

A

DIGEST

OF THE

LAWS OF THE STATE OF ALABAMA:

CONTAINING

THE STATUTES AND RESOLUTIONS IN FORCE AT THE END OF
THE GENERAL ASSEMBLY IN JANUARY, 1823.

TO WHICH IS ADDED,

AN APPENDIX;

CONTAINING THE DECLARATION OF INDEPENDENCE ; THE CONSTITUTION
OF THE UNITED STATES ; THE ACT AUTHORIZING THE PEOPLE OF
ALABAMA TO FORM A CONSTITUTION AND STATE GOVERNMENT ;
AND THE CONSTITUTION OF THE STATE OF ALABAMA.

COMPILED BY APPOINTMENT, AND UNDER THE AUTHORITY OF
THE GENERAL ASSEMBLY,

BY HARRY TOLMIN, ESQ.

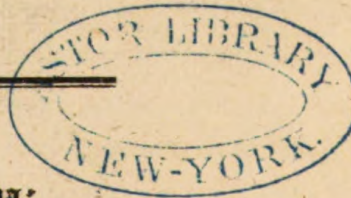
WITH A COPIOUS INDEX.

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1823.



NEGROES AND MULATTOES, BOND AND FREE.—1805.

CHAPTER I.

An Act respecting Slaves.—*Passed March 6, 1805.*

SEC. 1. *Be it enacted by the Legislative Council and House of Representatives of the Mississippi Territory, in general assembly convened,* That no slave shall be admitted a witness against any person, in any matter, cause, or thing whatsoever, civil or criminal, except in criminal cases, in which the evidence of one slave shall be admitted for or against another slave.

In what case slaves may be witnesses.

SEC. 2. *And be it further enacted,* That no slave shall go from the tenement of his master, or other person with whom he lives, without a pass, or some letter, or token, whereby it may appear that he is proceeding by authority from his master, employer, or overseer; if he does, it shall be lawful for any person to apprehend and carry him before a justice of the peace, to be by his order punished with stripes, or not, in his discretion, not exceeding twenty stripes.

Slaves not to go from home without pass.

SEC. 3. *And be it further enacted,* That if any slave shall presume to come and be upon the plantation of any person whatsoever, without leave in writing from his or her owner or overseer, not being sent upon lawful business, it shall be lawful for the owner or overseer of such plantation, to give or order such slave ten lashes on his or her bare back, for every such offence.

Nor upon the plantation of any person without leave in writing.

SEC. 4. *And be it further enacted,* That no slave shall keep or carry any gun, powder, shot, club, or other weapon whatsoever, offensive or defensive, except the tools given him to work with, or that he is ordered by his master, mistress, or overseer, to carry the said articles from one place to another, but all and every gun, weapon, or ammunition, found in the possession or custody of any slave, may be seized by any person, and upon due proof made thereof, before any justice of the peace of the county or corporation where such seizure shall be made, shall, by his order, be forfeited to the seizer, for his own use; and moreover, every such offender shall have and receive, by order of such justice, any number of lashes, not exceeding thirty-nine, on his bare back for every such offence:

Slaves not to carry offensive or defensive weapons.

Provided nevertheless, That any justice of the peace may grant, in his proper county, permission in writing to any slave, on application of his master or overseer, to carry and use a gun and ammunition within the limits of his said master's or owner's plantation, for a term not exceeding one year, and revocable at any time within such term, at the discretion of the said justice, and to prevent the inconveniences arising from the meeting of slaves.

In what cases they may get leave to carry gun.

such testimony of slaves, or negroes, with pregnant circumstances, as to them shall seem convincing.

In what case
allowed be-
nefit of cler-
gy.

SEC. 21. *And be it further enacted*, That when any slave shall be convicted of any offence within the benefit of clergy, judgment of death shall not be given against him or her upon such conviction, but he or she shall be branded on the face or breast by the jailer in open court, and suffer such corporal punishment, as the court shall think fit to inflict, except where he or she once had the benefit of this act, and in those cases, such slave or negro shall suffer death without benefit of clergy.

In what not.

CHAPTER II.

An Act to prevent the Liberation, of Slaves, only in cases hereafter named, and for other purposes.—*Passed July 20, 1805.*

Slaves not to
be liberated,
unless they
have done
some merito-
rious act.

SEC. 1. *Be it enacted by the Legislative Council and House of Representatives of the Mississippi Territory, in general assembly convened*, That from and after the passing of this act, it shall not be lawful for any person or persons, holding or owning slaves, to liberate them, or any of them, unless they first prove to the satisfaction of the general assembly, that such slave or slaves have done some meritorious act, either for the benefit of said owner, or for the benefit of this territory, and in the said case the owner or owners of the said slave or slaves, shall first give bond and security, to the governor for the time being, that said slave or slaves shall not become chargeable to the public : *Provided nevertheless*, that all slaves so emancipated shall be liable to be taken by execution to satisfy any debt contracted by the person emancipating them, before such emancipation is made.

Liable for
debts con-
tracted pre-
vious to libe-
ration.

Persons
claiming
slaves peti-
tioning for
their free-
dom, to give
security for
their appear-
ance.

SEC. 2. *And be it further enacted*, That any slave in this territory, claiming his or her freedom, shall proceed by petition to the county or circuit court of the county where his or her master or owner shall reside, who, if the slave be in his or her possession, shall enter into bond with approved security to the governor, in a sum to be adjudged of by the court, that the said slave shall be forthcoming and subject to the order of said court, and that he will abide by the judgment the said court may render in the premises ; in which case such slave shall remain in the service of his owner, or person claiming him or her, until the determination of the suit : and if out of the possession of his or her owner, or person claiming him or her, such slave shall enter into recognizance with sufficient security, to be approved of by the court, to make good to his or her owner all such costs and damages as he shall have incurred, in consequence of the application of such slave for the recovery of his freedom, in case he eventually fail in substantiating the same, and that he will be forthcoming, and abide the sentence of the said court.

Slave to en-
ter into re-
cognizance.

NOTE.—Section second was amended in 1815.