

A

NEW DIGEST
OF THE STATUTE LAWS

OF THE

STATE OF LOUISIANA,

FROM THE CHANGE OF GOVERNMENT TO THE YEAR 1841, INCLUSIVE.

COMPILED

BY

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LATE REPORTER OF THE DECISIONS OF THE SUPREME COURT, AND NOW JUDGE OF THE
NINTH DISTRICT.

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CHAPTER 37.

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[See *Black Code*, 40, 89, 106, 109, 113, 114, 115, 118, &c. *Criminal Prosecutions*, 4, 11, 14, 15, 16, &c. *Colored Persons, Slaves, Court of Probates and District Courts.*]

An Act for the punishment of Crimes and Misdemeanors, approved May 4, 1805.

1. SEC. I. That if any person or persons shall commit the crime of wilful murder, such person or persons, on being thereof convicted, shall suffer death.

2. SEC. II. Every person who shall hereafter be duly convicted of any manner of rape, or of the detestable and abominable crime against nature, committed with mankind or beast, shall suffer imprisonment at hard labor for life.

3. SEC. III. Every person who shall wilfully and maliciously burn any dwelling house, sugar house, rum house, cotton house, cotton gin house, or store, or out house, or building adjoining such dwelling house, sugar house, cotton house, cotton gin house or store, shall be deemed guilty of arson, and upon conviction thereof, shall suffer imprisonment at hard labor for life.

4. SEC. IV. Every person who shall commit the crime of robbery, and being thereof convicted, shall be publicly whipped, and suffer imprisonment at hard labor, not less than seven, nor more than fourteen years.

5. SEC. V. Every person who shall commit the crime of burglary, and be thereof convicted, shall be publicly whipped, and shall suffer imprisonment at hard labor, not less than ten, nor more than twenty years.

6. SEC. VI. If any person or persons shall be accessory before the fact, to any wilful murder, rape, arson, robbery or burglary, he, she or they so offending, shall, upon conviction thereof, suffer the same kind of punishment which might be inflicted on the principal offender for such crime or crimes, respectively.

7. SEC. VII. If any person or persons shall be accessory, after the fact, to any wilful murder, rape, arson, robbery or burglary, he, she or they so offending, shall, upon conviction thereof, be fined not exceeding five hundred dollars, or receive not exceeding thirty-nine lashes on the bare back.

8. SEC. VIII. Every person convicted of horse or mule stealing, or for stealing any slave, shall, for every such offence, be publicly whipped, and shall suffer imprisonment at hard labor, not less than seven, nor more than fourteen years.

9. SEC. IX. Every person convicted of any species of larceny, or as accessory thereto, shall be whipped not exceeding thirty-nine stripes, and shall moreover restore the goods and chattels so stolen, to the rightful owner or owners thereof, or shall pay to him, her or them, the value of such thereof as shall not be restored, which value the court shall inquire into and declare, or in default of making such restoration or payment, shall be imprisoned at hard labor for a period of time not exceeding two years.

10. SEC. X. Robbery or larceny of bank notes, obligations or bonds, bills obligatory, or bills of exchange, promissory notes for the payment of money, or notes for the payment of any specific property, lottery tickets, paper bills of credit certificates granted by or under the authority of this territory, or of the United States, or of any of them, shall be punished in the same manner, both as of the principal and accessory, as robbery or larceny of goods and chattels.

11. SEC. XI. If any person, having knowledge of the actual commission of the crime of wilful murder, rape, arson, robbery, burglary or larceny, shall conceal, and not as soon as may be, disclose and make known the same to some one of the judges, or other persons, in civil authority, within this territory, on conviction thereof, such person or persons shall be adjudged guilty of misprison of felony, and shall pay a fine not exceeding three hundred dollars, and may also at the discretion of the court suffer imprisonment at hard labor, or otherwise, not exceeding twelve months.

12. SEC. XII. If any person or persons shall receive or buy any goods or chattels, that shall be feloniously taken or stolen from any other person, knowing the same to have been so taken or stolen, or shall receive, harbor or conceal any felon or felons, thief or thieves, knowing him, her or them to be so, he, she or they, being of either offence legally convicted, shall restore the goods so received, or pay double the value thereof, and shall moreover suffer imprisonment at hard labor, not exceeding one year; and in default of making the restoration or payment aforesaid, shall suffer further imprisonment at hard labor, for a period not exceeding one year.

13. SEC. XIII. Any person who shall wilfully and maliciously burn any out house, barn or stable, not adjoining some dwelling house, sugar house, cotton house, cotton gin house or store, or shall burn any hovel, crib, cock, mow or stack of hay, fodder, corn or grain, or shall be accessory to either of said offences before the fact, shall, upon conviction thereof, pay the damages that any person may sustain thereby, and shall moreover suffer imprisonment at hard labor, not less than seven, nor more than fourteen years.

14. SEC. XIV. If any person or persons shall forge or counterfeit, or cause or procure to be forged or counterfeited, or shall willingly aid or assist in the forging or counterfeiting any gold or silver coin which now is, or hereafter may be passing, or in circulation in this territory, or shall falsely pay, or offer or tender in payment, any such forged or counterfeited coin, knowing the same to be forged or counterfeited, every person so offending and being thereof convicted, shall suffer imprisonment at hard labor, not less than seven, nor more than fourteen years.

