of the lawe; the same fyne so by the same Justic^e of Peace upon everie suche p^sentment and convic^on made before them in their Sessions, to be payde and levyed onely to the King^e use; and the one moytie of everie fyne to be assessed by the Steward^e or Baylyff^e of any leete or lawe daye, upon everie p^sentment and convic^on before them, to be payde and levyed to the use of the Kinge our Sovereigne Lorde, and (¹) the other moytie the one halfe to the owner of the saide leete or lawe daye by distresse or acc^on of debte, and thother halfe of the same seconde moytie of the same fyne, to be to the partie that will pursue for the same in any of the King^e Court^e by bill playnte informa^on or acc^on of debte, in the whiche none Essoyne p^otec^on nor wager of lawe shalbe allowed.

XVI.
Penalty on Jurors
charged to enquire
into Offences, who
shall conceal the
same, 20s.

AND be it further enacted, that yf any Jurie beinge sworne and charged to enquire for the Kinge our So^vaigne Lorde before anye Justic^e of the Peace or Steward^e of leet^e or lawdayes, of any offence comytted or done cont^rie to this p^sent Acte, doe wilfullie conceale any of the same offence, that then the saide Justic^e Steward^e or Baylyff^e before whom any concealment shalbe had and done, shall have auctoritie by vertue of this p^sent Acte from tyme to tyme to chardge and sweare an other Jurie of twelve or mo good and substantiall honest psons to enquire of everie suche concealment, and if anye suche concealment be founde and presented by the saide Jurie so chardged to enquire of the same, that

¹ owner O.

¹ of O.

A.D.1541-2.

33° HEN. VIII. c. 6.

835

then everie one of the saide fyrste Jurie that so did conceale the same, shall leese and forfeyt for everie suche concealment of evy suche offence twenty shilling^e; All whiche forfeitures and penaltyes of twenty shilling^e for everie such concealment of everie suche offence so found and p^resented before the same Justic^e of Peace shall holye be levyed and payde to the King^e use, and the moytie of all the same forfeitures and penaltyes of twenty shilling^e, so founde and p^resented before the Steward^e or Bayliff^e of any leete or lawdaye, shalbe levied and paid^e to the use of the owner of the saide leete or lawdaye by distresse or acc^on of debte, and thother moytie thereof to be to the partie or parties that will sue for the same by acc^on informac^on bill or playnte in any of the King^e Court^e, in the whiche acc^ons informac^ons bill^e or playnt^e no wager of lawe essoyn^e nor p^rec^on shalbe allowed.

PROVIDED alwaies and be it enacted by thau^roritie aforesaide, that yf any p^rson or p^rsons hereafter in any parte do offende or do contr^rie to the purwe and remedy of this Acte, whereupon cause of Acc^on for the same offence shalbe geven to the Kinge his heires or successors or to any other p^rson or p^rsons that will sue by vertue of this Acte for the punyshment of the saide offence or forfeitures, that yf the Kinge our Sovereigne Lorde his heires or successors within one yere next and ymediatlye after suche offence and forfeitures had and made do not pursue their acc^on or acc^ons so given by this Acte or cause ex^ram^on upon suche default^e and offence to be had and made before their counsaile, or other p^resentment^e thereof to be had accordinge to the meanyng of the same Acte, and everie other p^rson whiche hereafter by vertue of this Acte maye have acc^on or acc^ons suyte or informac^on upon this Statute within halfe a yere next and ymediatlye after suche offence or forfeitures had and made do not comence their suyt^e informac^on acc^ons or p^resentment^e of and upon the said forfeyt^e by acc^on or otherwise as in this p^resent Acte ys lymited and declared, that then aswell the Kinge our Sov^raigne Lorde his heires and successors, after one yere next after suche offence and forfeyt^e had and made yf no suyte in his or their name be taken by acc^on or otherwise as ys before exp^ressed before the same yere ended & del^rmynded, as everie other p^rson after halfe yere next after like Offence had and done in the fourme aforesaide yf noe suyte thereupon be taken by none of them in fourme above declared, be utterly excluded and debarred of their saide suyt^e acc^ons Informac^ons and ex^ram^ons to them gyven by vertue of the saide Acte, and the parties and evy of them so offendinge shalbe of all suche Offence and forfeyt^e clerely dischardged and quytt; Any thinge in this Acte comprised to the contr^rie notwithstandinge.

XVII.
Limitation of
Prosecutions;
One Year to the
King, and Half a
Year to others.

PROVIDED alwayes and be it enacted by thau^roritie aforesaide that this p^resent Acte ne any thinge therein conteyned shall in anywise extende or be p^rjudiciall unto the King^e Subject^e resident or inhabitinge nere unto the Coast^e of the Sea in any parte of this Realme, their houses beinge not above fyve myles distant from the same Coast^e, nor also to any of the saide Subject^e inhabitinge within twelve myles of the borders of Scotlande, nor to any the King^e Subject^e Inhabitaunt^e of the Towne and Marches of Callice, nor to any of the Inhabit^runt^e of the Isles of Jersey Gernesey Anglesey and the Isles of Weight and Man, but that it shalbe lafull for everie of the saide Inhabitaunt^e at all tymes hereafter to have exc^rise and use their handguns hagbutt^e and demyhakes of the lenghes abovesaide within the lymytt^e and Isles abovesaide, so that it be at noe manner of Dere heron Shoveler fesant partriche Wild Swanne or Wilde Elke or any of them; this p^resent Acte or any thinge therein conteyned to the contr^rie notwithstandinge.

XVIII.
Proviso for
Inhabitants near
the Sea Coasts,
Scotland, Calais,
Jersey, &c.

PROVIDED also that this Acte ne any thinge therein conteyned be in anywise hurtfull or p^rjudiciall to any Sv^rnte or p^rson that hereafter, from the saide laste daye of June, shall bend beare carrie charge use or assaye anye Crosbowe or any handgun demyhake or hagbutt of the lenghes abovesaide, by the c^omaundment of his Lorde [and ''] Master so that the saide Sv^rnte or p^rson doe not shote at any fowle Dere or other Game of what Kynd or nature soever they be; nor also to any suche Sv^rnte p^rson or p^rsons that shall after the saide laste daye of June beare or convey any Crosbowe handgun hagbutt or Demyhake of the lenghes aforesaide to any place or places, by the comaundment of his lorde or master that maye shote by auctoritie of this Acte, to be amended repayred delyvered or assayed; so that the saide Servaunte or other p^rson so bringinge or conveyinge the saide Crosbowe handgun hagbutt or demyhake have redye to shewe to evy p^rson requiringe the sight thereof one licence in Writinge sealed or subscribed by his saide Lorde or Master to carrie and convey the same Crosbowe handgun hagbutt or demyhake to thintent to be amended repayred assayed or delivered as ys aforesaide.

XIX.
Proviso for
Servants under
Orders of their
Masters.

PROVIDED alwaies that this Acte or any thinge conteyned therein shall not extende to any Owner of any Shippe, for having or kepinge of any handgun hagbutt or demyhake of the sev^rall lenghes in this Acte exp^ressed or under, only to be had and occupied within their Shippe or other Vessell, or for the carriage and recarriage of them or any of them on lande, or kepinge of them for the onlye exc^rise and occupyinge of them within their saide Shippe or Vessell; Any thinge in this Acte to the contr^rie in any wise notwithstandinge.

XX.
Proviso for
Owners of Ships,
&c.

GRANTS, CONCESSIONS,

AND

ORIGINAL CONSTITUTIONS

OF THE PROVINCE OF

NEW JERSEY

THE

ACTS

Passed during the Proprietary Governments, and other material Transactions before the Surrender thereof to Queen Anne.

The Instrument of Surrender, and her formal Acceptance thereof

Lord CORNBURY'S COMMISSION and Instructions Consequent thereon.

Collected by some Gentlemen employed by the General Assembly. And afterwards

Published by virtue of an Act of the Legislature of the said Province With proper Tables alphabetically Digested, containing the principal Matters in the Book.

New Jersey (Colony)

By AARON LEAMING and JACOB SPICER.

Laws passed in 1686. 289

ny persons as they shall think fit, not exceeding seven, to make orders from time to time, such as may be suitable and beneficial for every town, village, hamlet, or neighbourhood, for preventing all harms by swine, in town, meadows, pastures and gardens, in any respect, and to impose penalties according to their best discretions.

Chap. VIII.

An Act appointing some new Commissioners of the Highways.

WHEREAS there was an act made in the year 1682, for the county of Monmouth, to enable Col. Lewis Morris, John Bound, and Joseph Parker, to lay out highways, passages, ferry's, and making bridges and such like; there being three of those persons disenabled for the true performance of the said services, *be it therefore enacted* by the Governor, Council and Deputies now met and assembled, and by the authority of the same, that John Frogmerton, John Slocame, and Nicholas Brown, in the stead and room of Col. Lewis Morris, John Bound, and Joseph Parker, be made capable and hereby invested with the same power to all intents and purposes in the said premises, as the aforesaid Col. Lewis Morris, John Bound, and Joseph Parker, were by the said acts.

Chap. IX.

An Act against wearing Swords, &c.

WHEREAS there hath been great complaint by the inhabitants of this Province, that several persons wearing swords, daggers, pistols, dirks, stilladoes, skeines, or any other unusual or unlawful weapons, by reason of which several persons in this Province, receive great abuses, and put in great fear and quarrels, and challenges made, to the great abuse of the inhabitants of this Province. *Be it therefore enacted* by the Governor, and Council, and Deputies now met in General Assembly, and by authority of the same, that no person or persons within this Province, presume to send any challenge in writing, by word of mouth,

or message, to any person to fight, upon pain of being imprisoned during the space of six months, without bail or mainprize, and forfeit ten pounds; and whosoever shall except of such challenge, and not discover the same to the Governor, or some publick officer of the peace, shall forfeit the sum of ten pounds; the one moiety of the said forfeiture to be paid unto the Treasurer for the time being, for the public use of the Province, and the other moiety to such person or persons as shall discover the same, and make proof thereof in any court of record within this Province, to be recovered by the usual action of debt, in any of the said courts. *And be it further enacted* by the authority aforesaid, that no person or persons after publication hereof, shall presume privately to wear any pocket pistol, skeines, stilladers, daggers or dirks, or other unusual or unlawful weapons within this Province, upon penalty for the first offence five pounds, and to be committed by any justice of the peace, his warrant before whom proof thereof shall be made, who is hereby authorized to enquire of and proceed in the same, and keep in custody till he hath paid the said five pounds, one half to the public treasury for the use of this Province, and the other half to the informer: And if such person shall again offend against this law, he shall be in like manner committed (upon proof thereof before any justice of the peace) to the common gaol, there to remain till the next sessions, and upon conviction thereof by verdict of twelve men, shall receive judgment to be in prison six month, and pay ten pounds for the use aforesaid. *And be it further enacted* by the authority aforesaid, that no planter shall ride or go armed with sword, pistol, or dagger, upon the penalty of five pounds, to be levied as aforesaid, excepting all officers, civil and military, and soldiers while in actual service, as also all strangers, travelling upon their lawful occasions thro' this Province, behaving themselves peaceably.

ACTS

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,
ON THE THIRTIETH DAY OF MAY, A. D. 1750.

CHAPTER 1.

AN ACT FOR IMPOWERING THE PROVINCE TREASURER TO BORROW THE SUM OF FIVE THOUSAND POUNDS, FOR APPLYING THE SAME TO DISCHARGE THE DEBTS OF THE PROVINCE AND DEFREY THE CHARGES OF GOVERNMENT, AND FOR MAKING PROVISION FOR THE REPAYMENT OF THE SUM SO BORROWED.

Be it enacted by the Lieutenant-Governour, Council and House of Representatives,

[SECT. 1.] That the treasurer of this province be and hereby is impowered to borrow from such person or persons as shall appear ready to lend the same, a sum not exceeding five thousand pounds in Spanish mill'd dollars; and the sum so borrowed shall be a stock in the treasury, to be applied for defreying the charges of this government in manner as in this act is after directed, and for every sum so borrowed, the treasurer shall give a receipt of the form following; viz.,—

Treasurer empowered to borrow £5,000 for the province.

Province of the Massachusetts Bay, day of 17 , received from the sum of pounds, for the use and service of the Province of the Massachusetts Bay; and in behalf of said Province, I do hereby promise and oblige myself and my successors in the office of treasurer, to repay the said , his heirs or assigns, on or before the tenth day of June, one thousand seven hundred and fifty-two, the aforesaid sum of pounds, with interest for the same, at and after the rate of six per cent per annum. Witness my hand, , Treasurer.

Form of his receipt for said money.

—and no receipt shall be given for any sum less than fifty pounds; and the treasurer is hereby directed to use his discretion in borrowing said sum at such times as that he may be enabled to comply with the draughts that may be made on the treasury in pursuance of this act.

And be it further enacted,

[SECT. 2.] That the aforesaid sum of five thousand pounds shall be issued out of the treasury in manner and for the purposes following; viz., the sum of seventeen hundred and fifty pounds, part of the aforesaid sum of five thousand pounds, shall be applied for the service of the several forts and garrisons within this province, pursuant to such orders and grants as are or shall be made by this court for those purposes; and the further sum of one thousand pounds, part of the aforesaid sum of five thousand pounds, shall be applied for the purchasing provisions and the commissary's necessary disbursements for the service of the several forts and garrisons within this province, pursuant to such grants

£1,750 appropriated for forts and garrisons.

£1,000 for commissary's stores.

And whereas there are sometimes contingent and unforeseen charges that demand prompt payment,—

Be it further enacted,

£100 for contingent charges.

[SECT. 16.] That the sum of one hundred pounds, being the remaining part of the aforesaid sum of seven thousand eight hundred and sixty pounds, be applied to pay such contingent charges, and for no other purpose whatsoever.

Provided always,—

Remainder to be and remain as a stock in the treasury.

[SECT. 17.] That the remainder of the sum which shall be brought into the treasury by the tax aforesaid, over and above what shall be sufficient to pay off the benefit tickets as aforesaid, shall be and remain as a stock in the treasury, to be applied as the general court of this province shall hereafter order, and to no other purpose whatsoever; any thing in this act to the contrary notwithstanding.

And be it further enacted,

Money to be paid out of the proper appropriations.

[SECT. 18.] That the treasurer is hereby directed and ordered to pay the sum of eight thousand and ten pounds, as aforesaid, out of such appropriations as shall be directed to by warrant, and no other, upon pain of refunding all such sum or sums as he shall otherwise pay; and the secretary to whom it belongs to keep the muster-rolls and accmpts of charge, shall lay before the house of representatives, when they direct, such muster-rolls and accmpts after payment thereof.

And be it further enacted,

Directors' allowance to be made by the general court.

[SECT. 19.] That the directors or managers by this act appointed, shall have such allowances for their services as the general court shall hereafter order, and in case of the death, refusal or incapacity of attendance of any one or more of said managers, the vacancy shall be fill'd up by the governour and council. [*Passed February 8; published February 16, 1750-51.*]

CHAPTER 16.

AN ACT FOR GRANTING THE SUM OF THREE HUNDRED POUNDS, FOR THE SUPPORT OF HIS HONOUR THE LIEUTENANT-GOVERNOUR AND COMMANDER-IN-CHIEF.

Be it enacted by the Lieutenant-Governour, Council and House of Representatives,

Governor's grant.

That the sum of three hundred pounds be and hereby is granted unto his most excellent majesty, to be paid out of the publick treasury to his honour Spencer Phips, Esq^[1], lieutenant-governour and commander-in-chief in and over his majesty's province of the Massachusetts Bay, for his past services, and further to enable him to manage the publick affairs of the province. [*Passed February 15; * published February 16, 1750-51.*]

CHAPTER 17.

AN ACT FOR PREVENTING AND SUPPRESSING OF RIOTS, ROUTS AND UNLAWFUL ASSEMBLIES.

Preamble.

WHEREAS the provision already made by law has been found insufficient to prevent routs, riots and tumultuous assemblies, and the evil consequences thereof; wherefore,—

* See the note to this chapter, *post*.

Be it enacted by the Lieutenant-Governour, Council and House of Representatives,

[SECT. 1.] That from and after the publication of this act, if any persons, to the number of twelve or more, being arm'd with clubs or other weapons, or if any number of persons, consisting of fifty or upwards, whether armed or not, shall be unlawfully, riotously or tumultuously assembled, any justice of the peace, field officer or captain of the militia, sheriff of the county or undersheriff, or any constable of the town, shall, among the rioters, or as near to them as he can safely come, command silence while proclamation is making, and shall openly make proclamation in these or the like words:—

Officers to make proclamation when persons are riotously assembled.

Our sovereign lord the king chargeth and commandeth all persons being assembled, immediately to disperse themselves, and peaceably to depart to their habitations, or to their lawful business; upon the pains contained in the act of this province made in the twenty-fourth year of his majesty King George the Second, for preventing and suppressing of riots, routs and unlawful assemblies. God save the king.

Form of the proclamation.

And if such persons so unlawfully assembled, shall, after proclamation made, not disperse themselves within one hour, it shall be lawful for every such officer or officers, and for such other persons as he or they shall command to be assisting, to seize such persons, and carry them before a justice of the peace; and if such person shall be killed or hurt by reason of their resisting the persons so dispersing or seizing them, the said officer or officers and their assistants shall be indemnified and held guiltless.

[SECT. 2.] And all persons who, for the space of one hour after proclamation made as aforesaid,—or to whom proclamation ought to have been made, if the same had not been hindred,—shall unlawfully, routously, riotously and tumultuously continue together, or shall wilfully let or hinder any such officer, who shall be known, or shall openly declare himself to be such, from making the said proclamation, shall forfeit all their lands and tenements, goods and chattles, to his majesty (or such a part thereof as shall be adjudged by the justices before whom such offence shall be tried), to be applied towards the support of the government of this province; and shall be whipt thirty-nine stripes on the naked back at the publick whipping-post, and suffer one year's imprisonment, and once every three months during said imprisonment receive the same number of stripes on the naked back at the publick whipping-post as aforesaid.

Penalty for disobedience.

[SECT. 3.] And if any such person or persons, so riotously assembled, shall demolish or pull down, or begin to demolish or pull down, any dwelling-house or other house parcel thereof, any house built for publick uses, any barn, mill, malt-house, store-house, shop or ship, he or they shall suffer the same pains and penalties as are before provided in this act.

