

Price William E.
ACTS

PASSED AT THE ANNUAL SESSION OF THE

GENERAL ASSEMBLY,

OF THE

S. P. SMITH

STATE OF ALABAMA;

BEGUN AND HELD IN THE CITY OF TUSCALOOSA, ON THE FIRST
MONDAY IN NOVEMBER, 1840.

ARTHUR P. BAGBY, GOVERNOR.

J. L. F. COTTRELL, PRESIDENT OF THE SENATE.

SAMUEL WALKER, SPEAKER OF THE HOUSE OF REPRESENTATIVES.

R. A. BAKER, SPEAKER OF THE HOUSE OF REPRESENTATIVES.

Davis Anthony

Tuscaloosa:

HALE & PHELAN, PRINTERS.

1841.

CHAPTER SEVENTH.

Of Miscellaneous Offences.

Unchartered
banking
companies.

Section 1. It shall be unlawful for any person or persons, or any company, corporation, or unchartered banking association, to make, emit, issue, or put in circulation, any note, bill, bond, draft, check, or post note, or paper of any name or description whatsoever, to answer the purpose of money, or for general circulation, and for every such note, bill, bond, draft, check, post note, or other paper so made, emitted, issued, or put in circulation, such person or persons, and each and every individual of said company, corporation, or unchartered banking association, so making, issuing, emitting, or putting in circulation, such note, bill, bond, draft, check, post note, or other paper, shall be held to be guilty of a misdemeanor, and shall be liable to be indicted therefor, and, upon conviction, shall be fined for every such offence at the discretion of the jury trying the same, not less than one hundred, nor more than five hundred dollars, and that upon failure to pay the fine, shall be imprisoned in the county jail for a term not exceeding twelve months.

Signing notes
or bills.

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

Passing off or
circulating
notes or bills.

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

Section 4. Every one who shall hereafter carry concealed about his person, a bowie knife, or knife or instrument of the like kind or description, by whatever name called, dirk or any other deadly

weapon, pistol or any species of fire arms, or air gun, unless such person shall be threatened with, or have good cause to apprehend an attack, or be travelling, or setting out on a journey, shall on conviction, be fined not less than fifty nor more than three hundred dollars: It shall devolve on the person setting up the excuse here allowed for carrying concealed weapons, to make it out by proof, to the satisfaction of the jury; but no excuse shall be sufficient to authorize the carrying of an air gun, bowie knife, or knife of the like kind or description.

Carrying concealed weapons.

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

Illegal voting.

Section 6. Every apothecary, druggist, or other person, who shall sell and deliver any arsenic, corrosive sublimate, prussic acid, or other substance, either solid or liquid, usually denominated poisonous, without having the word 'poison,' written or printed on a label attached to the vial, box or parcel, in which the same is sold, or shall sell and deliver any tartar emetic, without having the true or common name thereof written or printed upon a label attached to the vial, box or parcel containing the same, shall upon conviction, be adjudged guilty of a misdemeanor, and punished by a fine not exceeding one hundred dollars.

Apothecaries selling poisonous drugs without label.

Section 7. Every apothecary, druggist, or other person, who shall give, sell or deliver, any of the drugs described in the preceding section, or any other drug or medicine, poisonous in its nature, to any slave, without an order in writing from the owner or manager of such slave, designating the drug or medicine, either by name, or the effect to be produced by it, he or she so offending, shall on conviction, be held guilty of a misdemeanor, and punished by a fine not exceeding two hundred dollars, and may also be imprisoned not exceeding three months.

Selling to slaves.

Section 8. Every person who shall buy, sell or receive from any slave, any commodity of any kind or description, without the leave or consent of the master, owner, or overseer of such slave, verbally or in writing, expressing the articles permitted to be sold or bartered, first obtained, shall on conviction, be fined in a sum not less than ten, nor more than one hundred dollars, and may be imprisoned not more than three months.

Trading with slaves.

Section 9. Every sheriff, coroner, constable, clerk, or justice of the peace, who shall within three days after demand made, fail or refuse to pay over any money received or collected by him in his official capacity, shall be deemed guilty of a misdemeanor, and on conviction, shall be fined in a sum not less than one half, and not exceeding the entire amount received or collected: *Provided*, that the party entitled to such money, shall remain in the county, or

Officers failing to pay money collected.

Proviso.

have an agent there, up to the expiration of three days after demand as aforesaid; and nothing in this section contained shall be construed to affect the private remedy of the party injured, either by motion or otherwise.

CHAPTER EIGHTH.

Of General Provisions.

Duty of court
in capital ca-
ses.

Section 1. Whenever any person shall be sentenced to the punishment of death, the court before whom he was tried, shall direct that he be hanged by the neck till he is dead; and such sentence shall be executed by the proper executive officer of the law, on such day as the court shall appoint, not less than four weeks and not more than eight weeks from the time of the sentence, unless the court trying such convict, shall suspend the execution by a reference to the supreme court, of novel and difficult questions of law, arising in the case.

Sentence.

Section 2. The sentences of courts directing the execution of a person as aforesaid, shall be executed by the sheriff or by his regularly appointed deputy, unless there be no sheriff in the county, in which event, the coroner shall be authorized to do execution.

Execution.

Section 3. The punishment of death shall be inflicted either in the prison where the convict shall be confined, or within an inclosed yard of such prison, if there be one, or if the arrangement of the prison and its precincts be such as execution cannot there be done, then the punishment shall be inflicted as heretofore; and it shall be the duty of the sheriff, or if there be no sheriff, the coroner, to give at least three day's previous notice, to the judge of the county court, the clerks of the circuit and county court, at least five justices of the peace, if there be so many in the county, and the physicians of the neighborhood, who may be present and witness the execution; and the persons thus attending the execution, shall make out and sign a certificate in writing, declaring that the convict was executed pursuant to his sentence; and the officer doing execution, shall permit the counsel of the convict, such ministers of the gospel as the convict shall desire, and his relations to be present, and also, such officers of the prison, deputies and constables, military guard, or other assistants, as he shall see fit.

Regulations.

Female con-
victs—when
pregnant.

Section 4. If a female convict sentenced to the punishment of death, shall be pregnant, it shall be the duty of the sheriff of the county, with the concurrence of the judge of the circuit court, or if he be absent, with the concurrence of any other circuit judge of the State, to summon a jury who are free from all interest, occasioned either by relationship or otherwise, which jury shall consist of the number of six, all of whom shall be physicians, if it be practicable; and if it be not practicable to obtain so many physicians in the county, then the jury shall be made up by associating a