15. SEC. XV. If any person or persons shall falsely make, alter, forge or counterfeit, or cause or procure to be falsely made, altered, forged or counterfeited, or willingly aid or assist in the false making, altering, forging or counterfeiting of any letter patent, gift, grant, bond, writing obligatory, bill or order, or acceptance of such bill or order, note of the bank of the United States, or of the bank of any one of the said states, or of any bank of any of the territories thereof, cotton receipt, promissory note, will, indenture, deed or contract, with intention to defraud any person, or shall utter, put off, or offer, or cause to be uttered, put off, or offered in payment, or for sale, any such false, forged, altered or counterfeited bond, bill, or acceptance of such bill or order, note of the bank of the United States, or of the bank of any one of the said states, or of any bank of any of the territories thereof, cotton receipt, promissory note, will, indenture, deed or contract, with intention to defraud any person, knowing the same to be false, forged or counterfeited, and shall be thereof convicted, every such person shall suffer imprisonment at hard labor for life.

16. SEC. XVI. If any person or persons shall wilfully and corruptly commit perjury, or shall by any means procure any person to commit

corrupt and wilful perjury, on his or her oath or affirmation in any suit, controversy, matter or cause depending in any of the courts of this territory, or in any deposition or affidavit taken, or made pursuant to the laws of this territory, every person so offending, and being thereof convicted, shall be punished with imprisonment at hard labor, not less than five years, nor more than ten years, and shall be set in the pillory two hours on some day in each year of such imprisonment, and be thereafter rendered incapable of giving testimony in any of the courts of this territory, until such time as the judgment against such offender be reversed.

17. SEC. XVII. In every presentment or indictment to be prosecuted against any person for wilful and corrupt perjury, it shall be sufficient to set forth the substance of the offence charged upon the defendant, and by what court, or before whom the oath or affirmation was taken, (averring such court, person or persons, to have competent authority to administer the same,) together with a proper averment or averments to falsify the matter or matters wherein the perjury or perjuries is or are assigned, without setting forth the bill, answer, information, indictment, declaration, or any part of any record or proceeding other than as aforesaid, and without setting forth the commission or authority of the court, or the commission or authority of the person or persons before whom the perjury was committed.

18. SEC. XVIII. In any presentment or indictment for subornation of perjury, it shall be sufficient to set forth the substance of the offence charged upon the defendant, without setting forth the bill, answer, information, indictment or declaration, or any part of the record or proceeding, and without setting forth the commission or authority of the court, or person or persons before whom the perjury was committed, or was agreed or promised to be committed.

19. SEC. XIX. If any person or persons shall feloniously steal, take away, alter, falsify, or otherwise avoid any record, writ, process or other proceeding in any of the courts of this territory, by means whereof any judgment shall be reversed, made void, or not take effect, or if any person shall acknowledge, or procure to be acknowledged in any of the courts aforesaid, any recognizance, bail or judgment in the name or names of any other person or persons, not privy or consenting to the same, every such person or persons, on conviction thereof, shall pay a fine not exceeding three thousand dollars, and may also at the discretion of the court, be punished with imprisonment at hard labor not exceeding two years: *Provided nevertheless*, that this act shall not extend to the acknowledgment of any judgment or judgments, by any attorney or attorneys, duly admitted for any person or persons against whom any such judgment or judgments shall be had or given.

20. SEC. XX. Every person who shall deface, alter, falsify or embezzle any record, enrolment, matter or instrument recorded, or registry thereof, with intent to defraud, shall, upon conviction thereof, pay a

fine not exceeding one thousand dollars, and be imprisoned at hard labor, for a term not more than two years, and shall be rendered incapable of holding any office within this territory.

21. SEC. XXI. If any person or persons, being married, shall intermarry with any person or persons, the former husband or wife being alive, he, she or they so offending, shall, on conviction thereof, pay a fine not exceeding five hundred dollars, and be imprisoned not exceeding two years: *Provided nevertheless*, that this act or any thing therein contained, shall not extend to any person or persons whose husband or wife shall absent him or herself, one from the other, for the space of five years, the one of them not knowing the other to be living within that time; nor to any person or persons who shall be, at the time of such marriage, divorced by competent authority, or to any person or persons whose former marriage, by sentence of competent authority, shall have been declared void.

22. SEC. XXII. If any person or persons shall commit the crime of manslaughter, and be thereof convicted, such person or persons shall be fined in a sum not exceeding five hundred dollars, and may moreover be punished with imprisonment at hard labor or otherwise, as the court shall direct, not exceeding twelve months.

23. SEC. XXIII. If any person or persons, on purpose and of malice aforethought, shall unlawfully cut or bite off the ear or ears, or cut out or disable the tongue, put out an eye, while fighting or otherwise; slit the nose or a lip, cut or bite off the nose or lip, or cut off or disable any limb or member of any person, with intention in so doing to maim, disable or disfigure such person in any manner before mentioned; then in every such case, the person or persons so offending, their counsellors, aiders and abettors shall, on conviction thereof, pay a fine not exceeding one thousand dollars, and shall be further punished with imprisonment at hard labor not exceeding seven years.

24. SEC. XXIV. Whoever shall assault another by wilfully shooting at him, or with intent to commit murder, rape or robbery, shall, on conviction thereof, be imprisoned at hard labor not exceeding two years, and shall afterwards give sufficient security for good behavior for one year.