And be it further enacted,

[SECT. 4.] That this act shall be read at every general sessions of the peace, and at the anniversary meeting of each town, within this province, annually; and no person shall be prosecuted for any offence contrary to this act, unless prosecution be commenced within twelve months after the offence committed.

This act to be read at the anniversary meeting of the towns and general sessions of the peace.

Provided always,—

[SECT. 5.] That where there shall appear any circumstances to mitigate or alleviate any of the offences against this act, in the judgment of the court before which such offence shall be tried, it shall and may be lawful for the judges of such court to abate the whole of the pun-

Judges empowered to abate the punishment of whipping, in case.

ishment of whipping, or such part thereof as they shall judge proper; anything in this act to the contrary notwithstanding.

Continuance of
the act.

[SECT. 6.] This act to continue and be in force for the space of three years from the publication thereof, and no longer. [*Passed and published February 14, 1750-51.*]

CHAPTER 18.

AN ACT IN ADDITION TO AN ACT, INTITLED "AN ACT TO PREVENT DAMAGE BEING DONE ON THE BEACH, HUMOCKS AND MEADOWS BELONGING TO THE TOWN OF SCITUATE, LYING BETWEEN THE SOUTHERLY END OF THE 'THIRD CLIFT,' SO CALLED, AND THE MOUTH OF THE NORTH RIVER."

Preamble.

1749-50, chap. 14.

WHEREAS in and by an act made and passed in the twenty-third year of his present majesty's reign, intituled "An Act to prevent damage being done on the beach, humocks and meadows belonging to the town of Scituate, lying between the southerly end of the 'Third Clift,' so called, and the mouth of the North River," the penalt[*y*][*ie*]s for turning or driving neat cattle, horse-kind, sheep or goats upon such beach, humocks or sedge-ground adjo[*y*][*i*]ning to said beach, to feed thereon, are to be recovered from him or them that shall so drive said cattle, horse-kind, sheep or goats, or from the owner or owners of them that shall so order them to be driven; and it is found, by experience, that proof thereof can seldom be obtained, whereby the good end and design of said act in a great measure is defeated,—

Be it therefore enacted by the Lieutenant-Governour, Council and House of Representatives,

Neat cattle and
other creatures
to be impound-
ed if found feed-
ing on the
meadows, &c.

[SECT. 1.] That if any neat cattle, horse-kind, sheep or goats shall be found feeding on said beach, humocks, meadows or sedge-ground adjoining to said beach, it shall and may be lawful for any person to impound the same, such person to observe the rules and directions in the said act prescribed in case of impounding; and the owner or owners of them shall forfeit and pay to the impounder one shilling a head for all neat cattle and horse-kind, and twopence for every sheep or goat; and the said penalt[*y*][*ie*]s or forfeitures shall be paid, before the creatures, which shall or may be impounded by virtue of this act, be discharged or released by the pound-keeper.

Provided, nevertheless,—

Rates to be paid
for such im-
pounded creat-
ures.

[SECT. 2.] The owner or owners of the creatures so impounded may, if they think fit, replevie such creatures, on condition they give sufficient bond, with one or more suret[*y*][*ie*]s, to prosecute such replevin to effect before some justice of the peace in the same county, within fifteen days from the date of such replevin, and to pay all such forfeitures and costs as shall be awarded or adjudged against them. [*Passed February 8; published February 16, 1750-51.*]

CHAPTER 19.

AN ACT FOR GRANTING UNTO BENJAMIN CRABB THE SOLE PRIVILEGE OF MAKING CANDLES OF COARSE SPERMACEÏTI OYL.

Preamble.

WHEREAS Benjamin Crabb, of Rehoboth, in the county of Bristol, has represented to this court that he, and no other person in the prov-

At a GENERAL ASSEMBLY held at

Burlington from the Twentieth Day of November to the Twenty-first Day of December 1771, in the Twelfth Year of the Reign of King George the Third, the following Laws were passed.

SESSION THE FOURTH.

C H A P. DXXXIX.

*An ACT to continue and amend an Act, entitled, 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 Dec. 21, 1771.

WHEREAS the Act passed in the Nineteenth Year of the Reign of our late Sovereign Lord King George the Second, entitled, *An Act for better settling and regulating the Militia of this Colony of New-Jersey; for the repelling Invasions, and suppressing Insurrections and Rebellions*, will expire at the End of this Session of Assembly;

Preamble.

Sec^t. 1. BE IT ENACTED by the Governor, Council and General Assembly, and it is hereby Enacted by the Authority of the same, That the said Act, entitled, An Act for better settling and regulating the Militia of this Colony of New-Jersey; for the repelling Invasions, and suppressing Insurrections and Rebellions, shall be, and hereby is continued, and every Article and Clause therein contained shall be and remain in full Force, from the Publication hereof, to the first Day of May which will be in the Year of our Lord One Thousand Seven Hundred and Seventy-seven, and from thence to the End of the next Session of the General Assembly of this Colony, and no longer.*

Limitation.

2. AND WHEREAS it has been a Custom of late, in some of the Counties of this Colony, to choose the Militia Officers Constables; for preventing the same for the Future, BE IT ENACTED by the Authority aforesaid, That, during the Continuance of this Act, it shall not be lawful for any Court of General Quarter-Sessions of the Peace, or for any of the Inhabitants of this Colony, at their annual Town-meetings, to appoint or choose any commissioned Officer, while in Commission, to be a Constable; any Law, Usage or Custom to the contrary notwithstanding.

Commissioned Officers not to be chosen Constables.

C H A P. DXL.

An ACT for the Preservation of Deer and other Game, and to prevent trespassing with Guns.

Passed Dec. 21, 1771.

WHEREAS the Laws heretofore passed in this Colony for the Preservation of Deer and other Game, and to prevent trespassing

Preamble.

* Chap. CC.

ing

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.

Seçt. I. 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 Venison 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 Witneffes, 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.

ACTS AND LAWS,

PASSED BY THE GENERAL COURT OF MASSACHUSETTS:
BEGUN AND HELD AT BOSTON, IN THE COUNTY OF
SUFFOLK, ON WEDNESDAY THE THIRTY-FIRST DAY OF
MAY, ANNO DOMINI, 1786.

1786. — Chapter 1.

[May Session, ch. 1.]

AN ACT FOR NATURALIZING ROBERT MORRIS AND JAMES *Chap. 1.*
ALEXANDER.

Whereas Robert Morris and James Alexander, residents in Shrewsbury, in the county of Worcester, have petitioned the General Court, that they may be naturalized, and be thereby entitled to all the rights, liberties and privileges of free citizens of this Commonwealth: Preamble.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the said Robert Morris and James Alexander, upon their taking the Oaths of allegiance and abjuration, required by the Constitution of this Commonwealth, before two Justices of the Peace, shall be deemed, adjudged and taken to be free citizens of this Commonwealth, to all intents, constructions and purposes, as if they the said Robert Morris and James Alexander, had been inhabitants of the territory now the Commonwealth aforesaid, at the time of making the present form of civil government. Robert Morris and James Alexander naturalized.

And it is further enacted, That the Justices before whom the same Oaths shall be taken, shall return a certificate thereof, into the Secretary's office; and the Secretary is hereby directed, to record the same in a book to be kept for that purpose. Certificate to be returned.

June 5, 1786.

1786. — CHAPTER 38.

87

ART. *Sixtieth*. The Field Officers of each and every Regiment, shall appoint some suitable person, belonging to such Regiment, to receive such fines as may arise within the same, for any breach of any of the foregoing articles; and shall direct the same to be properly applied to the relief of such sick, wounded or necessitous soldiers as belong to such regiment; and such person shall account with such Officer for all fines received, and the application thereof.

Field-officers to appoint persons to receive fines, &c.

ART. *Sixty First*. All crimes not capital, and all disorders and neglects, which Officers and Soldiers may be guilty of, to the prejudice of good order and military discipline, tho' not mentioned in the foregoing articles, are to be taken cognizance of by a general or regimental Court martial, according to the nature and degree of the offence, and be punished at their discretion.

Crimes not mentioned in these articles, may be taken cognizance of.

ART. *Sixty Second*. Whenever any Officer or soldier shall be accused of a capital crime, or of having used violence or committed any offence against the person or property of the good people of this or either of the United States, such as is punishable by the known laws of the land, the commanding officer and officers of every regiment, troop or party, to which the person or persons so accused shall belong, are hereby required, upon application duly made by or in behalf of the party or parties injured, to use his utmost endeavours to deliver over such accused person or persons to the Civil Magistrate, and likewise to be aiding and assisting to the Officers of Justice in apprehending and securing the person or persons so accused, in order to bring them to trial. And if any commanding Officer or Officers shall willfully neglect, or shall refuse upon the application aforesaid, to deliver over such accused person or persons to the Civil Magistrate, or to be aiding and assisting to the Officers of Justice in apprehending such person or persons, such officer or officers so offending, shall be cashiered. *October 24, 1786.*

Any officer or soldier, accused of a crime punishable by the known laws of the land —

To be delivered over to the civil magistrate.

1786. — Chapter 38.

[September Session, ch. 8.]

AN ACT TO PREVENT ROUTS, RIOTS, AND TUMULTUOUS ASSEMBLIES, AND EVIL CONSEQUENCES THEREOF.

Chap. 38.

Whereas the provision already made by Law, for the preventing routs, riots and tumultuous assemblies, and the evil consequences thereof, has been found insufficient:

Preamble.

Proclamation to
be made among
rioters.

Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, that from and after the publication of this Act, if any persons to the number of twelve, or more, being armed with clubs, or other weapons; or if any number of persons, consisting of thirty or more, shall be unlawfully, routously, riotously or tumultuously assembled, any Justice of the Peace, Sheriff or Deputy Sheriff of the County, or Constable of the Town, shall among the rioters, or as near to them as he can safely come, Command Silence, while Proclamation is making; and shall openly make Proclamation, in these or the like words:

COMMONWEALTH OF *Massachusetts*.

Form.

By virtue of An Act of this Commonwealth, made and passed in the year of OUR LORD, One thousand seven hundred and eighty six, entitled, “An ACT for suppressing routs, riots, and tumultuous assemblies, and the evil consequences thereof,” I am directed to charge and command, and I do accordingly charge and command, *all persons*, being here assembled, immediately to disperse themselves, and peaceably to depart to their habitations, or to their lawful business, upon the pains inflicted by the said ACT.

GOD Save the COMMONWEALTH.

If the persons
assembled do
not disperse,
— officers em-
powered, &c.

And if such persons, assembled as aforesaid, shall not disperse themselves within one hour after proclamation made, or attempted to be made, as aforesaid, it shall be lawful for every such officer to command sufficient aid, and he shall seize such persons, who shall be had before a Justice of the Peace; and the aforesaid Justice of the Peace, Sheriff or Deputy Sheriff, is hereby further empowered, to require the aid of a sufficient number of persons in arms, if any of the persons assembled as aforesaid shall appear armed: And if any such person or persons shall be killed or wounded, by reason of his or their resisting the persons endeavouring to disperse or seize them, the said Justice, Sheriff, Deputy Sheriff, Constable and their assistants, shall be indemnified and held guiltless.

And be it further Enacted, that if any person, being commanded by such Justice, Sheriff, Deputy Sheriff or Constable, as aforesaid, shall refuse or neglect to afford the assistance required, and shall be convicted thereof upon the oath of either of the said Officers, so command-

ing, or other legal evidence, he shall forfeit and pay a sum not less than *forty shillings*, nor exceeding *ten pounds*, to be recovered by indictment, or presentment, before the Supreme Judicial Court, or any Court of General Sessions of the Peace, according to the aggravation of the Offence; to be paid into the Public Treasury, for the use of the Commonwealth.

Penalty for refusing to assist the Sheriff or other officer.

And Be it further enacted, that all persons, who for the space of one hour after Proclamation made, or attempted to be made, as aforesaid, shall unlawfully, riotously, riotously and tumultuously continue together, or shall willfully let, or hinder, any such Officer, who shall be known, or shall openly declare himself to be such, from making the said Proclamation, shall forfeit all their lands, tenements, goods and chattels, to this Commonwealth, or such part thereof as shall be adjudged by the Justices, before whom such Offence shall be tried, to be applied towards the support of the Government of this Commonwealth; and shall be whipt thirty nine stripes on the naked back, at the Public whipping-post, and suffer imprisonment for a term not exceeding twelve months, nor less than six months; and once every three months during the said imprisonment, receive the same number of stripes on the naked back, at the public whipping post as aforesaid. And if any such person or persons, so riotously assembled, shall demolish or pull down, or begin to demolish or pull down, any dwelling house, or other house, or parcell thereof; any house, built for public uses; any barn, mill, malt house, store house, shop or ship, he or they shall suffer the same pains and penalties, as are before provided in this Act.

Punishment for unlawfully continuing together one hour after proclamation made.

Provided always, that where there shall appear any circumstances, to mitigate or alleviate any of the offences against this Act, in the judgment of the Court, before which such offence shall be tried, it shall and may be lawful, for the Justices of such Court, to abate the whole of the punishment of whipping, or such part thereof, as they shall judge proper; any thing in this Act, to the contrary notwithstanding.

Proviso.

And be it further enacted, that this Act shall be read, at the opening of every Court of General Sessions of the Peace, by the Clerk of the said Court, and at the anniversary meeting of each town, within this Commonwealth, by the town Clerk thereof, in *March* or *April*, annually:

Times when this act shall be read.

And no person shall be prosecuted, for any offence contrary to this Act, unless prosecution be commenced within twelve months after the offence committed.

October 28, 1786.

1786. — Chapter 39.

[September Session, ch. 9.]

Chap. 39. AN ACT, PROVIDING FOR THE MORE EASY PAYMENT OF THE SPECIE TAXES, ASSESSED PREVIOUS TO THE YEAR ONE THOUSAND SEVEN HUNDRED AND EIGHTY-FOUR.

Preamble.

Whereas it appears from a statement of the Treasury, That there is a considerable sum in specie, due on the out standing Taxes, assessed previous to the year one thousand seven hundred and eighty four: And whereas from the great scarcity of cash, it is expedient, that some more easy and convenient mode should be adopted, for the speedy completing the collections thereof, than the mode heretofore practised:

Be it therefore enacted, by the Senate and House of Representatives, in General Court Assembled, and by authority of the same, That the inhabitants of the several Towns, Districts, and other places, in this Commonwealth, who are deficient in the payment of the said Taxes, be, and they are hereby permitted to pay all the balances due on the several specie Taxes which were assessed previous to the year one thousand seven hundred and eighty four, (including the balances which remained due on the Beef Taxes) either in cash, or in the several species of articles hereinafter expressed, in the manner, at the several places, and the prices hereinafter enumerated, and established at each, — to wit:

Towns, &c. that are deficient, permitted to pay the balances due, in the species of articles expressed.

Articles received at the town of Boston.

At a Store, or other convenient place, to be appointed in the Town of *Boston*, the following articles, at the respective prices annexed thereto viz.

Good merchantable Beef, at twenty shillings per hundred.

Good barrelled Beef, well salted and packed, according to Law, at two pounds eight shillings per barrel.

Good merchantable Pork, at four pence per pound.

Good barrelled Pork, in barrels of two hundred and twenty pounds each, well packed and salted, at three pounds fifteen shillings per barrel.

L A W S
OF THE
T E R R I T O R Y
OF THE
U N I T E D S T A T E S ,
N O R T H - W E S T ^{OF THE} R I V E R O H I O ;

PASSED AT THE FIRST SESSION OF THE GENERAL ASSEMBLY, BEGUN AND HELD AT CINCINNATI, ON MONDAY, THE SIXTEENTH DAY OF SEPTEMBER, A. D. ONE THOUSAND, SEVEN HUNDRED AND NINETY-NINE:

ALSO,

CERTAIN LAWS ENACTED BY THE GOVERNOR AND JUDGES OF THE TERRITORY, FROM THE COMMENCEMENT OF THE GOVERNMENT TO DECEMBER, ONE THOUSAND, SEVEN HUNDRED AND NINETY TWO;

WITH AN APPENDIX

CONTAINING RESOLUTIONS, THE ORDINANCE OF CONGRESS FOR THE GOVERNMENT OF THE TERRITORY, THE CONSTITUTION OF THE UNITED STATES, AND THE LAW RESPECTING FUGITIVES.

VOL I.

Published by Authority.

C I N C I N N A T I ,

FROM THE PRESS OF CARPENTER & FINDLAY,
PRINTERS TO THE TERRITORY,
MDCCC.

ACTS

PUBLISHED BY THE

GOVERNOR AND JUDGES

OF THE

TERRITORY

OF THE

UNITED STATES,

NORTH-WEST OF THE RIVER OHIO,

FROM THE COMMENCEMENT OF THE GOVERNMENT, TO DECEMBER,
ONE THOUSAND, SEVEN HUNDRED AND NINETY-TWO.

OATHS, 1788

321

ACTS, &c.

CHAPTER I.

A LAW respecting Oaths of Office, published by his excellency Arthur St. Clair, esquire, governor of the Territory of the United States, north-west of the river Ohio, and by the honorable Samuel Holden Parsons, and James Mitchell Varnum, esquires, judges, at the city of Marietta, in the Territory aforesaid, upon the second day of September, in the thirteenth year of the independence of the said United States, and of our Lord one thousand, seven hundred and eighty-eight.

EVERY person appointed to any civil office in the territory, and commissioned by the governor, shall, previously to his entering upon the exercise of his office, take the following oath, viz. I, A B, being appointed to the office of do solemnly swear, that I will well and truly execute the duties of my said office, according to the best of my skill and understanding, without fraud or partiality. So help me God.

Every person appointed to civil offices to take oath,

or

affirmation,

Any person appointed, as aforesaid, conscientiously scrupulous of taking an oath, shall make the following affirmation, previously to entering upon the duties of his office, viz. I, A B, being appointed to the office of do solemnly, sincerely and truly declare and affirm, that I will well and truly execute the duties of my said office, according to the best of my skill and understanding, without fraud or partiality; and this I declare and affirm under the pains and penalties of perjury.

[6]

And that all oaths of office, or declarations and affirmations prescribed as aforesaid, shall be taken before the governor, or such person or persons as shall by him be appointed and commissioned for that purpose, and certified upon the commission of the person taking the same. And in case of the absence of the governor, the said oath, or declaration and affirmation may be taken before, and certified by either of the judges of the territory.

before the governor.

AR. ST. CLAIR,
SAML. H. PARSONS,
JAMES M. VARNUM.

322 ILLINOIS HISTORICAL COLLECTIONS

CHAPTER II.

A LAW respecting Crimes and Punishments, published by his excellency Arthur St. Clair, esquire, governor, and the honorable Samuel Holden Parsons, and James Mitchell Varnum, esquires, judges of the territory of the United States, north-west of the river Ohio, at the city of Marietta, the sixth day of September, in the thirteenth year of the independence of the United States, and of our Lord, one thousand, seven hundred and eighty-eight.

Treason.

What offences shall **I**F any person belonging to, residing in, or protected by the laws of this territory, shall levy war against the United States, or against this territory, or shall knowingly and wilfully aid or assist any enemies at war against the United States, or this territory, by joining the armies or fleets of such enemies, or by enlisting, persuading or procuring others to join said fleets or armies, or by furnishing such enemies with arms, or ammunition, or provisions, or any other articles for their aid or comfort, or by carrying on a treasonable and treacherous correspondence with them, or

[7]

be deemed treasonable.

shall form, or be any way concerned in forming any combination, plot or conspiracy for betraying the United States, or this territory, into the hands or power of any foreign enemy, or shall give or attempt to give or send any intelligence to any such enemy for said purpose, the person or persons so offending shall be deemed guilty of treason, and, upon conviction thereof, shall suffer the pains of death, and shall, moreover, forfeit all his, her or their estate, real and personal, to this territory.

Murder.

Murder. If any person or persons shall, with malice aforethought, kill or slay another person, he, she, or they, so offending, shall be deemed guilty of murder, and, upon conviction thereof, shall suffer the pains of death.

Manslaughter.

Manslaughter. If any person or persons shall wilfully kill or slay another person, without malice aforethought, he, she, or they, so offending, shall be

CRIMES AND PUNISHMENTS, 1788

323

deemed guilty of manslaughter, and, upon conviction thereof, shall be punished as at the common law hath heretofore been used and accustomed. *Provided nevertheless*, That if any person in the just and necessary defence of his own life, or the life of any other person, shall kill or slay another person attempting to rob or murder in the field or highway, or to break into a dwelling house, if he cannot with safety to himself, otherwise take the felon or assailant, or bring him to justice, he shall be holden guiltless.

Burglary.

If any person or persons shall, in the night season, break open and enter any dwelling house, shop, store or vessel, in which any person or persons dwell or reside, with a view and intention of stealing and purloining therefrom, he, she or they, so offending, shall be deemed guilty of burglary, and,

**Burglary,
what crimes
deemed,
how punished;**

[8]

upon conviction thereof, shall be whipped, not exceeding thirty-nine stripes, and find sureties for good behaviour for a term not exceeding three years; and upon default of sureties, shall be committed to gaol for a term not exceeding three years, or until sentence be performed.

If the person or persons, so breaking and entering any dwelling-house, shop, store or vessel, as aforesaid, shall actually steal and purloin therefrom, he, she or they, so offending, upon conviction thereof, shall, moreover, be fined in treble the value of the articles stolen; one third of such fine to be to the territory, and the other two thirds to the party injured.

and fined.

If the person or persons so breaking and entering any dwelling-house, shop, store or vessel as aforesaid, shall commit, or attempt to commit any personal abuse, force or violence, or shall be so armed with any dangerous weapon or weapons as clearly to indicate a violent intention, he, she or they, so offending, upon conviction thereof, shall, moreover, forfeit all his, her or their estate, real and personal, to this territory, out of which, the party injured shall be recompenced as aforesaid, and the offender shall also be committed to any gaol in the territory for a term not exceeding forty years.

**Forfeiture
on persons
breaking
houses, &c.**

And if the death of any innocent person should ensue from the breaking and entering any dwelling house, shop, store or vessel, as

**What cases
deemed wilful
murder.**

aforesaid, in any of the instances aforesaid, the person or persons so breaking and entering shall be deemed guilty of wilful murder. And all persons aiding and assisting in breaking and entering any dwelling house, shop, store or vessel as aforesaid, or in any of the crimes consequent thereupon, as before pointed out, shall be deemed principals.

What crimes deemed robbery-

Robbery.

If any person or persons shall unlawfully and forceably take from the person of another in the

[9]

berry, and how punished.

field or highway, any money, goods or chattels, he, she or they so offending, shall be deemed guilty of robbery, and upon conviction thereof, shall suffer as in the first instance of burglary.

Robbery, how punished.

Whoever shall commit such robbery with personal abuse or violence, or be armed, at the time with any dangerous weapon or weapons, so as clearly to indiciate an intention of violence, he, she or they, so offending, upon conviction thereof, shall moreover suffer as in the second instance of burglary. And in case any person or persons robbing or attempting to rob, as aforesaid, shall kill or slay any person or persons defending him, her or themselves, or others, or his, her or their property against such robber or robbers, or person or persons, attempting to rob, or in pursuing and endeavoring to apprehend and secure such person or persons so robbing or attempting to rob, he, she or they, so offending, shall be deemed guilty of wilful murder. And all aiders and abettors in any robbery as aforesaid, and in any of the crimes consequent thereupon, as before pointed out, shall be deemed principals.

AR. ST. CLAIR,
SAML. H. PARSONS,
JAMES M. VARNUM.

Riots and unlawful Assemblies.

Fines on unlawful assemblies &c.

If three or more persons shall assemble together with intention to do any unlawful act, with force and violence, against the person or property of another, or to do any other unlawful act, against the peace and to the terror of the people; or, being lawfully assembled, shall agree with each other to do any unlawful act as aforesaid, and shall make any movement or preparation therefor, the persons so

① New Jersey - Legislative

LAWS

OF THE

STATE OF NEW-JERSEY.

Revised and Published

UNDER THE AUTHORITY OF THE LEGISLATURE.



TRENTON:

PRINTED, FOR THE STATE, BY JOSEPH JUSTICE.

1821.

LAWS OF NEW-JERSEY.

473

the money therein directed to be made, within ninety days after receiving such warrant, he shall, for every offence, forfeit and pay one hundred dollars, to be recovered, with costs, by action of debt, by the treasurer, or the county or township collector, as the case may require, for the use of the state, and shall also be amerced by the court of common pleas of the county, to the amount of the sum in the said warrant mentioned, with interest and costs; which amercement shall have the force and effect of a judgment, whereon execution shall instantly, and without any further proceedings, be issued against the goods and chattels, lands, tenements, hereditaments and real estate of the sheriff so amerced.

1799.

he shall not execute the warrant agreeably to law.

39. *And be it enacted*, That if the sheriff shall not execute the writ of execution agreeably to this act, or shall not pay the money therein directed to be made, within ninety days after receiving such execution, he shall, for every offence, forfeit and pay one hundred dollars, to be recovered, with costs, by action of debt, by the treasurer, or the county or township collector, as the case may require, for the use of the state; and shall also be amerced by the court, out of which such execution issued, to the amount of the sum in the said execution mentioned, with interest and costs; which amercement shall have the force and effect of a judgment, whereon execution shall instantly, and without any further proceedings, be issued against the goods and chattels, lands, tenements, hereditaments and real estate of the sheriff so amerced.

Sheriff, how to be proceeded against, if he shall not execute the writ of execution agreeably to law.

40. *And be it enacted*, That every act and every clause of any act within the purview of this act, be, and they are hereby repealed; but such repeal shall not extend to or affect any assessment, tax, penalty, suit, judgment, warrant of distress, or writ of execution, made, arising, commenced, entered, or issued under any act or clause hereby repealed; but that the same shall be collected, prosecuted, enforced and proceeded upon, in the like manner as if this act had not been made.

Former acts repealed, but such repeal not to affect antecedent taxes, judgments, warrants and executions.

See the act designating taxable property, March 9, 1801.

AN ACT to describe, apprehend and punish disorderly persons.

PAT. 410.

Passed the 10th of June, 1799.

1. BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same, That all paupers, who shall unlawfully return to the city or township, from which they were legally removed, without a certificate from the city or township to which they belong, or who shall leave their places of legal settlement; and all persons, who shall go about from door to door, or place themselves in streets, highways or passages, to beg, crave charity, or collect alms, or who shall wander abroad and lodge in taverns, inns, beer-houses, out-houses, houses of entertainment, market-houses, barns or other

Who shall be adjudged to be disorderly persons.

1789.

places, or in the open air, and not give a good account of themselves, or who shall wander abroad, and beg or solicit charity, under pretence of being or having been soldiers, mariners, or seafaring men, or of loss by fire, or other casualty, or of loss by the Indians, or by war, or other pretence or thing; and all persons who shall leave, or threaten to leave their families to be maintained by the city, township or county, or to become chargeable thereto, or who, not having sufficient property or means for their subsistence or support, shall live idle, or not engage in some honest employment, or not provide for themselves or families; and all persons who shall use, or pretend to use, or have any skill in physiognomy, palmistry, or like crafty science, or who shall pretend to tell destinies or fortunes; and all runaway servants or slaves, and all vagrants or vagabonds, common drunkards, common night-walkers, and common prostitutes, shall be deemed and adjudged to be disorderly persons.

Further description of disorderly persons.

2. *And whereas* divers ill disposed persons are frequently apprehended, having upon them implements for house-breaking, or offensive weapons, or are found in or upon houses, warehouses, stables, barns or out-houses, areas of houses, coach-houses, smoke-houses, enclosed yards, or gardens belonging to houses, with intent to commit theft, misdemeanors or other offences; and although their evil purposes are thereby manifested, the power of the justices of the peace to demand of them sureties for their good behaviour hath not been of sufficient effect to prevent them from carrying their evil purposes into execution; *Be it further enacted*, That if any person shall be apprehended, having upon him or her any picklock, key, crow, jack, bit, or other implement, with an intent to break and enter into any dwelling-house, ware-house, stable, barn, coach-house, smoke-house or out-house; or shall have upon him or her any pistol, hanger, cutlass, bludgeon, or other offensive weapon, with intent to assault any person; or shall be found in or upon any dwelling-house, ware-house, stable, barn, coach-house, smoke-house or out-house, or in any enclosed yard or garden, or area belonging to any house, with an intent to steal any goods or chattels, then he or she shall be deemed and adjudged to be a disorderly person.

Disorderly persons may be apprehended without a warrant, and, on conviction, committed to the work-house.

3. *And be it enacted*, That it shall be the duty of every constable, and lawful for any other person, to apprehend, without warrant or process, any disorderly person of the description aforesaid, and to take him or her before any justice of the peace of the county, where apprehended; and it shall be the duty of the said justice to commit such disorderly person, when convicted before him, by the confession of the offender, or by the oath or affirmation of one or more witness or witnesses, to the work-house of the city, town or county, there to be kept at hard labor for any time not exceeding three calendar months.

Justices to issue process against disorderly persons.

4. *And be it enacted*, That it shall be the duty of every justice of the peace, of the proper county, to issue, on information, or his own view, his warrant or process to apprehend any disorderly person, within the intent and meaning of this act.

Treasurer of the State, to deposit in the Bank of the State and its several branches, all that portion of the public revenue of the United States, which he has received or which he may hereafter receive, as the portion of Alabama, in the following proportion: One fifth in the Bank of the State at Tuscaloosa, one fifth in the Branch Bank at Montgomery, one fifth in the Branch Bank at Mobile, one fifth in the Branch Bank at Decatur, and one fifth in the Branch Bank at Huntsville; taking therefor certificates of deposit, and all laws or parts of laws, contravening the provisions of this act, be and the same are hereby repealed: *Provided*, That the amount of the surplus revenue already received and which may hereafter be received, shall be deposited in said Bank and its Branches, in the above and foregoing proportions, on or before the first day of May next.

Approved June 30, 1837.

No. 11.]

AN ACT

To suppress the use of Bowie Knives.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That if any person carrying any knife or weapon, known as Bowie Knives or Arkansas Tooth-picks, or either or any knife or weapon that shall in form, shape or size, resemble a Bowie Knife or Arkansas Tooth-pick, on a sudden rencounter, shall cut or stab another with such knife, by reason of which he dies, it shall be adjudged murder, and the offender shall suffer the same as if the killing had been by malice aforethought.

Sec. 2. *And be it further enacted*, That for every such weapon, sold or given, or otherwise disposed of in this State, the person selling, giving or disposing of the same, shall pay a tax of one hundred dollars, to be paid into the county Treasury; and if any person so selling, giving or disposing of such weapon, shall fail to give in the same in his list of taxable property, he shall be subject to the pains and penalties of perjury.

Approved June 30, 1837.

[No. 12.]

AN ACT

To enlarge the prison bounds in the different counties in this State:

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the several sections of an act passed in the year 1824, requiring the Judge of the county court and commissioners of roads and revenue, to mark and lay out the bounds of prisoners, be and the same is hereby repealed; and that from and after the passage of this act, the bounds of the different counties shall be the limits within which prisoners confined for debt shall be restricted, on entering into bond, as now required by law, to keep within the prison bounds; and hereafter the plaintiffs in suits shall not be compelled to pay the sustenance and support of prisoners who take the benefit of the bounds.

Approved June 30, 1837.

[No. 13.]

AN ACT

For the relief of the purchasers of the Sixteenth Section, Township four, Range six, West, in the county of Lawrence and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the President and Directors of the Branch of the Bank of the

DEADLY WEAPONS.

AN ACT to guard and protect the citizens of this State, against the unwarrantable and too prevalent use of deadly weapons.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passage of this act, it shall not be lawful for any merchant, or vender of wares or merchandize in this State, or any other person or persons whatsoever, to sell, or offer to sell, or to keep, or have about their person or elsewhere, any of the hereinafter described weapons, to wit: Bowie, or any other kind of knives, manufactured and sold for the purpose of wearing, or carrying the same as arms of offence or defence, pistols, dirks, sword canes, spears, &c., shall also be contemplated in this act, save such pistols as are known and used, as horseman's pistols, &c.

SEC. 2. *And be it further enacted by the authority aforesaid,* That any person or persons within the limits of this State, violating the provisions of this act, except as hereafter excepted, shall, for each and every such offence, be deemed guilty of a high misdemeanor, and upon trial and conviction thereof, shall be fined, in a sum not exceeding five hundred dollars for the first offence, nor less than one hundred dollars at the direction of the Court; and upon a second conviction, and every after conviction of a like offence, in a sum not to exceed one thousand dollars, nor less than five hundred dollars, at the discretion of the Court.

SEC. 3. *And be it further enacted by the authority aforesaid,* That it shall be the duty of all civil officers, to be vigilant in carrying the provisions of this act into full effect, as well also as Grand Jurors, to make presentments of each and every offence under this act, which shall come under their knowledge.

SEC. 4. *And be it further enacted by the authority aforesaid,* That all fines and forfeitures arising under this act, shall be paid into the county Treasury, to be appropriated to county purposes: *Provided, nevertheless,* that the provisions of this act shall not extend to Sheriffs, Deputy Sheriffs, Marshals, Constables, Overseers or Patrols, in actual discharge of their respective duties, but not otherwise: *Provided, also,* that no person or persons, shall be found guilty of violating the before recited act, who shall openly wear, externally, Bowie Knives, Dirks, Tooth Picks, Spears, and which shall be exposed plainly to view: *And provided, nevertheless,* that the provisions of this act shall not extend to prevent venders, or any oth-

DEEDS.

91

er persons who now own and have for sale, any of the aforesaid weapons, before the first day of March next.

SEC. 5. *And be it further enacted by the authority aforesaid,* That all laws and parts of laws militating against this act, be, and the same are, hereby repealed.

JOSEPH DAY,
Speaker of the House of Representatives,
ROBERT M. ECHOLS,
President of the Senate.

Assented to, 25th December, 1837.

GEORGE R. GILMER, Governor.

DEEDS.

AN ACT to admit certain Deeds to be recorded and read in evidence ; and also, to prescribe the effect of certain other Deeds.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, all Deeds for lands which may have been recorded upon the usual proof of execution, but not recorded within the time prescribed by the laws of this State, shall be admitted in evidence, without further proof; and when the originals are lost or destroyed, and that being made judicially known to the Court, copies of the same may be introduced and read in evidence, on any trial before any Court of law or equity, in this State.

SEC. 2. *And be it further enacted by the authority aforesaid,* That all Deeds executed, according to the laws of this State, but not yet recorded, may nevertheless be recorded within twelve months from the passage of this act, upon the usual proof of their execution ; and when so recorded, the same or copies thereof, when the originals are shown to be lost or destroyed, may be read in evidence without further proof.

SEC. 3. *And be it further enacted by the authority aforesaid,* That all Deeds conveying lands hereafter executed upon being attested or proved in the manner required by the laws of this State, shall be admitted to record, at any time, and after being recorded, shall be received in evidence in any Court of Law or Equity, without further proof of the execution thereof.

SEC. 4. *And be it further enacted by the authority aforesaid,* That in all cases where two or more Deeds shall hereafter be executed by the same person or persons, conveying the same

to perform the duties enjoined on them by the second section of an act, passed at Nashville, the 19th of February, 1836, chapter XLVIII, that it shall be the duty of the several county surveyors to do and perform said services within their respective counties, and that said county surveyors shall be allowed the same fees, and be subject to the same penalties that said principal surveyors were entitled to, and liable for, in processioning said lands, and that said county surveyors shall return a plat and certificate of each tract so processioned by them to the entry taker of the county, who shall forthwith record the same in his survey book, for which services the said entry taker shall be allowed the same fees as for other services of the same kind, and that said several tracts of land shall be hable to attachment and final judgment for all expenses in processioning and recording the same.

JOHN COCKE,
Speaker of the House of Representatives.
TERRY H. CAHAL,
Speaker of the Senate.

Passed January 18th, 1836.

CHAPTER CXXXVII.

An Act to suppress the sale and use of Bowie Knives and Arkansas Tooth Picks in this State.