25. SEC. XXV. If any person shall challenge another, or shall accept a challenge to fight with sword, pistol, rapier or other dangerous weapon, every person so challenging or accepting such challenge, shall upon conviction thereof, be fined not exceeding five hundred dollars, and may be imprisoned not exceeding two years; and if any person shall willingly or knowingly carry or deliver to any person a written challenge, or verbally deliver any message purporting to be a challenge to fight such duel, or shall be second to either party, or shall command, counsel, or advise or procure any person to fight such duel, every person so offending, and being thereof convicted, shall be liable to the same penalties as are by

this act directed in the case last mentioned of a challenge to fight, or the accepting of such challenge.

26. SEC. XXVI. If any person or persons shall, by force, set at liberty or rescue any person or persons, who shall be found guilty of any capital offence, or rescue any person convicted of any capital crime, going to execution, or during execution, every person so offending, and being thereof convicted, shall suffer imprisonment at hard labor not exceeding fourteen years; and if any person or persons shall, by force, set at liberty or rescue any person or persons who before conviction shall stand indicted for any capital offence, or if any person or persons shall, by force, set at liberty or rescue any person committed for, or convicted of any other offence, every person so offending, shall, on conviction thereof, be fined not exceeding three hundred dollars, and be imprisoned at hard labor not exceeding two years.

27. SEC. XXVII. If any person or persons shall, knowingly or willingly, obstruct, resist, oppose or insult any officer of this territory, in serving or attempting to serve or execute any *mesne* process or warrant, or any rule or order of any of the courts of this territory, or any other legal or judicial writ or process whatsoever, or shall assault, beat, wound or insult any officer, or other person duly authorized, in serving or executing any writ, rule, order, process or warrant aforesaid, every person so knowingly and wilfully offending in the premises, shall, on conviction thereof, be imprisoned not exceeding six months, and fined not exceeding two hundred dollars.

28. SEC. XXVIII. Whoever being lawfully imprisoned, shall break or conspire to break prison; whoever shall take any reward under pretence of helping the owner to his stolen goods: whoever shall compound any felony: whoever shall falsely and maliciously conspire to indict an innocent man of any felony, and who shall be accordingly indicted and acquitted, every such offender shall, upon conviction for any of the aforesaid offences, suffer fine or imprisonment, or both at the discretion of the court.

29. SEC. XXIX. If any person or persons shall, directly or indirectly, give, offer or promise any bribe or other undue reward, to obtain or procure the opinion, judgment or decree of any judge, justice of the peace, or other civil or judicial officer of this territory in any suit, controversy or matter depending before him or them, and shall be thereof convicted, such person or persons, and the judge, justice of the peace, or other civil or judicial officer, who shall in any wise accept or receive the same, on conviction thereof, shall suffer fine or imprisonment, or both, at the discretion of the court.

30. SEC. XXX. If any judge, justice of the peace, sheriff, coroner, constable or other civil officer, be guilty of any oppression or extortion, in the administration or under the color of his office, every such offender

shall, on conviction, suffer fine or imprisonment, or both, at the discretion of the court.

31. SEC. XXXI. Whoever shall make, or knowingly assist at any rout, riot or unlawful assembly : whoever shall wilfully and maliciously pull down or destroy any levee or embankment on any of the rivers or navigable waters of this territory : whoever shall maliciously defame any person by making, writing, publishing or causing to be published, any manner of libel, shall, on conviction thereof, suffer fine or imprisonment, or both, at the discretion of the court.

32. SEC. XXXII. Whoever shall be guilty of assaulting and beating, wounding short of maiming, or of falsely imprisoning any person, shall, on conviction thereof, suffer fine or imprisonment, or both, at the discretion of the court.

33. SEC. XXXIII. All the crimes, offences and misdemeanors hereinbefore named, shall be taken, intended and construed, according to and in conformity with the common law of England ; and the forms of indictment, (divested however of unnecessary prolixity) the method of trial ; the rules of evidence, and all other proceedings whatsoever in the prosecution of the said crimes, offences and misdemeanors, changing what ought to be changed, shall be, except as is by this act otherwise provided for, according to the said common law.

34. SEC. XXXIV. The trial of every person, for any of the crimes or misdemeanors aforesaid, shall be by jury, if the party accused or the person who prosecutes desires it.

35. SEC. XXXV. Every person who shall be accused and indicted for any capital crime or any crime punishable with imprisonment at hard labor for life, or for seven years or upwards, shall have a copy of the indictment and list of the jury which are to pass on his trial, delivered unto him at least two entire days before he or she shall be tried for the same ; and every person accused and indicted, shall be allowed and admitted to make his full defence by counsel learned in the law ; and the court before whom such person shall be tried, or some judge thereof, shall immediately upon his request, assign to such person such counsel as such person shall desire, to whom such counsel shall have free access at all seasonable hours ; and every such person or persons so accused and indicted, shall be admitted in his, her or their defence, to make any proof he, she or they can produce by any lawful witness or witnesses, and shall have the like process to compel his, her or their witnesses to appear on his, her or their trial, as is usually granted to compel witnesses to appear on the prosecution against him, her or them.

36. SEC. XXXVI. No person, indicted of any crime specified in the preceding section, shall be allowed to challenge above the number of twelve persons of the jury, unless cause be shown for such challenges above the number aforesaid ; and if any person on his or her arraignment for any offence, shall stand mute or will not answer to the indictment, the

plea of not guilty shall be entered for him or her, on the record, and the court shall, on either of said cases, proceed to trial of the person so challenging or standing mute, as if he or she had pleaded not guilty, and for trial put him or herself upon the county, and render judgment accordingly.

37. SEC. XXXVII. No person shall be prosecuted, tried or punished for any offence, wilful murder, arson, robbery, forgery and counterfeiting excepted, unless the indictment or presentment for the same be found or exhibited within one year next after the offence shall be done or committed; nor shall any person be prosecuted for any fine or forfeiture, under any law of this territory, unless the prosecution for the same shall be instituted within six months from the time of incurring such fine or forfeiture: *Provided*, that nothing herein contained shall extend to any person absconding or fleeing from justice.

38. SEC. XXXVIII. The manner of inflicting the punishment of death, shall be by hanging the person convicted, by the neck until dead.

39. SEC. XXXIX. The lands, tenements, goods and chattels of every person convicted of any crime or misdemeanor, shall from the time when such person shall be committed to prison, charged with such crime or misdemeanor, be liable and subject in preference to all other demands whatever, (except dower and jointure) in the first place, to the discharge of the expenses incurred by the territory or county in the prosecution and conviction of such offender, and in the next place to what restitution or reparation may be adjudged by the court to the injured party; and if the estate of the person or persons shall be incompetent to said purposes, then in that case, after deducting the expenses of prosecution and conviction as aforesaid, the surplus, if any, shall go towards making reparation to the party injured; and it shall be the duty of the court, in all criminal cases tried by the court wherein an injury to the person or property of any person has been sustained, to inquire, and in all such cases tried by a jury, to direct such jury to inquire, at the prayer of the party injured, concerning the degree of such injury, and on due consideration of the circumstances of the case, to award and adjudge restoration or reparation accordingly, and the amount so adjudged may be levied by writ of *fiery facias*, as on execution in civil suits.

[Section 39 repealed by 7th section of act of February 22, 1817, with a *Proviso*.]

40. SEC. XL. No conviction or judgment for any of the offences aforesaid, shall work corruption of blood, or subject the offender to any other forfeiture or penalty than such as is hereinbefore declared and specified.

41. SEC. XLI. Every person being adjudged to pay any fine under this act, shall, in default of making such payment, be imprisoned for any term not exceeding one year.

42. SEC. XLII. The amount of all fines aforesaid shall be paid, when

adjudged by any county court, into the treasury of such county for the use thereof, and when adjudged by the superior court, such fines shall be paid into the treasury of the county in which judgment shall be given, for the use of the government of this territory.

43. SEC. XLIII. The superior court shall have exclusive cognizance of every capital crime, and of every crime for which the punishment is imprisonment at hard labor for life, or for seven years or upwards.

44. SEC. XLIV. In all sentences for crimes or misdemeanors, where the punishment is made by this act discretionary, such punishment shall be at the discretion of the court having cognizance of such crime or misdemeanor.

45. SEC. XLV. The judge of each county, by and with the consent of the justices of the peace thereof, or a majority of them, may and shall, until further legislative provision be made, make and ordain such regulations for the government and good order of the county prisons, for preserving the health of the prisoners, and for keeping and compelling to hard labor such convicts as by this act are and shall be liable thereto: and it shall be the duty of the said judge to take care that such regulations so ordained shall be carried into effect.

46. SEC. XLVI. Every person sentenced to hard labor under this act, shall, except when sick, be kept and compelled to such labor for the space of eight hours every day, Sundays excepted, during the period for which he shall suffer such imprisonment.

47. SEC. LII. All judgments and sentences to be rendered in criminal cases in the said courts, shall be pronounced in open court, and shall be entered on the minutes of the court by the clerk.

An Act supplementary to the act for the punishment of crimes and misdemeanors, approved July 3, 1805.

48. SEC. II. All persons who knowingly, fraudulently and designedly, by any false pretence or pretences, shall obtain, or aid and assist another in obtaining from any person, money or any property whatever, with intent to defraud any person of the same, shall be deemed offenders against law and the public peace, and shall, on due conviction, be punished by whipping, not exceeding thirty-nine stripes, or by imprisonment at hard labor or otherwise, not exceeding twelve months.

[Third section repealed by act approved May 2, 1806.]

49. SEC. IV. The attorney general, or the attorneys appointed to prosecute on behalf of the territory in the county courts, may by and with the leave of the court, for that purpose first obtained, file information for any offences not capital, nor exclusively cognizable by the superior court, and in all criminal causes where the trial shall be by the court, the trial shall be on information duly filed.

50. SEC. V. All persons who, after this act shall be in force, shall be convicted of any crime or offence committed before, shall be punished

therefor, as is directed by this act, or by the act to which this is a supplement.

51. SEC. VI. The provisions of this act shall not extend to any slave.

An Act to amend the act entitled "an act for the punishment of Crimes and Misdemeanors," approved June 7, 1806.

52. SEC. I. That from and after the passing of this act, if any person or persons shall commit either of the crimes of murder or rape, or who shall administer any kind of poison to any person with the intent to commit the crime of murder, or who shall shoot or stab any person with the intent to commit the crime of murder, such person or persons so offending, on conviction thereof, shall suffer death.

53. SEC. II. If any person or persons shall be accessory before the fact, to any of the several crimes described in the first section of this act, such person or persons shall, upon conviction thereof, suffer death.

54. SEC. III. If any person shall, by words, action or writing, or in any other manner whatsoever, persuade, encourage or advise any slave or slaves to insurrection, against his, her or their lawful proprietor or proprietors, or against the white inhabitants of this territory, or the government thereof, such person, on conviction thereof, shall suffer death.