Knives not to be sold or given away

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That if any merchant, pedlar, jeweller, confectioner, grocery keeper, or other person or persons whatsoever, shall sell or offer to sell, or shall bring into this State, for the purpose of selling, giving or disposing of in any other manner whatsoever, any Bowie knife or knives, or Arkansas tooth picks, or any knife or weapon that shall in form, shape or size resemble a Bowie knife or any Arkansasaw tooth pick, such merchant, pedlar, jeweller, confectioner, grocery keeper, or other person or persons for every such Bowie knife or knives, or weapon that shall in form, shape or size resemble a Bowie knife or Arkansas tooth pick so sold, given or otherwise disposed of, or offered to be sold, given or otherwise disposed of, shall be guilty of a misdemeanor, and upon conviction thereof upon indictment or presentment, shall be fined in a sum not less than one hundred dollars, nor more than five hundred dollars, and shall be imprisoned in the county jail for a period not less than one month nor more than six months.

Not to be worn

SEC. 2. That if any person shall wear any Bowie knife, Arkansas tooth pick, or other knife or weapon that shall in

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form, shape or size resemble a Bowie knife or Arkansas tooth pick under his clothes, or keep the same concealed about his person, such person shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not less than two hundred dollars, nor more than five hundred dollars, and shall be imprisoned in the county jail not less than three months and not more than six months.

Sec. 3. That if any person shall maliciously draw or attempt to draw any Bowie knife, Arkansas tooth pick, or any knife or weapon that shall in form, shape or size resemble a Bowie knife or Arkansas tooth pick, from under his clothes or from any place of concealment about his person, for the purpose of sticking, cutting, awing, or intimidating any other person, such person so drawing or attempting to draw, shall be guilty of a felony, and upon conviction thereof shall be confined in the jail and penitentiary house of this State for a period of time not less than three years, nor more than five years.

Sec. 4. That if any person carrying any knife or weapon known as a Bowie knife, Arkansas tooth pick, or any knife or weapon that shall in form, shape or size resemble a Bowie knife, on a sudden encounter, shall cut or stab another person with such knife or weapon, whether death ensues or not, such person so stabbing or cutting shall be guilty of a felony, and upon conviction thereof shall be confined in the jail and penitentiary house of this State, for a period of time not less than three years, nor more than fifteen years.

Sec. 5. That this act shall be in force from and after the first day of March next. And it shall be the duty of the several judges of the circuit courts in this State to give the same in charge to the grand jury every term of the respective courts, and any civil officer who shall arrest and prosecute to conviction and punishment any person guilty of any of the offences enumerated in this act, shall be entitled to the sum of fifty dollars, to be taxed in the bill of costs, and the attorney general shall be entitled to a tax fee of twenty dollars in each case, when a defendant shall be convicted, and no prosecutor required on any presentment or indictment for any of the offences enumerated in this act.

JOHN COCKE,

Speaker of the House of Representatives.

TERRY H. CAHAL,

Speaker of the Senate.

Passed January 27th, 1838.

SEVENTY-SECOND SESSION.

403

York, which is or may be designated by the common council of the city of New-York, by resolution or ordinance as the lamp district, to be collected according to law and applied towards the expense of lighting such parts of the city last mentioned; and also the further sum of one hundred and eighty-seven thousand one hundred and seventy-five dollars, by tax on the estates real and personal of the freeholders and inhabitants of and situated within the said city and county, to be collected according to law and applied towards defraying the deficiency in taxation in said city and county for the year one thousand eight hundred and forty-eight.

Deficiency in
taxes of
1848 \$187,-
185.

§ 2. This act shall take effect immediately.

Chap. 277.

AN ACT *authorising the board of supervisors of Columbia county to purchase a piece of land.*

Passed April 7, 1849.

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

§ 1. The board of supervisors of the county of Columbia are hereby authorised and empowered to purchase and hold as a part of the county poor-house farm, a lot of land containing some four or five acres lying adjacent to said farm, and now owned by the heirs at law of John Macy, deceased, any law to the contrary notwithstanding.

A lot may be
purchased.

§ 2. This act shall take effect immediately.

Chap. 278.

AN ACT *to prevent the manufacture, use and sale of slung shot.*

Passed April 7, 1849.

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

§ 1. Any person who shall, within this state, hereafter manufacture or cause to be manufactured, or sell, or expose, or keep for sale or gift, or part with any instrument or weapon of the kind usually known as slung shot, or of any similar kinds shall be liable to indictment for misdemeanor, and on conviction, shall be punished by fine of not less than two hundred and fifty, nor over five hundred dollars, or by imprisonment in a county jail for not less than six months, nor over two years.

Punishment
for making
or selling
slung shot.

Indictment
for felony.

§ 2. Any person who shall, within this state, hereafter carry, or be found in the possession of, or use, or attempt to use, as against any other person, any instrument or weapon of the kind usually known as slung shot or of any similar kind, shall be liable to indictment for felony, and on conviction shall be punished by imprisonment in a state's prison for a term not less than one, nor more than five years.

Chap. 279.

AN ACT *making an appropriation to the Buffalo Hospital of the sisters of charity.*

Passed April 7, 1849, "three-fifths being present."

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

Appropriation of \$9000.

§ 1. The sum of nine thousand dollars is hereby appropriated to the Buffalo hospital of the sisters of charity, to be paid out of the general fund as follows: five thousand dollars thereof on the first day of July, in the year one thousand eight hundred and forty nine, and four thousand dollars thereof on the first day of March, in the year one thousand eight hundred and fifty.

Money to be paid.

§ 2. The treasurer shall pay on the warrant of the comptroller the sums above specified in the manner and for the purpose provided by this act, to the officers of the said, "Buffalo Hospital of the sisters of charity" to be expended and used as hereinafter provided, and said officers shall make a report under oath to the legislature showing the expenditure thereof.

How to be applied.

§ 3. The above mentioned sum of five thousand dollars shall be applied and expended by the said "The Buffalo Hospital of the sisters of charity," in finishing, enlarging, repairing and furnishing the buildings and making the necessary and proper erections for the use of the said "The Buffalo Hospital of the sisters of charity."

Residue how to be used.

§ 4. The residue of said sum of nine thousand dollars hereby appropriated shall be used and appropriated by the said "Buffalo Hospital of the sisters of charity," in supporting and sustaining the Hospital institution established and conducted by such corporation.

§ 5. This act shall take effect immediately.

No. 36.—AN ACT PROHIBITING THE MANUFACTURE, SALE
AND USE OF SLUNG SHOT.

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

SEC. 1. Any person who shall, within this State, hereafter manufacture, or cause to be manufactured, or sell, expose or keep for sale or gift, or part with any instrument or weapon of the kind usually known as slung shot, or of any similar kinds, shall be deemed guilty of a misdemeanor, and be punished therefor by a fine, not exceeding five hundred dollars nor less than two hundred dollars, or by imprisonment in the county jail for a term not exceeding two years.

SEC. 2. Any person who shall, within this State, hereafter carry, or be found in the possession of, use or attempt to use, as against any other person, any instrument, or weapon, of the kind usually known as slung shot, or of any similar kinds, shall be deemed guilty of felony, and be punished therefor by imprisonment in the State prison for a term not exceeding five years.

SEC. 3. This act shall take effect from its passage.

Approved, November 12th, 1849.

No. 37.— AN ACT FOR SURVEYING AND ASCERTAINING THE
LINE BETWEEN THE TOWNS OF POWNAL AND STAMFORD.

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

SEC. 1. Nathan H. Bottum of Shaftsbury, Harmon Canfield of Arlington, and John S. Pettibone of Manchester, in the county of Bennington, are hereby appointed a committee to survey, make, and establish the line between the towns of Pownal and Stamford, in said county, agreeably to the charters of said towns: and they shall cause their doings to be recorded in the town clerk's office in each of said towns, within sixty days after they shall have completed their survey: and shall also present an account of their time and expenses, together with their claim for services, while employed in said service, to the selectmen of the said towns of Pownal and Stamford, who are authorized to audit the same, draw an order for one half of the amount on the treasurer of the town of Pownal, and the other

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

An Act in relation to the carrying of Slung Shot.

Chap 194.

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

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

Penalty, fine, or imprisonment.

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

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

An Act to incorporate the Springfield Medical School.

Chap 195.

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

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

Corporators.

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

LAWS OF KENTUCKY.

1856.

otherwise appropriated, which shall go into the common fund of said Society, to be expended, together with its other means, as it shall deem proper, in accomplishing the object of this institution as herein set forth: *Provided*, That each division of the State shall be entitled to its equal proportion of such publications as may be made by this Society for general distribution.

To make by laws, &c.

§ 12. That the president and directors, any five of whom shall form a quorum for the transaction of business, may, from time to time, make such by-laws, rules, and regulations for their own government, and for the management of the affairs of the Society, as they may deem expedient, not contrary to the provisions of this charter, or the by-laws or regulations which the members may from time to time prescribe at their annual meetings.

Report to be made to Legislature.

§ 13. That it shall be the duty of the president and directors to make a report of the proceedings and condition of the Society at each annual meeting of its members held as above stated, and also a report to the Legislature at its biennial session, setting forth in full the manner in which its means have been employed, and the state of its finances.

Vacancies to be filled.

§ 14. That in case of the death, resignation, or refusal to act of any officer, the board of officers shall have power to fill such vacancy, at a meeting only called for that purpose, who shall act until the next annual election.

§ 15. This act shall take effect from its passage.

Approved March 10, 1856.

CHAPTER 636.

AN ACT to prevent the selling and using of certain weapons.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Buying or selling certain weapons unlawful.

§ 1. That any person or persons who may hereafter be found guilty of vending, buying, selling, or dealing in the weapons popularly known as colts, brass knuckles, slungshots, or any imitation or substitute therefor, shall forfeit and pay the sum of twenty-five dollars for each and every offense so committed—one-half thereof to be applied to the jury fund, the other to the prosecutor.

Penalty for using such weapons.

§ 2. That should any person strike, beat, wound or bruise another, by using any of the above named weapons, he or they so offending shall forfeit and pay the sum of one hundred dollars to the party or person so struck, wounded or bruised, which party shall have his action at law in any Circuit Court of this Commonwealth; and in default of the payment thereof, said offender or offenders shall be

LAWS OF KENTUCKY.

97

imprisoned in the city or county jail until all costs and damages are fully paid.

§ 3. Should any person be killed by the weapons aforesaid, or any one of them, or in any other way except in self-defense, the wife, if he have one, or heirs at law, if he has no wife, shall have an action against all such as were in anywise concerned in such killing, and recover such damages as a jury may deem right; and in default of the payment of such damages, the defendant or defendants may be imprisoned, as in other cases of trespass to the person.

§ 4. This act shall be given in charge to the grand juries of this Commonwealth.

Approved March 10, 1856.

1856.

Wife or heirs of any person killed by such weapons may have action against slayer.

CHAPTER 637.

AN ACT relating to the late Keeper of the Penitentiary.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Commissioners of the Sinking Fund be and they are hereby authorized and directed, in their final settlement with Newton Craig, late Agent and Keeper of the Penitentiary, to allow the said Craig a further credit for the sum of two thousand six hundred and eighty-six dollars and sixty-four cents, being one third of the net profits of said institution for the years 1844 and 1845; which sum is allowed to said Craig in full discharge of all claims, either in law or equity, which he, the said Craig, may have against the Commonwealth, growing out of his connection with the Penitentiary.

§ 2. This act to take effect from its passage.

Approved March 10, 1856.

Appropriation to N. Craig.

CHAPTER 639.

AN ACT to repeal an act, approved 7 March, 1854, to regulate the appointment of Superintendent of Western Lunatic Asylum.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled, an act to regulate the appointment of Superintendent of the Western Lunatic Asylum at Hopkinsville, approved March 7th, 1854, be and the same is hereby repealed.

§ 2. That the provisions of article 3 of the Revised Statutes, entitled, "Lunatic Asylums," shall apply to and govern said asylum.

Approved March 10, 1856.

Repeal acts 1853-4, 83.

Rev. Stat. 401.

THE
REVISED STATUTES
OF THE
STATE OF FLORIDA.

PREPARED UNDER AUTHORITY OF, AND ADOPTED BY,

THE LEGISLATURE OF THE STATE OF FLORIDA.

W. A. BLOUNT, C. M. COOPER, L. C. MASSEY,
COMMISSIONERS.

JACKSONVILLE, FLA.:
THE DACOSTA PRINTING AND PUBLISHING HOUSE,
CHAS. W. DACOSTA, PROP'R.
1892.

782

PART 5.]

LIBEL, DEADLY WEAPONS.

[TITLE 2,

the State and engages in a fight with another person, without the limits thereof, shall be punished by imprisonment not exceeding six months, or by fine not exceeding five hundred dollars.

ARTICLE 4.

LIBEL AND DEFAMATION.

Ib.
Sub-chap. 7,
sec. 15.

2418. Punishment for libel.—Any person convicted of the publication of a libel shall be punished by imprisonment not exceeding one year, or by fine not exceeding one thousand dollars.

Libel defined.—Jones v. Greeley, 25 Fla., 629.

Chap. 8400, sec.
1, Jan. 30, 1883.

2419. Defamation.—Whoever speaks of and concerning any woman, married or unmarried, falsely and maliciously, imputing to her a want of chastity, shall be punished by imprisonment not exceeding one year, or by fine not exceeding five hundred dollars.

Chap. 1637, sub-
chap. 3, sec. 42,
Aug. 6, 1868.

2420. Threats to accuse another of crime.—Whoever, either verbally or by a written or printed communication, maliciously threatens to accuse another of any crime or offence, or by such communication maliciously threatens an injury to the person or property of another, with intent thereby to extort money or any pecuniary advantage whatever, or with intent to compel the person so threatened or any other person to do any act against his will, shall be punished by imprisonment in the State prison not exceeding ten years.

ARTICLE 5.

DEADLY WEAPONS.

Chap. 8020, sec.
1, Feb. 12, 1885.

2421. Carrying concealed weapons.—Whoever shall secretly carry arms of any kind on or about his person, or whoever shall have concealed on or about his person any dirk, pistol or other weapon, except a common pocket knife, shall be punished by imprisonment not exceeding six months, or by fine not exceeding one hundred dollars.

Partial concealment is a violation.—Sutton v. State, 12 Fla., 135.

Ib., sec. 2.

2422. Given in special charge to grand jury.—The circuit judges shall charge the grand juries specially upon the crime of carrying concealed weapons, and the State attorney shall receive a fee of ten dollars for each conviction therefor.

Chap. 1637, sub-
chap. 7, sec. 10,
Aug. 6, 1868.

2423. Persons engaged in criminal offence having weapons.—Whoever, when lawfully arrested while committing a criminal offence or a breach or disturbance of the public peace, is armed

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

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

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

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

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

CHAPTER IV.

OFFENCES AGAINST PROPERTY.

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

ARTICLE 1.

ARSON.

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

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

GENERAL LAWS

OF THE

TWELFTH LEGISLATURE

OF

THE STATE OF TEXAS

FIRST SESSION—1871

BY AUTHORITY

AUSTIN
1871

CHAPTER XXXIV.

An Act to regulate the keeping and bearing of deadly weapons.

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

Sec. 2. Any person charged under the first section of this act, who may offer to prove, by way of defense, that he was in danger of an attack on his person, or unlawful interference with his property, shall be required to show that such danger was immediate and pressing, and was of such a nature as to alarm a person of ordinary courage; and that the weapon so carried was borne openly and not concealed beneath the clothing; and if it shall appear that this danger had its origin in a difficulty first commenced by the accused, it shall not be considered as a legal defense.

Sec. 3. If any person shall go into any church or religious assembly, any school room, or other place where persons are assem-

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

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

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

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

be rendered in the case; and in case of forfeiture the proceedings thereon shall be as is or may be prescribed by law in similar cases; and all moneys collected on any bond or judgment upon the same, shall be paid over and appropriated as provided in the fifth section of this act.

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

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

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

Approved April 12, 1871.

CHAPTER XXXV.

An Act to authorize the County Court of Robertson county to levy and collect a special tax for the term of two years to build a court house and jail in the city of Calvert, the county seat of said county.

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

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

Approved April 12, 1871.

THE
REVISED CODES
OF THE
TERRITORY OF DAKOTA.

A. D. 1877.

COMPRISING THE CODES AND GENERAL STATUTES PASSED AT THE TWELFTH
SESSION OF THE LEGISLATIVE ASSEMBLY, AND ALL OTHER
GENERAL LAWS REMAINING IN FORCE.

PUBLISHED AND EDITED BY
GEO. H. HAND,
SECRETARY OF DAKOTA.

BY AUTHORITY OF THE LEGISLATIVE ASSEMBLY.

YANKTON:
BOWEN & KINGSBURY, PUBLIC PRINTERS,
1877.

PENAL CODE.

AN ACT to Establish a Penal Code for the Territory of Dakota.

CHAPTER I.

PRELIMINARY PROVISIONS.

§ 1. TITLE OF ACT.] *Be it enacted by the Legislative Assembly of the Territory of Dakota,* That this act shall be known as the penal code of the Territory of Dakota.

§ 2. WHAT ACTS CRIMINAL.] No act or omission shall be deemed criminal or punishable except as prescribed or authorized by this code, or by some of the statutes which it specifies as continuing in force, or such laws as do not conflict with the provisions of this code.

§ 3. CRIME DEFINED.] A crime or public offense is an act or omission forbidden by law, and to which is annexed, upon conviction, either of the following punishments:

1. Death.
2. Imprisonment.
3. Fine.
4. Removal from office; or,
5. Disqualification to hold and enjoy any office of honor, trust or profit, under this territory.

§ 4. CRIMES DIVIDED.] Crimes are divided into:

1. Felonies.
2. Misdemeanors.

§ 5. FELONY DEFINED.] A felony is a crime which is, or may be, punishable with death, or by imprisonment in the territorial prison.

§ 6. MISDEMEANOR.] Every other crime is a misdemeanor.

§ 7. OBJECTS OF PENAL CODE.] This code specifies the classes of persons who are deemed capable of crimes, and liable to punishment therefor; and defines the nature of the various crimes; and prescribes the kind and measure of punishment to be inflicted for each. The manner of prosecu-

§ 454. DISPOSING OF TAINTED FOOD.] Every person who knowingly sells, or keeps, or offers for sale or otherwise disposes of any article of food, drink, drug or medicine knowing that the same has become tainted, decayed, spoiled or otherwise unwelcome or unfit to be eaten or drank, with intent to permit the same to be eaten or drank by any person or animal, is guilty of a misdemeanor.