55. SEC. V. If any judge, justice of the peace, sheriff, or other civil officer, shall be guilty of any misdemeanor in the execution of either of their respective offices, he shall, on conviction thereof, suffer fine or imprisonment, or both, at the discretion of the superior court, and be rendered forever afterwards incapable of holding any office of trust or profit under the government of this territory, and shall moreover be liable to action by the party injured.

An Act to explain the fourth section of the act to amend the act entitled "an act for the punishment of Crimes and Misdemeanors," approved March 8, 1808.

Whereas doubts have arisen as to the manner of construing the fourth section of the act above mentioned :

56. SEC. I. That every slave who shall be found, without a permission in writing from his master, on board a vessel, which shall have set sail, for the purpose of leaving this territory, shall be considered as in the act of being transported, and the captain or any other person commanding said ship, shall accordingly be liable to the penalties enacted by the said fourth section.

[The 4th section of act of June 7, 1806, repealed by 8th section of acts of February 13, 1816, imposed a fine not less than \$1000, nor more than \$2000, and one year's imprisonment, for transporting slaves out of the territory, without permission.]

An Act directing the mode of carrying into execution judgments in capital cases, approved March 20, 1813.

57. SEC. I. That no free person upon whom sentence or judgment of death shall be passed by any court of this State, shall be executed and

put to death in pursuance of such judgment, before the whole record of the proceedings in such case be certified by the clerk of the same court under the seal thereof to the governor of this State, nor until a warrant shall be issued by the governor under the seal of the State, with a copy of the record thereunto annexed, directed to the sheriff of the court wherein the said sentence or judgment was passed, commanding the said sheriff to cause the execution to be done on the person so condemned as aforesaid, in all things according to the judgment against him or her; and it shall be the duty of the sheriff to whom such warrant shall be directed, to execute the same in due form of law.

58. SEC. II. It shall be the duty of the clerk of the court in which such judgment shall have been rendered, to make out a true copy of the record of all proceedings in such case, and to transmit the same without delay to the governor of this State, and should the said record be received by the governor during the recess of the senate, he may, whenever he shall deem the same proper, delay awarding any warrant of execution until the end of the next session.

An Act against carrying concealed weapons, and going armed in public places in an unnecessary manner, approved March 25, 1813.

59. SEC. I. That from and after the passage of this act, any person who shall be found with any concealed weapon, such as a dirk, dagger, knife, pistol, or any other deadly weapon concealed in his bosom, coat, or in any other place about him, that do not appear in full open view, any person so offending, shall, on conviction thereof, before any justice of the peace, be subject to pay a fine not to exceed fifty dollars, nor less than twenty dollars, one half to the use of the State, and the balance to the informer; and should any person be convicted of being guilty of a second offence before any court of competent jurisdiction, shall pay a fine not less than one hundred dollars, to be applied as aforesaid, and be imprisoned for a time not exceeding six months.

[*Section 2d repealed by the 11th section of the act of March 19, 1818.*]

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

An Act to take the most effective measures in order to prevent the transportation or carrying away of slaves out of this State, against the will of their owners, and for other purposes, approved February 13, 1816.

61. SEC. I. That from and after the passing of this act, if any master or commander of any ship, vessel, or other water craft in this State, or any other person, shall carry and convey out of the same, on board of any such ship, vessel or other water craft, any slave or slaves, the property of any person or persons of this State, without the consent of the owner or owners of the said slave or slaves, previously obtained, or shall take and receive on board of any such ships, vessels or other water craft, any such slave or slaves, or permit or suffer the same to be done, with the intent and for the purpose of carrying and conveying such slave or slaves out of this State, or shall wickedly and willingly conceal or permit to be concealed on board of any such ship, vessel, or other water craft, any slave or slaves who shall, or may hereafter abscond from their master or mistress, with the intent and for the purpose of enabling such slave or slaves to effect his, her or their escape out of this State, every such master or commander of any such ship, vessel, or other water craft, or any other person, so carrying and conveying, or so taking, receiving and concealing, or causing or permitting the same to be done, with an intent as aforesaid, shall be subject to a criminal prosecution, and on conviction of any of the said offences, shall suffer imprisonment at hard labor, for a term not exceeding seven years, and not less than three years; and moreover, the said master or commander, or any other person, shall be sentenced to pay all the damages that the owner or owners of the said slave or slaves may have suffered thereby, which damages shall be assessed by the same jury who shall give their verdict on the criminal prosecution: *Provided*, that whenever any slave or slaves shall be found on board any ship, vessel, or other water craft, the presumption shall be that such slave or slaves were received or concealed on board said ship, vessel, or other water craft, with the intent aforesaid, saving to the party accused, the right of showing to the contrary.

62. SEC. II. If any person or persons shall carry and convey, or attempt to carry and convey out of this State, by land, any slave or slaves being the property of any person or persons of this State, without the consent of the owner or owners of the said slave or slaves, previously obtained, with the intent of making such slave or slaves to effect his, her or their escape out of this State, such person or persons, on conviction thereof, shall suffer the same punishment and be liable to the same damages as directed by the first section of this act: *Provided*, that whenever any person or persons shall be found in the act of carrying and conveying, or of attempting to carry or convey, any slave or slaves out of this State, the presumption shall be that the same is done with the intent aforesaid.

63. SEC. III. No master or commander of any ship, vessel, or other

water craft, shall thereafter transport, or attempt to transport, any negro, mulatto, man or woman, or other person of color out of this State, on any pretence whatsoever, until he shall have produced the said negro, mulatto, man or woman, or person of color, before the mayor, if in the parish of New Orleans, or before any parish judge of the parish in which his ship, vessel, or water craft shall lie, and shall have made out and lodged with the said mayor or parish judge, a written declaration signed by him and containing a description of the said negro, mulatto, man or woman, or person of color, together with his name and surname, probable age and alledged place of birth or residence, and the port to which the said master or commander may be bound, and until he shall have satisfied the said mayor or parish judge by an authentic written proof, or by the oath of two credible witnesses, residing in said parish, or by the affidavits made before the judge of the parish from whence said negro, mulatto, man or woman, or person of color, is come by two credible witnesses domiciliated therein, that the said negro or mulatto, man or woman, or person of color is free, or until he shall have produced to the said mayor or parish judge, the written direction of the owner of such negro or mulatto, man or woman, or person of color, commanding or permitting him to carry him or her out of this State, and when the said master or commander shall have so done, it shall be the duty of the said mayor or parish judge, as the case may be, to keep and retain the said declaration in his office, and to grant him a written certificate thereof.

64. SEC. IV. Every master or commander of a ship, vessel, or other water craft, neglecting or refusing to perform the requisites imposed by the preceding section, shall pay and forfeit the sum of five hundred dollars for every slave by him so carried or attempted to be carried away out of this State, one moiety to the State, and the other moiety to the informer, to be recovered, with costs, by information filed in any competent court, and moreover such master or commander shall be liable, to the suit of the party grieved, for his or her damages, and in both suits the said master or commander shall give bail or surety for his appearance.

65. SEC. V. If any master or commander of any ship, vessel or other water-craft, happens to discover any slave or slaves concealed on board, it shall be their duty, if still in the river, or within the limits of this State, to land the said slave or slaves to the nearest place, and there to deliver him, her or them, to any judge, justice of the peace, sheriff, jailor, or in defect thereof, to any inhabitant of the said place, that he; she or they may be sent to their master; and if the said master or commander refuses or neglects to perform the requisites contained in this section, he shall be liable to the same punishment and damages which are mentioned in the first section of this act.

66. SEC. VI. If any person or persons, who did mortgage any of his slaves to another, shall transport or attempt to transport, or cause to be transported out of this State, the said slave or slaves thus mortgaged, in

fraud of the mortgagees, such person or persons thus offending, and their aiders and abettors, shall, on conviction of any of the said offences, suffer the same punishment and be liable to the same damages as directed by the first section of this act.

67. SEC. VII. It shall be lawful for any judge or justice of the peace, to issue a warrant of search on board of any ship, vessel or other water-craft, whenever any person shall apply for the same, and shall swear before him that he has strong reasons to believe and suspect that some slave or slaves of his own, or belonging to some person for whom he is acting by virtue of a power of attorney or duly authorized to claim such slave or slaves, as the case may be, is or are concealed on board of such ship, vessel, or other water-craft, and whensoever a positive oath shall be taken that any slave or slaves be hidden or concealed in any houses, plantations and other places, any judge or justice of the peace shall have the right of issuing said search warrant: *Provided*, that in both the above mentioned cases, the search warrant granted, expressly mention the name of the ship, vessel or other water-craft, or the particular place, house or building in which the search is to be made.

68. SEC. VIII. The provision with respect to the transportation of slave or slaves out of this State, which are contained in the act entitled "an act to amend an act entitled an act for the punishment of Crimes and Misdemeanors," and an act to explain the fourth section of the act to amend the act entitled "an act for the punishment of Crimes and Misdemeanors," shall be and are hereby repealed.

An Act supplementary to the twenty-third section of the act entitled "An act for the punishment of Crimes and Misdemeanors, approved the 4th May, 1805," approved, February 22, 1817.

69. SEC. I. That if any person or persons, on purpose and of malice aforethought, shall put out an eye or the eyes of any person, while fighting or otherwise, with intention in so doing to disfigure or blind such person, then and in every such case, the person or persons so offending, their counsellors, aiders and abettors, shall, on conviction thereof, pay a fine not exceeding two thousand dollars, and shall be further punished with imprisonment and hard labor for a time not less than seven years, nor exceeding fourteen years.

An Act supplementary to an act entitled "An act for the punishment of Crimes and Misdemeanors," approved February 22, 1817.

70. SEC. I. That every person who shall commit the abominable crime of incest, shall, on conviction thereof, suffer imprisonment and hard labor for life.

71. SEC. II. Any person or persons, who shall falsely make, alter, forge, or cause to be made, altered or forged, any receipt or instrument of writing acknowledging the payment of any sum of money, or the receipt of any goods, wares, or merchandize, or property of any kind what-

ever, or any acquittance, release, or discharge of any debt, account, action, suit, demand or other things, real or personal, with an intention to defraud any person or persons, body politic or corporation, shall, on conviction thereof, suffer imprisonment at hard labor for a term of years not less than one, nor more than seven years.

72. SEC. III. If any woman shall be delivered of any issue of her body, and shall endeavour privately, either by drowning or secret burying thereof, or in any other way, either by herself, or the aid and assistance of others, so to conceal the birth thereof that it may not come to light, whether it be born alive or not, in any and every such case the said mother, together with all and every other such person or persons so aiding and assisting, shall, on conviction thereof, be punished by imprisonment not less than five, nor more than fourteen years.