§ 455. SLUNG SHOT.] Every person who manufactures or causes to be manufactured, or sells, or offers or keeps for sale, or gives or disposes of any instrument or weapon of the kind usually known as slung shot, or of any similar kind, is guilty of a misdemeanor.

§ 456. CARRYING OR USING SAME.] Every person who carries upon his person, whether concealed or not, or uses or attempts to use against another, any instrument or weapon of the kind usually known as slung shot or of any similar kind, is guilty of a felony.

§ 457. CONCEALED WEAPONS.] Every person who carries concealed about his person any description of fire-arms, being loaded or partly loaded or any sharp or dangerous weapon such as is usually employed in attack or defense of the person, is guilty of a misdemeanor.

§ 458. WILLFUL PRAIRIE FIRES.] Every person who shall willfully set on fire or cause to be set on fire any woods, marshes or prairie, with intention to injure the property of another, shall be deemed guilty of a misdemeanor, and shall be liable for all damages done by such fire.

§ 459. SAME BY NEGLIGENCE—DAMAGES.] Every person who negligently or carelessly sets on fire, or causes to be set on fire, any woods, marshes or prairies, or who, having set the same on fire, or caused it to be done, negligently or carelessly, or without full precaution or efforts to prevent, permits it to spread beyond his control, shall, upon conviction, be fined not exceeding one hundred dollars and not less than ten dollars, and shall be liable to injured parties for all damages occasioned thereby. One-half of such fine shall, when collected, go to the informer.

§ 460. REFUSING AID AT FIRES.] Every person who, at any burning of a building, is guilty of any disobedience to lawful orders of any public officer or fireman, or of any resistance to or interference with the lawful efforts of any fireman or company of firemen, to extinguish the same, or of any disorderly conduct calculated to prevent the same from being extinguished, or who forbids, prevents or dissuades others from assisting to extinguish the same, is guilty of a misdemeanor.

§ 461. UNLAWFUL FERRY.] Every person who maintains any ferry for profit or hire upon any waters within this territory, without authority of law, is punishable by a fine not exceeding twenty-five dollars for each time of crossing or running such ferry. Where such ferry is upon waters dividing two counties, the offender may be prosecuted in either.

§ 462. FERRY BOND.] Every person who, having entered into a bond or obligation, as provided by his ferry charter, or any general law on the subject of ferries, to keep and attend a ferry, violates the condition of such bond or obligation, is guilty of a misdemeanor.

§ 463. FAILURE TO RING LOCOMOTIVE BELL.] Every person in charge, as en-

[135]

CHAPTER XCV.

AN ACT to change the day in which the Criminal Docket shall be taken up for Marshall County, Tennessee.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That an Act passed March 22nd, 1877, entitled, "An Act to repeal the Act establishing a Criminal Court in the counties of Williamson, Maury, Giles and Marshall," be so amended that Section 5 of said Act shall hereafter read, that the Criminal Docket shall be taken up on the second Monday of the term of court, instead of the first Thursday of the term, as heretofore fixed by said Act, and that the second Monday of the term shall be the day on which the criminal part of said term of court shall commence for said Marshall County hereafter.

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

Passed March 14, 1879.

H. P. FOWLKES,
Speaker of the House of Representatives.
J. R. NEAL,
Speaker of the Senate.

Approved March 17, 1879.

ALBERT S. MARKS,
Governor.

CHAPTER XCVI.

AN ACT to Prevent the Sale of Pistols.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That it shall be a misdemeanor for any person to sell, or offer to sell, or to bring into the

[136]

Sale of pistols
forbidden.

State for the purpose of selling, giving away, or otherwise disposing of belt or pocket pistols, or revolvers, or any other kind of pistols, except army or navy pistol; *Provided* that this Act shall not be enforced against any persons now having license to sell such articles until the expiration of such present license.

Penalty.

SEC. 2. *Be it further enacted*, That any person guilty of a violation of this Act, shall be subject to presentment or indictment, and on conviction, shall pay a fine of not less than twenty-five nor more than one hundred dollars, and be imprisoned at the discretion of the court.

Judges to
change.

SEC. 3. *Be it further enacted*, That it shall be the duty of the Criminal and Circuit Judges, and other Judges whose courts have criminal jurisdiction, to give this Act specially in charge to the grand jury at each term of the court.

Grand jury
powers.

SEC. 4. *Be it further enacted*, That it shall be the duty of the grand juries to send for witnesses, in all cases where they have good reason to believe, that the provisions of this Act have been violated. And upon satisfactory evidence of its violation, they shall make presentments of the same without a prosecutor.

SEC. 5. *Be it further enacted*, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

SEC. 6. *Be it further enacted*, That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed March 14, 1879.

H. P. FOWLKES,
Speaker of the House of Representatives.
J. R. NEAL,
Speaker of the Senate.

Approved March 17, 1879.

ALBERT S. MARKS,
Governor.

CHAPTER XCVII.

AN ACT to amend the Law Taxing Wagons.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That sub-Section 38 of Section 553a

buildings and grounds shall hereafter be used exclusively for State purposes, the title to the same being in the State.

SEC. 2. That this act take effect and be in force thirty days after its passage, allowing that time for said county to vacate said rooms, &c.

Approved, April 1st, 1881.

No. XCVI.

AN ACT To Preserve the Public Peace and Prevent Crime.

SECTION

- 1 Carrying of certain weapons constituted a misdemeanor; *proviso*, excepting officers, and persons journeying.
- 2 Carrying such weapons otherwise than in the hand, a misdemeanor.
- 3 Selling or disposing of such weapons, a misdemeanor.
- 4 Violation of act punishable by fine from \$50 to \$200.
- 5 Justices of the Peace knowing of violations of provisions of act and refusing to proceed, to be fined and removed.
- 6 Same penalty denounced any other officer knowing of such offense.
- 7 Violators of act how proceeded against.
- 8 Conflicting laws repealed; act in force 90 days after passage.

Be it enacted by the General Assembly of the State of Arkansas:

SECTION 1. That any person who shall wear or carry, in any manner whatever, as a weapon, any dirk or bowie knife, or a sword, or a spear in a cane, brass or metal knucks, razor, or any pistol of any kind whatever, except such pistols as are used in the army or navy of the United States, shall be guilty of a misdemeanor; *Provided*, That officers, whose duties require them to make arrests, or to keep and guard prisoners, together with the persons summoned by such officers, to aid them in the discharge of such duties, while actually engaged in such duties, are exempted from the provisions of this act. *Provided, further*, That nothing in this act be so construed as to prohibit any person from carrying any weapon when upon a journey, or upon his own premises.

SEC. 2. Any person, excepting such officers, or persons on a journey, and on his premises, as are mentioned in section one of this act, who shall wear or carry any such pistol as in [is] used in the army or navy of the United States, in any manner except uncovered, and in his hand, shall be deemed guilty of a misdemeanor.

SEC. 3. Any person who shall sell, barter or exchange, or otherwise dispose of, or in any manner furnish to any person *any person* any dirk or bowie knife, or a sword or a spear in a cane, brass or metal knucks, or any pistol, of any kind whatever, except such as are used in the army or navy of the United States, and known as the navy pistol, or any kind of cartridge, for any pistol, or any person who shall keep any such arms or cartridges for sale, shall be guilty of a misdemeanor.

SEC. 4. Any person convicted of a violation of any of the provisions of this act, shall be punished by a fine of not less than fifty nor more than two hundred dollars.

SEC. 5. Any justice of the peace in this State, who, from his own knowledge, or from legal information, knows, or has reasonable grounds to believe, any person guilty of the violation of the provisions of this act, and shall fail or refuse to proceed against such person, shall be deemed guilty of a non-feasance in office, and upon conviction thereof, shall be punished by the same fines and penalties as provided in section four of this act, and shall be removed from office.

SEC. 6. Any officer in this State, whose duty it is to make arrests, who may have personal knowledge of any person carrying arms contrary to the provisions of this act, and shall fail or refuse to arrest such person and bring him to trial, shall be punished, as provided in section four of this act.

SEC. 7. All persons violating any of the provisions of this act may be prosecuted in any of the courts of this State, having jurisdiction to try the same.

SEC. 8. All laws or parts of laws, in conflict with the provisions of this act are hereby repealed, and this act to take effect and be in force ninety days after its passage.

Approved, April 1st, 1881.

CRIMINAL CODE.

78

CRIMINAL CODE.

DEADLY WEAPONS.

REGULATES TRAFFIC AND PREVENTS SALE TO MINORS.

- | | |
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| <p>§ 1. Forbids possession or sale of slung-shots or knuckles—penalty.</p> <p>§ 2. Forbids sale, loan or gift to minors, of fire-arms or other deadly weapons—penalty.</p> <p>§ 3. Provides for registry of sales by dealers in deadly weapons—Form of register—penalty for failure to keep same.</p> <p>§ 4. Penalty for carrying deadly weapons or display of same.</p> | <p>§ 5. Fines and penalties—how recovered—Increased penalty for second offense.</p> <p>§ 6. Exempts sheriffs, coroners, constables, policemen or peace officers from provisions of this act.</p> <p>§ 7. Repealing clause for acts in conflict.</p> <p>In force July 1, 1881.</p> |
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AN ACT to regulate the traffic in deadly weapons, and to prevent the sale of them to minors.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That whoever shall have in his possession, or sell, give or loan, hire or barter, or whoever shall offer to sell, give, loan, hire or barter, to any person within this state, any slung-shot or metallic knuckles, or other deadly weapon of like character, or any person in whose possession such weapons shall be found, shall be guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than ten dollars (\$10) nor more than two hundred dollars (\$200).

§ 2. Whoever, not being the father, guardian or employer of the minor herein named, by himself or agent, shall sell, give, loan, hire or barter, or shall offer to sell, give, loan, hire or barter to any minor within this state, any pistol, revolver, derringer, bowie knife, dirk or other deadly weapon of like character, capable of being secured upon the person, shall be guilty of a misdemeanor, and shall be fined in any sum not less than twenty-five dollars (\$25) nor more than two hundred dollars (\$200).

§ 3. All persons dealing in deadly weapons, hereinbefore mentioned, at retail within this state shall keep a register of all such weapons sold or given away by them. Such register shall contain the date of the sale or gift, the name and age of the person to whom the weapon is sold or given, the price of the said weapon, and the purpose for which it is purchased or obtained. The said register shall be in the following form:

No. of weapon.	To whom sold or given.	Age of purchaser.	Kind and description of weapon.	For what purpose purchased or obtained.	Price of weapon.
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Said register shall be kept open for the inspection of the public, and all persons who may wish to examine the same may do so at all reasonable times during business hours. A failure to keep such register, or to allow an examination of the same, or to record

therein any sale or gift of a deadly weapon, or the keeping of a false register, shall be a misdemeanor, and shall subject the offender to a fine of not less than twenty-five dollars (\$25) nor more than two hundred dollars (\$200).

§ 4. Whoever shall carry a concealed weapon upon or about his person of the character in this act specified, or razor as a weapon, or whoever, in a threatening or boisterous manner, shall display or flourish any deadly weapon, shall be guilty of a misdemeanor, and shall be fined in any sum not less than twenty-five dollars (\$25) nor more than two hundred dollars (\$200).

§ 5. All fines and penalties specified in this act may be recovered by information, complaint or indictment, or other appropriate remedy, in any court of competent jurisdiction; and, when recovered, shall be paid into the county treasury of the county where the conviction is had, and become a part of the current revenue of the county; or the said fines and penalties may be recovered by *qui tam* action, one-half to be paid to the informer, and the other half to be paid into the county treasury, as aforesaid. For a second violation of any of the provisions of this act the offender shall be fined in double the amount herein specified, or may be committed to the county jail for any term not exceeding twenty days, in the discretion of the court.

§ 6. Section four (4) of this act shall not apply to sheriffs, coroners, constables, policemen or other peace officers, while engaged in the discharge of their official duties, or to any person summoned by any of such officers to assist in making arrest, or preserving the peace, while such person so summoned is engaged in assisting such officer.

§ 7. All acts and parts of acts in conflict with this act are hereby repealed.

APPROVED April 16, 1881.

PENALTY FOR ADULTERATION OF BUTTER AND CHEESE.

§ 1. Manufacture of imitations or adulteration of butter and cheese prohibited—Penalty.

§ 2. Repealing clause.
In force July 1, 1881.

AN ACT to prevent the adulteration of butter and cheese, or the sale or disposal of the same, or the manufacture or sale of any article as a substitute for butter or cheese, or any article to be used as butter and cheese.

SECTION 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly, That whoever manufactures out of any oleaginous substances, or any compound of the same other than that produced from unadulterated milk, or cream from the same,

(17.)

SEC. 3. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed February 23, 1883.

B. F. ALEXANDER,
Speaker of the Senate.

W. L. LEDGERWOOD,
Speaker of the House of Representatives.

Approved February 27, 1883.

WM. B. BATE,
Governor.

CHAPTER XIII.

A BILL to be entitled An Act to prevent the sale, loan or gift of pistol cartridges in this State.

Be it enacted by the General Assembly of the State of Tennessee, That it shall be unlawful for any person or persons to buy or sell or give away any pistol cartridges in this State. ^{Pistol cartridges unlawful.}

Be it further enacted, That any person or persons violating this Act, shall be guilty of a misdemeanor, and ^{Penalty.} on conviction thereof shall be fined not less than twenty-five or more than one hundred dollars.

Be it further enacted, That this Act shall be given in charge by the judges of the Circuit and Criminal Courts of this State, to the grand juries at each term of the Court, and that the grand juries are hereby clothed with inquisitorial powers to send for witnesses, and prefer presentments against any persons guilty of a violation of this Act; *provided, however*, that nothing in this Act shall be construed to interfere with the sale of cartridges for rifle guns or shot guns, or cartridges for army or navy pistols. ^{Grand juries have inquisitorial powers.}

Passed February 24, 1883

B. F. ALEXANDER,
Speaker of the Senate.

W. L. LEDGERWOOD,
Speaker of the House of Representatives.

Approved March 3, 1883.

WM. B. BATE,
Governor.

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ACTS,

RESOLUTIONS AND MEMORIALS

OF THE

FIFTEENTH

LEGISLATIVE ASSEMBLY

OF THE

TERRITORY OF ARIZONA.

.50 : 27588

SESSION BEGUN ON THE TWENTY-FIRST DAY
OF JANUARY, A. D. 1889.

PRESCOTT:
OFFICE OF THE COURIER.
1889

ACTS.

No. 1. AN ACT.

To Locate the Capital of the Territory of Arizona Permanently at the City of Phoenix, in the County of Maricopa.

Be it Enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. That on and after the fourth day of February, in the year of our Lord, Eighteen Hundred and Eighty-Nine, the permanent seat of Government and Capital of this Territory shall be, and the same is, hereby located and established at the City of Phoenix, in the County of Maricopa.

SEC. 2. All Acts and parts of Acts inconsistent with this Act are hereby repealed.

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

Approved January 26, 1889.

No. 2. AN ACT.

Defining certain offenses against the public peace.

Be it Enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. If any person or persons shall willfully and maliciously make any assault upon any railroad train, railroad cars or locomotive within this Territory for the purpose and with the intent to commit murder, robbery, or any other felony upon or against any passenger on said train or cars, or upon or against any engineer, conductor, fireman, brakeman, or any officer or employee connected with said locomotive, train or cars, while in the performance of his duty as such

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

Approved March 18, 1889.

No. 13.

AN ACT

Defining and Punishing Certain Offenses Against the Public Peace.

Be it Enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. If any person within any settlement, town, village or city within this Territory shall carry on or about his person, saddle, or in his saddlebags, any pistol, dirk, dagger, slung shot, sword-cane, spear, brass knuckles, bowie knife, or any other kind of knife manufactured or sold for purposes of offense or defense, he shall be punished by a fine of not less than twenty-five nor more than one hundred dollars; and in addition thereto, shall forfeit to the County in which he is convicted, the weapon or weapons so carried.

SEC. 2. The preceding article shall not apply to a person in actual service as a militiaman, nor as a peace officer or policeman, or person summoned to his aid, nor to a revenue or other civil officer engaged in the discharge of official duty, nor to the carrying of arms on ones own premises or place of business, nor to persons traveling, nor to one who has reasonable ground for fearing an unlawful attack upon his person, and the danger is so imminent and threatening as not to admit of the arrest of the party about to make such attack upon legal process.

SEC. 3. If any person shall go into any church or religious assembly, any school room, or other place where persons are assembled for amusement or for educational or scientific purposes, or into any circus, show or public exhibition of any kind, or into a ball room, social party or social gathering, or to any election precinct on the day or days of any election, where any portion of the people of this Territory are collected to vote at any election, or to any other place where people may be assembled to muster or to perform any other public duty, or to any other public assembly, and shall have or carry about his person a pistol or

other firearm, dirk, dagger, slung shot, sword-cane, spear, brass knuckles, bowie knife, or any other kind of a knife manufactured and sold for the purposes of offense or defense, he shall be punished by a fine not less than fifty nor more than five hundred dollars, and shall forfeit to the County the weapon or weapons so found on his person.

SEC. 4. The preceding article shall not apply to peace officers, or other persons authorized or permitted by law to carry arms at the places therein designated.

SEC. 5. Any person violating any of the provisions of Articles 1 and 3, may be arrested without warrant by any peace officer and carried before the nearest Justice of the Peace for trial; and any peace officer who shall fail or refuse to arrest such person on his own knowledge, or upon information from some credible person, shall be punished by a fine not exceeding three hundred dollars.

SEC. 6. Persons traveling may be permitted to carry arms within settlements or towns of the Territory for one-half hour after arriving in such settlements or town, and while going out of such towns or settlements; and Sheriffs and Constables of the various Counties of this Territory and their lawfully appointed deputies may carry weapons in the legal discharge of the duties of their respective offices.