73. SEC. IV. If any person or persons shall wilfully and maliciously set fire to, or burn any dwelling-house or other building of another, or shall wilfully and maliciously set fire to or burn any ship, vessel, or other water-craft of another, within the limits of this State, or shall wilfully and maliciously set fire to, or burn any fences, piles of wood, boards and lumber, or other combustible matter, by means of which any dwelling-house or other building of another, or any ship, vessel or other water-craft of another, lying within the limits of this State, be burnt, such offender or offenders, and any person present, aiding, abetting, or consenting in the commission of the said offence, or accessory thereto before the fact by counselling, hiring, or procuring the same to be done, on conviction of any of said offences, shall be sentenced to an imprisonment at hard labor, for a term not less than seven, nor more than fourteen years.

74. SEC. V. If any person or persons attempt wilfully and maliciously to set fire to any dwelling house or any other building of another, situate in any part of this State, or to set fire to any ship, vessel, or other water craft of another, lying within the limits of this State, such offender or offenders, and any person aiding, abetting, or consenting in the said attempt, or accessory thereto before the fact, as aforesaid, shall, on conviction thereof, be imprisoned at hard labor for a time not less than five, nor more than ten years: *Provided*, that whenever such offence shall have been committed by a slave, he or she be sentenced to death.

75. SEC. VI. All attempts to corrupt or awe a jury in the trial of any cause depending or to be tried in any court of this State, either on indictment or in suit between individuals, by menaces, threats, giving money, or promises of any pecuniary advantage or otherwise, to any juror or jurors trying said cause, to induce said juror or jurors to give a verdict in favor of either of the parties in the same, is hereby declared a high misdemeanor, and the person or persons so offending shall on conviction thereof, be fined in a sum not less than one hundred, nor more than five hundred dollars, and imprisoned not less than six months

nor more than two years; and if any juror or jurors take any reward from either of the parties in a cause as aforesaid, he or they shall, on conviction, be punished by fine and imprisonment at the discretion of the court.

76. SEC. VII. So much of the thirty-ninth section of the act to which this is a supplement, which provides that it shall be the duty of the court in all criminal cases tried by the court, wherein an injury to the person or property of any person has been sustained, to inquire, and in all such cases tried by a jury, to direct such jury to inquire at the prayer of the party injured concerning the degree of such injury, and on due consideration of the circumstances of the case, to award and adjudge restoration or reparation accordingly, and the amount so adjudged may be levied by writ of *fieri facias* as on execution in civil suits, shall be, and the same is hereby repealed, saving to the party thereby injured his remedy in the ordinary course of law.

77. SEC. VIII. Whenever the attorney general and the district attorneys shall be informed that a crime or misdemeanor, has been actually committed, and that no complaint or declaration thereof, was made before any judge or justice of the peace of their respective districts, it shall be the duty of the said attorney general and district attorneys respectively, to inquire *ex-officio* into the fact, by causing all the persons they shall suppose to have some knowledge of the fact, to be summoned before some judge or justice of the peace, that their depositions may be taken.

An Act supplementary to an act concerning the introduction of certain slaves from any of the States or Territories of the United States of America, approved January 29, 1817.

Whereas the several acts which have been passed for the purpose of preventing the importation into this State of any slaves or other persons, the introduction of whom might be dangerous, have been deficient in execution to prevent the dangers, the destruction of which was intended by said acts: Therefore,

78. SEC. I. That no slave shall be imported or brought into this State, who shall have been convicted of the crimes of murder, rape, arson, manslaughter, attempt to murder, burglary, or having raised, or attempted to raise an insurrection among the slaves in any State of the Union or elsewhere; and if any such should be, they shall on conviction thereof be seized and sold, for cash, to the highest bidder, after fifteen days notice of time and place of sale, one half of the purchase money to be applied to the use of the State and the other half to the informer; and every person who shall import or bring into this State such slave, knowing that they have been convicted of any of the above mentioned crimes, shall upon conviction before any court of competent jurisdiction be fined for each and every such slave in the sum of five hundred dollars, one

half to be applied to the use of the State, and the other half to the use of the informer.

79. SEC. II. That no free negro or colored person, who shall have been convicted of any crime and sentenced to serve a term of years shall be imported or brought into this State: and that if any such should be brought, they shall be seized and sold to the highest bidder for cash for the same term of service that they have been condemned to serve from whence they have been brought, one half of the purchase money to be applied to the use of the State and the other half to the use of the informer; and every person who shall import or bring into this State such free negro or colored person who shall have been condemned as aforesaid, knowing it, shall upon conviction before any court of competent jurisdiction be fined in the sum of five hundred dollars for each and every one, one half thereof to be applied to the State, and the other half to the use of the informer.

80. SEC. III. That no free negro or person of color who shall have been convicted of any crime in any other part of the United States or elsewhere, shall be allowed to come into this State either as a fugitive from justice or as an emigrant into this State: and if any such should be found, he, she or they shall be seized, and if convicted, before any court of competent jurisdiction, fined and imprisoned at the discretion of the court, or until they enter into bond and security to leave the State, and that they never will return into it again.

81. SEC. IV. That any captain or master who shall receive on board of his vessel, boat, flat-boat or pirogue, raft, or other water craft, and transport to this State any of the slaves or other persons above mentioned, knowing that they were sentenced or convicted as aforesaid, shall be condemned to pay a fine of five hundred dollars, one half for the benefit of the State, and the other half for the benefit of the informer; and moreover, that every vessel, boat, flat-boat or pirogue, raft, or other water craft, on board of which such slaves or other persons shall have been transported, as also the tackle, apparel and furniture of said vessel, shall be forfeited to this State.