SEC. 7. It shall be the duty of the keeper of each and every hotel, boarding house and drinking saloon, to keep posted up in a conspicuous place in his bar room, or reception room if there be no bar in the house, a plain notice to travelers to divest themselves of their weapons in accordance with Section 9 of this Act, and the Sheriffs of the various Counties shall notify the keepers of hotels, boarding houses and drinking saloons in their respective Counties of their duties under this law, and if after such notification any keeper of a hotel, boarding house or drinking saloon, shall fail to keep notices posted as required by this Act, he shall, on conviction thereof before a Justice of the Peace, be fined in the sum of five dollars to go to the County Treasury.

SEC. 8. All Acts or parts of Acts in conflict with this Act are hereby repealed.

SEC. 9. This Act shall take effect upon the first day of April, 1889.

Approved March 18, 1889.

witness to such sale, excepting upon the written order or prescription of some practicing physician whose name must be attached to such order or prescription. No person shall sell, give away or dispose of any poisonous substance without attaching to the phial, box or parcel containing such poisonous substance a label with the word "poison" printed or written upon it, in plain and legible characters.

(2286) § 11. Any person violating any of the provisions of the first preceding section shall be deemed guilty of a misdemeanor. Same, violation of.

(2287) § 12. Every person whose duty it is by the second preceding section to keep any book for recording the sale or gift of poisons, who wilfully refuses to permit any person to inspect said book upon reasonable demand made during business hours, is punishable by fine not exceeding fifty dollars. Record of poisons to be public.

(2288) § 13. Every person who shall, except in a safe place on his own premises, lay out strychnine or other poison within the limits of any town or within one mile of any dwelling house, or any barn, stable or out building used at the time for keeping or shelter of horses, cattle, sheep or swine, or within one-half mile of any travelled thoroughfare, or on lands not his own, on the ceded lands of this Territory, is guilty of a misdemeanor: *Provided*, Nothing in this section shall be construed to prohibit the putting out at any time of poisoned grain for the purpose of killing gophers. Laying out poisons.

(2289) § 14. Every person who, in putting up or pressing any bundle of hay for market, omits to put the number of pounds in each bundle or bale so put up, for which he sells or offers to sell it, is guilty of a misdemeanor. Omitting to mark hay.

(2290) § 15. Every person who by putting up in any bag, bale, box, barrel or other package, any hops, cotton, hay or other goods usually sold in bags, bales, barrels or packages, by weight, puts in or conceals therein anything whatever for the purpose of increasing the weight of such bag, bale, box, barrel or package, is punishable by a fine of twenty-five dollars for each offense. Increasing weight of barrels, boxes, etc.

(2291) § 16. Every person who adulterates or dilutes any article of food, drink, drug, medicine, strong, spirituous or malt liquor or wine, or any article useful in compounding either of them, whether one useful for mankind or for animals, with a fraudulent intent to offer the same, or cause or permit it to be offered for sale as unadulterated or undiluted, and every person who fraudulently sells or keeps or offers for sale the same as unadulterated or undiluted, knowing it to have been adulterated or diluted, is guilty of a misdemeanor. Adulterating food.

(2292) § 17. Every person who knowingly sells, or keeps or offers for sale, or otherwise disposes of any article of food, drink, drug or medicine, knowing that the same has become tainted, decayed, spoiled or otherwise unwholesome or unfit to be eaten or drank, with intent to permit the same to be eaten or drank by any person or animal, is guilty of a misdemeanor. Disposing of tainted food.

(2293) § 18. Every person who manufactures or causes to be manufactured, or sells or offers or keeps for sale, or gives or dis- Manufacturing slung shot.

Chap. 25. poses of any instrument or weapon of the kind usually known as slung shot, or of any similar kind, is guilty of a misdemeanor.

(2294) § 19. Every person who carries upon his person, whether concealed or not, or uses or attempts to use against another, any instrument or weapon of the kind usually known as slung shot, or of any similar kind, is guilty of a felony.

(2295) § 20. Every person who carries concealed about his person and description of firearms, being loaded or partly loaded, or any sharp or dangerous weapon, such as is usually employed in attack or defense of the person, is guilty of a misdemeanor.

(2296) § 21. Every person who shall wilfully set on fire, or cause to be set on fire, any woods, marshes or prairies, with intention to injure the property of another, shall be deemed guilty of a misdemeanor, and shall be liable for all damages done by such fire.

(2297) § 22. Every person who negligently or carelessly sets on fire, or causes to be set on fire, any woods, marshes, or prairies, or who, having set the same on fire, or caused it to be done, negligently or carelessly, or without full precaution or efforts to prevent, permits it to spread beyond his control, shall, upon conviction, be fined not exceeding one hundred dollars and not less than ten dollars, and shall be liable to injured parties for all damages occasioned thereby. One-half of such fine shall, when collected, go to the informer.

(2298) § 23. Every person who, at any burning of a building, is guilty of any disobedience to lawful orders of any public officer or fireman, or of any resistance to or interference with the lawful efforts of any fireman or company of firemen to extinguish the same, or of any disorderly conduct calculated to prevent the same from being extinguished, or who forbids, prevents or dissuades others from assisting to extinguish the same, is guilty of a misdemeanor.

(2299) § 24. Every person who maintains any ferry for profit or hire upon any waters within this Territory, without having first obtained a license as provided by law, is guilty of a misdemeanor. And any license or lease granted by the board of county commissioners of the proper county shall be exclusive to the lessee or licensee for a distance of two miles from the place where such ferry is located, up and down such stream either way; and any person who shall ferry, transport or carry or attempt to ferry, transport or carry any passengers, goods, chattels, or merchandise, or who shall have, keep, or maintain any scow, skiff, or boat for the purpose of ferrying, transporting, or carrying any passengers, goods, chattels or merchandise upon any water of this Territory, within a distance of two miles of any licensed ferry, shall be guilty of a misdemeanor, and may be punished by a fine not exceeding one hundred dollars, or thirty days imprisonment in the county jail, or by both fine and imprisonment; when such ferry is upon waters dividing two counties, the offenders may be prosecuted in either county.

(2300) § 25. Every person who having entered into a bond or obligation, as provided by his ferry charter or any general law on

OF SOUTH CAROLINA.

127

the foregoing Sections of this Act shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by fine of not exceeding one hundred dollars, or by imprisonment not exceeding thirty days, or by both fine and imprisonment, in the discretion of the Court.

A. D. 1903.

SEC. 4. This Act shall be of force and effect from and after April first, 1903.

SEC. 5. All Acts and parts of Acts in conflict with this Act be, and the same are hereby, repealed.

Approved the 23d day of February, A. D. 1903.

No. 86.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO AMEND SECTION I OF AN ACT ENTITLED 'AN ACT TO REGULATE THE CARRYING, MANUFACTURE AND SALE OF PISTOLS, AND TO MAKE A VIOLATION OF THE SAME A MISDEMEANOR,' APPROVED 20TH OF FEBRUARY, 1901, BY STRIKING OUT CERTAIN WORDS AND INSERTING OTHER WORDS IN LIEU THEREOF," APPROVED FEBRUARY 25TH, 1902, BY PROHIBITING LEASING, RENTING, BARTERING, EXCHANGING AND HANDLING PISTOLS.

SECTION I. *Be it enacted* by the General Assembly of the State of South Carolina, That an Act entitled "An Act to amend Section I of an Act entitled 'An Act to regulate the carrying, manufacture and sale of pistols, and to make a violation of the same a misdemeanor,' approved 20th of February, 1901, by striking out certain words and inserting other words in lieu thereof," approved February 25, 1902, be amended by inserting after the words "offer for sale" and before the words "or transport for sale," the following words, "lease, rent, barter, exchange, handle;" so that said Section, when amended, shall read as follows:

Act of 25 Feb.,
1902, Vol. 23 of
Acts, p. 1093,
amended.

Section I. That from and after the first day of July, 1902, it shall be unlawful for any one to carry about the person, whether concealed or not, any pistol less than twenty inches long and three pounds in weight; and it shall be unlawful for any person, firm or corporation to manufacture, sell or offer for sale,

Manufacture,
sale, and car-
rying of cer-
tain pistols
prohibited.
Criminal
Code, § 129,
amended.

A. D. 1903.
 lease, rent, barter, exchange, or transport for sale or into this State, any pistol of less length and weight. Any violation of this Section shall be punished by a fine of not more than one thousand dollars, or imprisonment for not more than two years; and in case of a sale by a person, firm or corporation, the sum of one hundred dollars shall be forfeited to and for the use of the school fund of the County wherein the violation takes place, to be recovered as other fines and forfeitures: *Provided*, This Act shall not apply to peace officers in the actual discharge of their duties, or to carrying or keeping of pistols by persons while on their own premises.

Approved the 2d day of March, A. D. 1903.

No. 87.

AN ACT TO AMEND SECTION 20 OF THE CODE OF CIVIL PROCEDURE, FIXING THE TIMES FOR THE HOLDING OF THE CIRCUIT COURTS OF THE THIRD JUDICIAL CIRCUIT.

SECTION I. *Be it enacted* by the General Assembly of the State of South Carolina, That Section 20 of the Code of Civil Procedure be, and the same is hereby, amended, so as to read as follows: Sec. 20. The Circuit Courts of the Third Judicial Circuit of this State shall be held as follows:

Lee County. 1. The Court of General Sessions at Bishopville, for the County of Lee, on the first Monday in March, the first Monday in June and the fourth Monday in September; and the Court of Common Pleas at the same place on the Wednesdays first succeeding the Mondays herein fixed for the holding of the Court of General Sessions at said place.

Florence County. 2. The Court of General Sessions at Florence, for the County of Florence, on the second Monday after the first Monday in March, the second Monday in June and the second Monday after the fourth Monday in September; and the Court of Common Pleas at the same place on the Wednesdays first succeeding the Mondays herein fixed for the holding of the Court of General Sessions at said place.

Georgetown County. 3. The Court of General Sessions at Georgetown, for the County of Georgetown, on the fourth Monday after the first

'Section 13. Every town shall raise and expend, annually, for the support of common schools therein, exclusive of the income of any corporate school fund, or of any grant from the revenue or fund from the state, or of any voluntary donation, devise or bequest, or of any forfeiture accruing to the use of schools, not less than eighty cents for each inhabitant, according to the census by which representatives to the legislature were last apportioned, under penalty of forfeiting not less than twice nor more than four times the amount of its deficiency, and all moneys provided by towns, or apportioned by the state for the support of common schools, shall be expended for the maintenance of common schools established and controlled by the towns by which said moneys are provided, or to which said moneys are apportioned; but nothing in this section shall be so construed as to annul, or render void, the provisions made in section eighteen of this chapter for the establishing and maintenance of union schools by adjoining towns.'

Towns to raise money for schools.

—expenditure.

Section 2. This act shall take effect January one, nineteen hundred and ten.

Approved March 24, 1909.

Chapter 129.

An Act to prohibit the use of Firearms fitted with any device to deaden the sound of explosion.

Be it enacted by the People of the State of Maine, as follows:

Section 1. It shall be unlawful for any person to sell, offer for sale, use or have in his possession, any gun, pistol or other firearm, fitted or contrived with any device for deadening the sound of explosion. Whoever violates any of the provisions of this act shall forfeit such firearm or firearms and the device or silencer, and shall further be subject to a fine not exceeding one hundred dollars, or to imprisonment not exceeding sixty days, or to both fine and imprisonment. Any sheriff, deputy sheriff, constable, inland fish and game warden or deputy inland fish and game warden shall have authority to seize any firearm or firearms and any device or silencer found in possession of any person in violation of this act, and on conviction of the party from whom such firearm or firearms are seized, such firearm or firearms shall be sold, the proceeds to be paid to the state treasurer, and the device or silencer shall be destroyed.

Use of firearms fitted with device to deaden sound, prohibited.

—penalty.

—seizure of firearms, and by whom.

CHAP. 130

Military
organiza-
tions not
affected.

Section 2. This act does not apply to military organizations authorized by law to bear arms, or to the national guard in the performance of its duty.

Section 3. In all prosecutions arising under this act, municipal and police courts and trial justices in their respective counties shall have upon complaint original and concurrent jurisdiction with the supreme judicial and superior courts, and all fines, penalties and forfeitures recovered by any person for any violation of this act shall be paid forthwith by the person receiving the same to the state treasurer, to be credited to fines and license fees for the protection of birds and game.

Approved March 24, 1909.

Chapter 130.

An Act to amend Paragraph Five, of Section Thirty, of Chapter Eighteen of the Revised Statutes, relating to By-laws of Local Boards of Health.

Be it enacted by the People of the State of Maine, as follows:

Paragraph
5, of sec-
tion 30,
chapter 18,
R. S.,
amended.

Paragraph five, of section thirty, of chapter eighteen of the revised statutes is hereby amended by inserting after the word "county" in the seventh line thereof the words 'or by posting copies of said by-laws in six conspicuous and public places within the town;' also by inserting after the word "publication" in the eighth line thereof the words 'or posting,' so that said paragraph, as amended, shall read as follows:

Board of
health may
make by-
laws for
preserva-
tion of life
and health.

—notice of
by-laws.

'V. Make, alter and amend such orders and by-laws as they shall think necessary and proper for the preservation of life and health and the successful operation of the health laws of the state, subject to the approval of any justice of the supreme judicial court. Notice shall be given by the board of health, of all by-laws made or amended by them, by publishing the same in some newspaper, if there is one published in such town; if there is none, then in the nearest newspaper published in the county; or by posting copies of said by-laws in six conspicuous and public places within the town; and a record of such publication, or posting, of said orders and by-laws in the office of the town clerk, shall be deemed a legal notice to all persons.'

Approved March 24, 1909.

CHAPTER 128.

Supplement to an act entitled "An act for the protection of certain kinds of birds, game and fish, and to regulate their method of capture and provide open and close seasons for such capture and possession (Revision of 1903)," approved April fourteenth, one thousand nine hundred and three.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. It shall be unlawful to use any silencer, when hunting for game or fowl, on any gun, rifle or fire arm, under a penalty of twenty dollars for each offense. Silencer gun forbidden.

2. This act shall take effect immediately.

Approved April 7, 1911.

CHAPTER 129.

An Act to amend an act entitled "An act concerning railroads (Revision of 1903)," approved April fourteenth, one thousand nine hundred and three.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. Section forty of the act of which this act is amendatory be and the same is hereby amended to read as follows: Section 40 amended.

40. The Governor, Chancellor, Vice-Chancellors, the justices of the Supreme Court and the judges of the Court of Errors and Appeals, judges of the Circuit Court, Attorney-General, Secretary of State, State Treasurer, Deputy State Treasurer, State Comp- State officials entitled to passes.

troller, Deputy State Comptroller, Clerk in Chancery, Deputy Clerk in Chancery, Clerk of the Supreme Court, Deputy Clerk of the Supreme Court, Adjutant-General, Quartermaster-General, the Secretary to the Governor, the Executive Clerk, Clerk to the School Fund, State Librarian, Custodian and Assistant Custodian of the State Capitol, State Prison Keeper, Supervisor of the State Prison, the Superintendent of the New Jersey Reformatory, State Superintendent of Public Schools, the members of the Board of Fish and Game Commissioners, its secretary and protectors, Assistant State Superintendent of Public Schools, Commissioner of Banking and Insurance, Commissioner of Charities and Corrections, Parole Agent of New Jersey State Prison, Chief Parole Officer of New Jersey State Home for Boys, Chief Parole Officer of New Jersey Reformatory, Field Parole Officer of New Jersey Reformatory, Parole Officer of New Jersey State Home for Girls, State Prison Inspectors, general agent and agents of the State Board of Children's Guardians, State Geologist, Commissioner of Public Roads, State Supervisor of Public Roads, Commissioner of Motor Vehicles, Chief of the Bureau of Labor and Statistics, Deputy Chief of the Bureau of Labor and Statistics, Commissioner of Labor, Assistant Commissioner of Labor, the members and Clerk of the State Board of Equalization of Taxes, the members and secretaries of the State Board of Assessors and the Board of Railroad Commissioners, its secretary and inspectors, the members of the State Water Supply Commission, its secretary and engineer, the members of the Public Utilities Commission, its secretary and inspectors, members of the Civil Service Commission, and the secretary and chief examiner thereof, Commissioner of Inland Waterways, Chief of the Bureau of Shell Fisheries, the secretary and members of the State Board of Health, the members of the Riparian Commissions and the secretary and engineer thereof, the members and officers of both Houses of the Legislature of this State and the members of Congress and United States Senators, during their various respective terms of office shall pass and

CHAPTERS 129 & 130, LAWS, SESSION OF 1911.

187

repass free of charge on all railroads now or hereafter operated in this State.

2. This act shall take effect immediately.

Approved April 7, 1911.

CHAPTER 130.

An Act to provide for the erection of greenhouses and the equipment of the same for floriculture for the use of the New Jersey State Agricultural Experiment Station.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. The board of managers of the New Jersey State Agricultural Experiment Station be and they are hereby required to erect suitable greenhouses upon land to be set aside for that purpose by the trustees of the State Agricultural College and equip the same for investigation in floriculture, for which purpose said board of managers may employ such competent person or persons as may be required to carry out the purposes of this act.

Green-houses at experiment station.

2. There shall be appropriated out of the revenues of the State the sum of twenty thousand dollars to be expended in the erection and equipment of said greenhouses as provided for in section one of this act, and there shall be appropriated the further sum of three thousand dollars per annum for the purpose of maintaining and carrying on the work hereby provided for, said appropriation to go to the State Agricultural Experiment Station and to be expended in the same manner as other appropriations to said station are expended; *provided*, that no payment shall be made pursuant to this act until the amount thereof shall be included in the annual or supplemental appropriation bill.

Appropriation.

Proviso.

3. This act shall take effect immediately.

Approved April 7, 1911.

310

PUBLIC ACTS.

[A. D.

Sec. 5904. A person who sells, gives away or furnishes to a person under twenty-one years of age, cigarettes, cigarette papers or wrappers shall be imprisoned not more than two months or fined not more than fifty dollars, or both. A plainly printed copy of this and the preceding section shall, upon application, be furnished by the secretary of state and be posted in a conspicuous place in each store, shop, office or place of business where cigarettes are sold or kept for sale. A person who fails to so post such copy shall be fined not more than twenty-five dollars nor less than five dollars.

SEC. 2. This act shall take effect March 1, 1913.

Approved February 3, 1913.

No. 236.—AN ACT TO IMPROVE SANITARY CONDITIONS
IN THE SALE OF BREAD AND CAKE.

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

SECTION 1. No person shall carry or cart about with intent to sell or offer for sale, or deliver to customers after it has been sold for human food, any kind or quality of bread or cake in loaf form, unless each loaf be wrapped separately in waxed paper, tissue paper or some similar wrapper or a sanitary container of sufficient thickness and quality to protect the bread and cake from dust and dirt.

SEC. 2. A person who violates a provision of this act shall be fined five dollars for each offense.

Approved December 10, 1912.

No. 237.—AN ACT TO PREVENT THE MANUFACTURE,
SALE OR USE OF GUNSILENCERS.

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

SECTION 1. A person who manufactures, sells, or uses, or possesses with intent to sell or use, an appliance known as or used for a gunsilencer shall be fined twenty-five dollars for each offense. This act shall not prevent the use or possession of gunsilencers for military purposes when so used or possessed under proper military authority and restriction.

SEC. 2. This act shall take effect January 1, 1913.

Approved November 14, 1912.

agree on the verdict the same shall be signed by all the jurors who concur therein, and the clerk of said court shall enter on his minutes the number of said jurors concurring in said verdict.

Sec. 3. Inconsistent acts repealed.—All acts or parts of acts inconsistent herewith are hereby repealed.

Sec. 4. This act shall take effect and be in force from and after July 1st, 1913.

Approved March 13, 1913.

CHAPTER 64—H. F. No. 80.

An Act to prevent the sale, offering or exposing for sale or having in possession for the use or for purpose of sale within this state, of a silencer for shot-gun, revolver, rifle or other fire-arm, defining a silencer and providing penalties for violation.

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

Section 1. Use of silencers prohibited.—No person shall within the state of Minnesota sell or offer or expose for sale, or have in possession for use upon or in connection with any rifle, shot-gun, revolver, or other fire-arm or have in possession for purposes of sale any silencer for a shot-gun, revolver, rifle or other fire-arm.

Sec. 2. Possession prima facie evidence.—In any prosecution hereunder proof of the having such silencer in possession by any person shall constitute prima facie evidence that same was had in possession of such person for use contrary to the provisions of this act.

Sec. 3. Construction of word "silencer."—A silencer within the meaning of this act is defined as a mechanical device or construction or instrument designed or intended to be temporarily or permanently attached to or used in connection with any shot-gun, revolver, rifle, or other fire-arm for the purpose of lessening or reducing the volume of sound caused by the discharge of or by the firing of such gun, rifle, revolver or other fire-arm.

Sec. 4. Violation a misdemeanor.—Any person violating any of the provisions of this act shall be guilty of a misdemeanor.

Approved March 13, 1913.

CHAPTER 65—H. F. No. 155.

An Act to amend Section Four (4) of Chapter Two Hundred Thirty-One (231) of the General Laws of Minnesota for

Relevy
and col-
lection.

§ 2. The board of supervisors of the county of Herkimer shall cause to be reassessed and levied upon the lots or parcels of land described in such account the taxes so added by the supervisor of the town of Webb, and shall direct the collection thereof, and any of such taxes which shall not have been paid to the town collector shall be returned by him to the county treasurer and state comptroller as though they were originally levied as taxes for the years nineteen hundred and twelve, nineteen hundred and thirteen and nineteen hundred and fourteen against the lands affected.

§ 3. This act shall take effect immediately.

Chap. 137.

AN ACT to amend the penal law, in relation to the selling or possessing of silencers for firearms.

Became a law April 6, 1916, with the approval of the Governor. Passed, three-fifths being present.

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

§ 1897a
added to
L. 1909,
ch. 88.

Section 1. Chapter eighty-eight of the laws of nineteen hundred and nine, entitled "An act providing for the punishment of crime, constituting chapter forty of the consolidated laws," is hereby amended by adding after section eighteen hundred and ninety-seven, a new section, to be section eighteen hundred and ninety-seven-a, to read as follows:

§ 1897-a. **Selling, carrying and use of firearm silencers.** A person who sells or keeps for sale, or offers, or gives or disposes of, or who shall have or carry concealed upon his person any instrument, attachment, weapon or appliance for causing the firing of any gun, revolver, pistol, or other firearms to be silent or intended to lessen or muffle the noise of the firing of any gun, revolver, pistol, or other firearms shall be guilty of a felony, punishable by imprisonment for not more than five years.

This section shall not apply to the regular and ordinary transportation of any instrument, attachment, weapon or appliance for causing the firing of any gun, revolver, pistol, or other firearms to be silent or intended to lessen or muffle the noise of the firing of any gun, revolver, pistol, or other firearms, as merchandise, nor to sheriffs, policemen, or to other duly appointed peace officers, nor to duly authorized military or civil organizations,

nor when parading, nor to the members thereof when going to and from the place of meeting of their respective organizations, nor to duly authorized military or civil organizations in practice.

§ 2. Section eighteen hundred and ninety-eight of such chapter is hereby amended to read as follows:

§ 1898. Possession, presumptive evidence. The possession, § 1898 amended. by any person other than a public officer, of any of the weapons specified in ¹section eighteen hundred and ninety-seven or eighteen hundred and ninety-seven-a of this chapter,² concealed or furtively carried on the person, is presumptive* evidence of carrying, or concealing, or possessing, with intent to use the same in violation of this article.³

§ 3. This act shall take effect September first, nineteen hundred and sixteen. In effect Sept. 1, 1916.

Chap. 138.

AN ACT to amend chapter one hundred and forty-three of the laws of eighteen hundred and ninety-eight, entitled "An act to consolidate and amend the several acts relating to the corporation called the 'Baptist Missionary Convention of the State of New York,' being chapter one hundred and twenty-eight of the laws of eighteen hundred and seventeen, chapter one hundred and seventy of the laws of eighteen hundred and twenty-five, chapter one hundred and thirty-one of the laws of eighteen hundred and forty-one, chapter forty-one of the laws of eighteen hundred and sixty-two, and chapter eighty-one of the laws of eighteen hundred and sixty-seven," generally.⁴

Became a law April 6, 1916, with the approval of the Governor. Passed, three-fifths being present.

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

Section 1. Chapter one hundred and forty-three of the laws of eighteen hundred and ninety-eight, entitled "An act to consoli- L. 1898, ch 143, §§ 1-5 amended.

* So in original.

¹ Words "the last" omitted.

² Words "eighteen hundred and ninety-seven or eighteen hundred and ninety-seven-a of this chapter," new.

³ Words "this article" substituted for words "that section."

⁴ The amendments effected by this act are so numerous and extensive that it is impracticable to indicate the changes made.

CHAPTER 145.

An act relating to and regulating the carrying, possession, sale or other disposition of firearms capable of being concealed upon the person; prohibiting the possession, carrying, manufacturing and sale of certain other dangerous weapons and the giving, transferring and disposition thereof to other persons within this state; providing for the registering of the sales of firearms; prohibiting the carrying or possession of concealed weapons in municipal corporations; providing for the destruction of certain dangerous weapons as nuisances and making it a felony to use or attempt to use certain dangerous weapons against another.

[Approved May 4, 1917. In effect July 27, 1917.]

The people of the State of California do enact as follows:

SECTION 1. Every person who manufactures or causes to be manufactured, or leases, or keeps for sale, or offers, or gives, or otherwise disposes of any instrument or weapon of the kind commonly known as a blackjack, slungshot, billy, sandclub, sandbag, bludgeon, or metal knuckles, a dirk or dagger, to any person within this state is guilty of a misdemeanor, and if he has been previously convicted of a crime made punishable by this section, he is guilty of a felony.

Manufacture,
etc., of
certain
dangerous
weapons
misdemeanor.

SEC. 2. Every person who possesses any instrument or weapon of the kind commonly known as a blackjack, slungshot, billy, sandclub, sandbag, bludgeon, metal knuckles, bomb or bombshells, or who carries a dirk or a dagger, is guilty of a misdemeanor, and if he has been convicted previously of any felony or of a crime made punishable by this act, he is guilty of a felony.

Possession
of certain
dangerous
weapons
misdemeanor.

SEC. 3. Every person who carries in any city, city and county, town or municipal corporation of this state any pistol, revolver, or other firearm concealed upon his person, without having a license to carry such firearm as hereinafter provided in section six of this act, shall be guilty of a misdemeanor, and if he has been convicted previously of any felony, or of any crime made punishable by this act, he is guilty of a felony.

Carrying
firearms
without
license
misdemeanor.

SEC. 4. The unlawful possessing or carrying of any of the instruments, weapons or firearms enumerated in section one to section three inclusive of this act, by any person other than those authorized and empowered to carry or possess the same as hereinafter provided, is a nuisance, and such instruments, weapons or firearms are hereby declared to be nuisances, and when any of said articles shall be taken from the possession of any person the same shall be surrendered to the magistrate before whom said person shall be taken, except that in any city, city and county, town or other municipal corporation the same shall be surrendered to the head of the

Unlawful
possession
of weapon,
etc.,
nuisance.

Surrender
of weapons,
etc.

Destruction
of weapons,
etc.

police force, or police department thereof. The officers to whom the same may be so surrendered, except upon certificate of a judge of a court of record, or of the district attorney of any county that the preservation thereof is necessary or proper to the ends of justice, shall proceed at such time or times as he deems proper, and at least once in each year to destroy or cause to be destroyed such instruments, weapons or other firearms in such manner and to such extent that the same shall be and become wholly and entirely ineffective and useless for the purpose for which it was manufactured.

Attempted
use of
weapons
felony.

SEC. 5. Any person who attempts to use, or who with intent to use the same unlawfully against another, carries or possesses a dagger, dirk, dangerous knife, razor, stiletto, or any loaded pistol, revolver or other firearm, or any instrument or weapon commonly known as a blackjack, slungshot, billy, sandclub, sandbag, metal knuckles, bomb, or bombshell or any other dangerous or deadly instrument or weapon, is guilty of a felony. The carrying or possession of any of the weapons specified in this section, by any person while committing, or attempting or threatening to commit a felony, or breach of the peace, or any act of violence against the person or property of another, shall be presumptive evidence of carrying or possessing such weapon with intent to use the same in violation of this section.

License to
carry
concealed
firearm.

SEC. 6. It shall be lawful for the board of police commissioners, chief of police, city marshal, town marshal, or other head of the police department of any city, city and county, town, or other municipal corporation of this state, upon proof before said board, chief, marshal or head, that the person applying therefor is of good moral character, and that good cause exists for the issuance thereof, to issue to such person a license to carry concealed a pistol, revolver or other firearm; *provided, however,* that the application to carry concealed such firearm shall be filed in writing and shall state the name and residence of the applicant, the nature of applicant's occupation, the business address of applicant, the nature of the weapon sought to be carried and the reason for the filing of the application to carry the same.

Register
of sales of
firearms.

SEC. 7. Every person in the business of selling, leasing or otherwise transferring a pistol, revolver or other firearm, of a size capable of being concealed upon the person, whether such seller, leasor or transferrer is a retail dealer, pawnbroker or otherwise, except as hereinafter provided, shall keep a register in which shall be entered the time of sale, the date of sale, the name of the salesman making the sale, the place where sold, the make, model, manufacturer's number, caliber or other marks of identification on such pistol, revolver or other firearm. Such register shall be prepared by and obtained from the state printer and shall be furnished by the state printer to said dealers on application at a cost of three dollars per one hundred leaves in duplicate and shall be in the form hereinafter provided. The purchaser of any firearm, capable of being

concealed upon the person shall sign, and the dealer shall require him to sign his name and affix his address to said register in duplicate and the salesman shall affix his signature in duplicate as a witness to the signatures of the purchaser. Any person signing a fictitious name or address is guilty of a misdemeanor. The duplicate sheet of such register shall on the evening of the day of sale, be placed in the mail, postage prepaid and properly addressed to the board of police commissioners, chief of police, city marshal, town marshal or other head of the police department of the city, city and county, town or other municipal corporation wherein the sale was made; *provided*, that where the sale is made in a district where there is no municipal police department, said duplicate sheet shall be mailed to the county clerk of the county wherein the sale is made. A violation of any of the provisions of this section by any person engaged in the business of selling, leasing or otherwise transferring such firearms is a misdemeanor. This section shall not apply to wholesale dealers in their business intercourse with retail dealers, nor to wholesale or retail dealers in the regular or ordinary transportation of unloaded firearms as merchandise by mail, express or other mode of shipment, to points outside of the city, city and county, town or municipal corporation wherein they are situated. The register provided for in this act shall be substantially in the following form:

Duplicate sheet mailed to police.

Violation misdemeanor.

Series No. _____ Form of register.
Sheet No. _____

ORIGINAL.

Dealers' Record of Sale of Revolver or Pistol.
State of California.

Notice to dealers: This original is for your files. If spoiled in making out, do not destroy. Keep in books. Fill out in duplicate.

Carbon duplicate must be mailed on the evening of the day of sale, to head of police commissioners, chief of police, city marshal, town marshal or other head of the police department of the municipal corporations wherein the sale is made, or to the county clerk of your county if the sale is made in a district where there is no municipal police department. Violation of this law is a misdemeanor. Use carbon paper for duplicate. Use indelible pencil.

Sold by _____ Salesman _____
City, town or township _____
Description of arm (state whether revolver or pistol) _____
Maker _____ number _____ caliber _____
Name of purchaser _____ age _____ years.
Permanent residence (state name of city, town or township, street and number of dwelling) _____
Height _____ feet _____ inches. Occupation _____
Color _____ skin _____ eyes _____ hair _____

If traveling or in locality temporarily, give local address-----

Signature of purchaser -----
(Signing a fictitious name or address is a misdemeanor.) (To be signed in duplicate.)

Witness -----, salesman.
(To be signed in duplicate.)

Series No. -----
Sheet No. -----

DUPLICATE.

Dealers' Record of Sale of Revolver or Pistol,
State of California.

Notice to dealers: This carbon duplicate must be mailed on the evening of the day of sale as set forth in the original of this register page. Violation of this law is a misdemeanor.

Sold by ----- Salesman -----

City, town or township -----

Description of arm (state whether revolver or pistol) -----

Maker ----- number ----- caliber -----

Name of purchaser ----- ago ----- years.

Permanent address (state name of city, town or township, street and number of dwelling) -----

Height ----- feet ----- inches. Occupation -----

Color ----- skin ----- eyes ----- hair -----

If traveling or in locality temporarily, give local address-----

Signature of purchaser -----
(Signing a fictitious name or address is a misdemeanor.) (To be signed in duplicate.)

Witness -----, salesman.
(To be signed in duplicate.)

Exceptions.

SEC. 8. Nothing in this act shall be construed to apply to sheriffs, constables, marshals, policemen or other duly appointed peace officers, nor to any person summoned by any such officers to assist in making arrest or preserving the peace while said person so summoned is actually engaged in assisting such officer; nor to duly authorized military or civil organizations while parading nor to the members thereof when going to and from the places of meeting of their respective organizations; nor to the possession or transportation by any merchant of unloaded firearms as merchandise; nor to bona fide members of any club or organization now existing or hereinafter organized, for the purpose of practicing shooting at targets upon established target ranges, whether public or private, while such members are using any of the firearms referred to in this act upon or in such target ranges, or while going to and from such ranges.

Constitutionality.

SEC. 9. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional

such decision shall not affect the validity of the remaining portions of this act. The legislature hereby declares that it would have passed this act and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more other sections, subsections, sentences, clauses or phrases be declared unconstitutional.

CHAPTER 146.

An act amending an act entitled "An act to provide for the incorporation and organization and management of county water districts and to provide for the acquisition of water rights or the construction thereby of water works, and for the acquisition of all property necessary therefor, and also to provide for the distribution and sale of water by said districts," approved June 10, 1913, by adding thereto a new section to be numbered twenty-eight, providing for the exclusion from any county water district formed under said act of territory not served by such county water district.

[Approved May 4, 1917. In effect July 27, 1917.]

The people of the State of California do enact as follows:

SECTION 1. An act approved June 10, 1913, and entitled "An act to provide for the incorporation and organization and management of county water districts and to provide for the acquisition of water rights or the construction thereby of water works, and for the acquisition of all property necessary therefor, and also to provide for the distribution and sale of water by said districts," is hereby amended by adding to said act a section numbered twenty-eight, reading as follows: Stats. 1913,
p. 1049.

Sec. 28. Any territory, included within any county water district formed under the provisions of this act, and not benefited in any manner by such district, or its continued inclusion therein, may be excluded therefrom by order of the board of directors of such district upon the verified petition of the owner or owners in fee of lands whose assessed value, with improvements, is in excess of one-half of the assessed value of all the lands, with improvements, held in private ownership in such territory. Said petition shall describe the territory sought to be excluded and shall set forth that such territory is not benefited in any manner by said county water district or its continued inclusion therein, and shall pray that such territory may be excluded and taken from said district. Such petition shall be filed with the secretary of the water district and shall be accompanied by a deposit with such secretary of the sum of one hundred dollars, to meet the expenses of advertising and other costs incident to the proceedings for the Exclusion of
territory.

Petition.

Contents.

in accordance with the provisions of chapter three hundred and ninety-three of the acts of nineteen hundred and six, as amended by chapter five hundred and thirty-six of the acts of nineteen hundred and thirteen and chapters seventy-nine and eighty of the General Laws.

Expense, payment, etc.

SECTION 2. The expense of such alteration and reconstruction of said bridge and approaches thereto shall be paid in accordance with any existing or future decrees relating thereto, and all reimbursements received by the city on account of such alteration and reconstruction shall be applied to the payment of indebtedness issued under authority of this act.

City of Boston may borrow money, etc.

SECTION 3. For the purpose of meeting the expense of the work authorized under section one, the city of Boston may borrow, outside the statutory limit of indebtedness, from time to time within a period of five years from the effective date of this act, such sums as may be necessary, not exceeding in the aggregate, two hundred and fifty thousand dollars, and may issue bonds or notes therefor, which shall bear on their face the words, River Street Reconstruction Loan, Act of 1926. Each authorized issue shall constitute a separate loan, and such loans shall be paid in not more than ten years from their dates, but no loan shall be authorized under this section unless a sum equal to ten per cent of the loan so authorized is voted for the same purpose to be provided from taxes or other sources of revenue. Any sum to be raised by taxation shall be outside the tax limit as fixed for the city in the year in which the loan is authorized. Except as herein provided, indebtedness incurred under this act shall be subject to the laws relative to the incurring of debt by said city.

River Street Reconstruction Loan, Act of 1926.

Any sum to be raised by taxation to be outside tax limit.

Submission to city council, etc.

SECTION 4. This act shall take effect upon its acceptance by vote of the city council of said city, subject to the provisions of its charter; provided, that such acceptance occurs during the current year. *Approved April 16, 1926.*

Proviso.

Chap. 261 AN ACT PROHIBITING THE SALE AND USE OF SILENCERS FOR FIREARMS.

Be it enacted, etc., as follows:

G. L. 269, new section after § 10.

Sale and use of silencers for firearms prohibited.

Chapter two hundred and sixty-nine of the General Laws is hereby amended by inserting after section ten the following new section: — *Section 10A.* Whoever sells or keeps for sale, or offers, or gives or disposes of, or uses, any instrument, attachment, weapon or appliance for causing the firing of any gun, revolver, pistol or other firearm to be silent or intended to lessen or muffle the noise of the firing of any gun, revolver, pistol or other firearm shall be punished by imprisonment for not more than five years in the state prison or for not more than two and one half years in a jail or house of correction. *Approved April 16, 1926.*

Penalty.

other purpose. Such persons shall hold office during the term of their employment by the state highway department but the authority herein vested shall cease upon the termination of such employment. The persons so appointed shall by reason of such appointment be members of the department of public safety during the terms of such appointment but shall serve without pay as members thereof.

Approved June 2, 1927.

[No. 372.]

AN ACT to regulate and license the selling, purchasing, possessing and carrying of certain firearms; to prohibit the buying, selling or carrying of certain firearms without a license therefor; to prohibit the possession of certain weapons and attachments; to prohibit the pawning of certain firearms; to prohibit the sale, offering for sale, or possession for the purpose of sale of written or printed matter containing any offer to sell or deliver certain firearms or devices within this state; to provide penalties for the violations of this act, and to repeal act number two hundred seventy-four of the public acts of nineteen hundred eleven, being sections fifteen thousand two hundred thirty-six, fifteen thousand two hundred thirty-seven, fifteen thousand two hundred thirty-eight, fifteen thousand two hundred thirty-nine, fifteen thousand two hundred forty, fifteen thousand two hundred forty-one, fifteen thousand two hundred forty-two, fifteen thousand two hundred forty-three, fifteen thousand two hundred forty-four, fifteen thousand two hundred forty-five and fifteen thousand two hundred forty-six of the compiled laws of nineteen hundred fifteen; act number three hundred thirteen of the public acts of nineteen hundred twenty-five; and section sixteen of chapter one hundred sixty-two of the revised statutes of eighteen hundred forty-six, being section fifteen thousand six hundred forty-one of the compiled laws of nineteen hundred fifteen.

The People of the State of Michigan enact:

SECTION 1. The word "pistol" as used in this act shall mean any firearm, loaded or unloaded, thirty inches or less in length. The word "purchaser" shall mean any person who receives a pistol from another by purchase, gift or loan. The word "seller" shall mean any person who sells, furnishes, loans or gives a pistol to another.

Words
defined.

SEC. 2. No person shall purchase a pistol as defined in this act without first having obtained a license therefor as

License
before
purchase.

prescribed herein. The commissioner or chief of police, or his duly authorized deputy, in incorporated cities or in incorporated villages having an organized department of police, and the sheriff, or his authorized deputy, in parts of the respective counties not included within incorporated cities or villages, are hereby authorized to issue licenses to purchase pistols to applicants residing within the respective territories herein mentioned. No such license shall be granted to any person except he be nineteen years of age or over, and has resided in this state six months or more, and in no event shall such a license be issued to a person who has been convicted of a felony or adjudged insane in this state or elsewhere. Applications for such licenses shall be signed by the applicant under oath upon forms provided by the commissioner of public safety. Licenses to purchase pistols shall be executed in duplicate upon forms provided by the commissioner of public safety and shall be signed by the licensing authority. One copy of such license shall be delivered to the applicant and the duplicate of such license shall be retained by such licensing authority as a permanent official record for a period of six years. Such license shall be void unless used within ten days after the date of its issue. Any person who shall sell to another any pistol as defined in this act without complying with the requirements of this section shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than one hundred dollars or imprisonment in the county jail not more than ninety days, or both such fine and imprisonment in the discretion of the court. Such license shall be signed in ink by the holder thereof in the presence of the person selling, loaning or giving a pistol to such licensee and shall thereupon be taken up by such person, signed by him in ink and shall be delivered or sent by registered mail within forty-eight hours to the commissioner of public safety. The seller shall certify upon said license in the space provided therefor the name of the person to whom such pistol was delivered, the make, style, calibre and number of such pistol, and shall further certify that such purchaser signed his name on said license in the presence of the seller. The provisions of this section shall not apply to the purchase of pistols from wholesalers by dealers regularly engaged in the business of selling pistols at retail, nor to the sale, barter or exchange of pistols kept solely as relics, souvenirs or curios.

Sec. 3. It shall be unlawful within this state to manufacture, sell, offer for sale, or possess any machine gun or firearm which can be fired more than sixteen times without reloading, or any muffler, silencer or device for deadening or muffling the sound of a discharged firearm, or any bomb or bombshell, or any blackjack, slung shot, billy, metallic knuckles, sandclub, sandbag or bludgeon. Any person convicted of a violation of this section shall be guilty of a felony and shall be punished by a fine not exceeding one thousand

To whom granted.

Executed in duplicate.

Misdemeanor; penalty.

Unlawful to manufacture, etc., certain firearms, etc.

Penalty for violation.

dollars or imprisonment in the state prison not more than five years, or by both such fine and imprisonment in the discretion of the court. The provisions of this section shall not apply, however, to any person, firm or corporation manufacturing firearms, explosives or munitions of war by virtue of any contracts with any department of the government of the United States, or with any foreign government, state, municipality or any subdivision thereof.

SEC. 4. Any person who, with intent to use the same unlawfully against the person of another, goes armed with a pistol or other firearm or dagger, dirk, razor, stiletto, or knife having a blade over three inches in length, or any other dangerous or deadly weapon or instrument, shall be guilty of a felony and on conviction thereof shall be punished by a fine not exceeding one thousand dollars or imprisonment in the state prison for not more than five years, or by both such fine and imprisonment in the discretion of the court.

Felony,
what
deemed.

Penalty.

SEC. 5. No person shall carry a dagger, dirk, stiletto or other dangerous weapon except hunting knives adapted and carried as such, concealed on or about his person, or whether concealed or otherwise in any vehicle operated or occupied by him, except in his dwelling house or place of business or on other land possessed by him. No person shall carry a pistol concealed on or about his person, or, whether concealed or otherwise, in any vehicle operated or occupied by him, except in his dwelling house or place of business or on other land possessed by him, without a license therefor as herein provided. Any person violating the provisions of this section shall be guilty of a felony and upon conviction thereof shall be punished by a fine not exceeding one thousand dollars or imprisonment in the state prison for not more than five years, or by both such fine and imprisonment in the discretion of the court.

Unlawful to
carry, etc.,
dagger, etc.

SEC. 6. The prosecuting attorney, the commissioner or chief of police and the commissioner of public safety or their respective authorized deputies in incorporated cities or in incorporated villages having an organized department of police, and the prosecuting attorney, the commissioner of public safety or their authorized deputies, and the sheriff, under-sheriff or chief deputy sheriff in parts of the respective counties not included within incorporated cities or villages shall constitute boards exclusively authorized to issue licenses to carry pistols concealed on the person to applicants residing within the respective territories herein mentioned. The county clerk of each county shall be clerk of such licensing boards, which boards shall be known in law as "The Concealed Weapon Licensing Board." No such license to carry a pistol concealed on the person shall be granted to any person except he be nineteen years of age or over and has resided in this state six months or over, and in no event shall such license be issued unless it appears that the applicant has good reason to fear injury to his person or property, or has

Concealed
weapon
licensing
board.

To whom
license
granted.

256 JANUARY SESSION, 1927—CHAPTER 1052.

CHAPTER 1052.

H 729 A
Approved
April 22, 1927.

AN ACT TO REGULATE THE POSSESSION OF FIREARMS.

It is enacted by the General Assembly as follows:

Certain words
and phrases,
how construed:

SECTION 1. When used in this act the following words and phrases shall be construed as follows:

"Pistol."

"Pistol" shall include any pistol or revolver, and any shot gun, rifle or similar weapon with overall length less than twenty-six inches, but shall not include any pistol without a magazine or any pistol or revolver designed for the use of blank cartridges only.

"Machine gun."

"Machine gun" shall include any weapon which shoots automatically and any weapon which shoots more than twelve shots semi-automatically without re-loading.

"Firearm."

"Firearm" shall include any machine gun or pistol.

"Person."

"Person" shall include firm, association or corporation.

"Licensing authorities."

"Licensing authorities" shall mean the board of police commissioners of a city or town where such board has been instituted, the chief of police or superintendent of police of other cities and towns having a regular organized police force, and in towns where there is no chief of police or superintendent of police it shall mean the town clerk who may issue licenses upon the recommendation of the town sergeant;

"Crime of violence."

"Crime of violence" shall mean and include any of the following crimes or an attempt to commit any of the same, viz.: murder, manslaughter, rape, mayhem, assault or battery involving grave bodily injury, robbery, burglary, and breaking and entering.

"Sell."

"Sell" shall include let or hire, give, lend and trans-

"Purchase."

fer, and the word "purchase" shall include hire, accept and borrow, and the expression "purchasing" shall be

"Purchasing."

construed accordingly."

JANUARY SESSION, 1927—CHAPTER 1052. 257

SEC. 2. If any person shall commit or attempt to commit a crime of violence when armed with or having available any firearm, he may in addition to the punishment provided for such crime of violence be punished as provided in this act. In the trial of a person for committing or attempting to commit a crime of violence the fact that he was armed with or had available a pistol without license to carry the same, or was armed with or had available a machine gun, shall be prima facie evidence of his intention to commit said crime of violence.

Additional punishment under this act.

What to be prima facie evidence of intention to commit crime of violence.

SEC. 3. No person who has been convicted in this state or elsewhere of a crime of violence shall purchase, own, carry or have in his possession or under his control any firearm.

Who to be denied firearms.

SEC. 4. No person shall, without a license therefor, issued as provided in section six hereof, carry a pistol in any vehicle or concealed on or about his person, except in his dwelling house or place of business or on land possessed by him, and no person shall manufacture, sell, purchase or possess a machine gun except as otherwise provided in this act.

Carrying of pistol forbidden, except when.

Machine gun.

SEC. 5. The provisions of section four shall not apply to sheriffs, deputy sheriffs, the superintendent and members of the state police, prison or jail wardens or their deputies, members of the city or town police force or other duly appointed law enforcement officers, nor to members of the army, navy or marine corps of the United States, or of the national guard, when on duty, or of organizations by law authorized to purchase or receive firearms from the United States or this state, nor to officers or employees of the United States authorized by law to carry a concealed firearm, nor to duly authorized military organizations when on duty, nor to the members thereof when at or going to or from

Sec. 4 not to apply to whom.

258 JANUARY SESSION, 1927—CHAPTER 1052.

their customary places of assembly, nor to the regular and ordinary transportation of pistols as merchandise, nor to any person while carrying a pistol unloaded in a wrapper from the place of purchase to his home or place of business, or to a place of repair or back to his home or place of business, or in moving goods from one place or abode or business to another.

License to carry concealed pistol may be issued, to whom, when and how.

License, form of.

Triplicate license, how disposed of.

Fee for license.

Applicant for license to give bond.

SEC. 6. The licensing authorities of any city or town shall upon application of any person having a bona fide residence or place of business within such city or town, or of any person having a bona fide residence or place of business within the United States and a license to carry a pistol concealed upon his person issued by the authorities of any other state or subdivision of the United States, issue a license to such person to carry concealed upon his person a pistol within this state for not more than one year from date of issue, if it appears that the applicant has good reason to fear an injury to his person or property or has any other proper reason for carrying a pistol, and that he is a suitable person to be so licensed. The license shall be in triplicate, in form to be prescribed by the attorney-general and shall bear the fingerprint, name, address, description and signature of the licensee and the reason given for desiring a license. The original thereof shall be delivered to the licensee, the duplicate shall within seven days be sent to the attorney-general and the triplicate shall be preserved for six years by the licensing authorities issuing said license. A fee of two dollars may be charged and shall be paid for each license, to the officer issuing the same. Before issuing any such permit the applicant for the same shall be required to give bond to the city or town treasurer in the penal sum of three hundred dollars, with surety satisfactory to the authority issu-

JANUARY SESSION, 1927—CHAPTER 1052. 259

ing such permit, to keep the peace and be of good behavior. Every such permit shall be valid for one year from the date when issued unless sooner revoked. The fee charged for the issuing of such license or permit shall be applied in accordance with the provisions of section thirty-three of chapter 401 of the general laws.

SEC. 7. The attorney-general may issue a permit to any banking institution doing business in this state or to any public carrier who is engaged in the business of transporting mail, money, securities or other valuables, to possess and use machine guns under such regulations as the attorney-general may prescribe.

Attorney-general may issue permit to banking institutions, etc.

SEC. 8. It shall be unlawful within this state to manufacture, sell, purchase or possess except for military or police purposes, any muffler, silencer or device for deadening or muffling the sound of a firearm when discharged.

Muffler or silencer for firearm forbidden.

SEC. 9. Any person, except a member of the state police, the sheriff or his deputies, or a member of the police force of any city or town, or a member of the army, navy, or marine corps of the United States, or of the national guard or organized reserves when on duty, who possesses, or carries on or about his person or in a vehicle, a bomb or bomb shell, except for blasting or other commercial use, or who, with intent to use the same unlawfully against the person or property of another, possesses or carries any explosive substance, or any noxious liquid, gas or substance, shall be guilty of a violation of this act and punished as hereinafter provided.

Possession or carrying of bomb, explosive substance, or noxious liquid, gas etc., forbidden.

SEC. 10. No property right shall exist in any firearm unlawfully possessed, carried or used, and all such firearms are hereby declared to be nuisances and forfeited to the state. When such forfeited firearms shall be

Certain firearms to be nuisances and forfeited. Disposition of forfeited firearms.

district having legal custody of such money in any State or national bank or banks in this State, and such bank or banks are authorized to accept such deposits and to give security for the same as herein provided, and said district shall receive such rate of interest therefor as may be agreed upon by the officer making such deposit and said bank or banks. Such treasurer or other officer shall require such bank or banks in which such money is deposited to furnish as security for such deposits, bonds of the United States, or of this State or of any county, municipality, school district, metropolitan water district, or irrigation district within this State that are legal investments for savings banks of this State, the market value of which bonds shall at all times be at least ten per cent in excess of the amount of the deposits secured thereby; or in lieu of such bonds such treasurer or said other officers shall be entitled to take as security for such fund so deposited, depository bonds duly executed and delivered by a surety company duly authorized to do business in the State of California, which depository bonds shall be and remain in an amount not less than the amount of the funds so deposited and held in said bank or banks. The cost of such depository bond or bonds may be borne by the district. Such treasurer or said other officers shall not be responsible for any loss of public moneys resulting from the deposit thereof in banks when made in accordance with the provisions of this section but such treasurer shall be chargeable with the safe-keeping, management and disbursement of the bonds deposited with him as security for the deposits of such moneys, and the respective irrigation district shall be responsible for the custody and safe return of any bonds so deposited.

Security.

Depository bonds.

CHAPTER 39.

An act to prohibit the possession of all devices or attachments of any kind designed, used or intended for use in silencing the report of a firearm, and providing a penalty for violation thereof.

[Approved by the Governor March 27, 1933. In effect August 21, 1933.]

The people of the State of California do enact as follows:

SECTION 1. On and after the date upon which this act takes effect every person, firm or corporation, who within the State of California possesses any device of the kind commonly known as a silencer for firearms is guilty of a felony and upon conviction thereof shall be punished by imprisonment in the State Prison not to exceed three years or by a fine not to exceed five thousand dollars or by both such fine and imprisonment.

Silencers for firearms prohibited.

- Exception. SEC. 2. Nothing in this act shall prohibit any city, city and county, county, State or federal officer, or the military or naval forces of this State or of the United States from possessing such silencers for official use in the discharge of their duties.
- Definition. SEC. 3. The term "silencer" as used in this act shall be construed to apply to and include all devices or attachments of any kind designed, used or intended for use in silencing the report of a firearm.

CHAPTER 40.

Stats. 1917, p. 563, amended. *An act to amend section 2 of an act entitled "An act providing for the establishment and maintenance of a State Nursery under the jurisdiction and management of the State Forester for the growing of stock for reforestation and the planting of trees along the highways and in public places, and making an appropriation therefor," approved May 15, 1917, relating to the sale of nursery stock.*

[Approved by the Governor March 27, 1933. In effect August 21, 1933.]

The people of the State of California do enact as follows:

Stats. 1917, p. 563. SECTION 1. Section 2 of the act cited in the title hereof is hereby amended to read as follows:

Duties of State Forester. SEC. 2. The State Forester shall construct and maintain such buildings, improvements and equipment, and shall employ and fix the compensation of such employees as may be necessary to carry out the provisions of this act. He may also purchase nursery stock and seed and distribute the same at cost for public planting or reforestation. All trees, plants, nursery stock or seeds sold under the provisions of this act must be sold at a price not less than the actual cost of production.

CHAPTER 41.

Stats. 1927, p. 51, amended. *An act to amend section 15 of an act entitled "An act defining credit unions, providing for their incorporation, powers, management and supervision," approved March 31, 1927.*

[Approved by the Governor March 27, 1933. In effect August 21, 1933.]

The people of the State of California do enact as follows:

Stats. 1927, p. 51. SECTION 1. Section 15 of the act cited in the title hereof is hereby amended to read as follows:

Oath of credit union officials. SEC. 15. Each director, officer and member of committee, when appointed or elected, shall take an oath that he will, so far as the duty devolves upon him, diligently and honestly