82. SEC. V. That any person who shall have been convicted of having bought or sold any of the said slaves or other persons, as above described, knowing that at the time of sale or purchase, the said slaves or said other persons were of the number of slaves or other persons whose introduction is prohibited by this act, shall be condemned to a fine of five hundred dollars, one half for the benefit of the State, and the other half for the benefit of the informer.

83. SEC. VI. That in all cases within the meaning of this act, the burthen of proof shall be on the person who imports, or brings or claims the said slaves or free persons: *Provided*, that in all cases the production of the certificate of the clerk of the county from whence they are import-

ed or bought, accompanied with the certificate of the governor of this State, shall be received as *prima facie* evidence.

84. SEC. VII. That any slave or slaves or other above mentioned persons, who shall hereafter be introduced into this State, but who shall have been embarked or sent off from any of the states of the Union, or from elsewhere, previous to, or thirty days after the passage of this act, shall be subject to be removed out of the same as it is afterwards directed, and therefore it shall be the duty of the sheriff of any of the parishes of this State, to seize any of the said slaves, or other persons thus mentioned, and to commit them to any public prison in this State, until the owner or other person importing them shall give bond and security to the satisfaction of the governor of this State, to remove them out of the limits of the State of Louisiana, and in case the said owner or importer of said slaves or other persons shall not give bond and security, in twenty days from the seizure thereof, they shall be prosecuted and condemned as before provided by this act: *Provided, however*, that the burthen of proof of the departure or sending off of those slaves or other persons, before the passage of this act, shall be on the party importing them, and the expenses of seizure and keeping of the said slaves or other persons, shall be also at the expense of the person importing or introducing them.

85. SEC. VIII. That from and after the passage of this act, all acts or parts of acts, which shall not be in contradiction with the foregoing provisions, shall continue to remain in force.

An Act to amend the Penal Laws of this State, approved March 19, 1818.

86. SEC. I. That whoever shall be guilty of larceny, shall be imprisoned at hard labor or otherwise, not exceeding two years.

87. SEC. II. Whoever shall steal any horse, mare, ass, or mule, shall suffer imprisonment at hard labor not less than one year, nor more than five years.

88. SEC. III. Whoever shall steal, wilfully destroy or falsify any notarial record, act or document, shall be fined not exceeding two thousand dollars, nor less than one thousand dollars, and suffer imprisonment at hard labor or otherwise, not exceeding two years, nor less than one year.

89. SEC. IV. Whoever shall be guilty of assaulting any free white person, shall suffer fine not exceeding one hundred dollars, or imprisonment not exceeding three months, or both, at the discretion of the court.

90. SEC. V. Whoever shall directly or indirectly give, offer or promise to any judge or other person concerned in the administration of justice, any bribe or undue reward, to influence his behavior in his office, shall suffer fine or imprisonment, or both, at the discretion of the court.

91. SEC. VI. Whoever shall be guilty of making or erecting any common nuisance in or upon any highway, bridge, or public river or bayou in this State, shall suffer fine or imprisonment, or both, at the discretion

of the court, and the court may besides order such nuisance to be destroyed, abated or removed.

92. SEC. VII. Whoever shall be guilty of keeping any disorderly inn, tavern, ale house, tippling house, gaming house or brothel, shall suffer fine or imprisonment, or both, at the discretion of the court, and the offender may likewise be adjudged to lose and forfeit whatever license he or she may have obtained to keep a house of public resort or entertainment.

93. SEC. VIII. Whoever shall be convicted as accessory before the fact to any crime or offence, shall suffer the same kind and extent of punishment according to the circumstances of the case, as might lawfully be inflicted upon the principal offender for such crime or offence.

94. SEC. IX. Whoever shall be convicted as accessory after the fact to any crime or offence, shall suffer fine or imprisonment, or both, at the discretion of the court.

95. SEC. X. Every person being adjudged to pay any fine, shall, in default of payment or recovery thereof, be adjudged to be imprisoned for a period not exceeding one year.

96. SEC. XII. Whenever the punishment of fine and imprisonment are left by law at the discretion of any court, the fine shall not exceed one thousand dollars, nor the imprisonment two years.

An Act supplementary to an act for the punishment of Crimes and Misdemeanors, and other supplementary acts, approved March 20, 1818.

97. SEC. I. That so much of the laws of this State as are quoted in the fourteenth section of Martin's Digest, under the title of "Crimes," be, and the same is hereby repealed; and there shall hereafter be no crime known under the name of murder in the second degree; but on trials for murder, the jury may find the prisoner guilty of manslaughter, if they should be of opinion that he is not guilty of murder, but of manslaughter.

98. SEC. II. If any person shall hereafter commit manslaughter, and shall be thereof convicted, he, she or they shall be subject to be fined in a sum not exceeding two thousand dollars, and imprisoned at hard labor a term not exceeding twenty years, according to the aggravated circumstances of the case; and so much of the laws of the State as are quoted in the seventeenth section of Martin's Digest upon this crime, shall be, and hereby is repealed.

99. SEC. III. If any person, with intent to kill, rob, steal, rob, commit a rape, or to do or perpetrate any other felony, shall, in the night time, break and enter, or having, with such felonious intent, entered, shall, in the night time break a dwelling house, any person then being lawfully therein, and such offender being at the time of such breaking or entering armed with a dangerous weapon, or arming himself or herself in such house with a dangerous weapon, or committing an actual assault upon any person, lawfully being in such house, every such offender and any

person present, aiding, assisting or consenting in such burglary, or accessory thereto, before the fact, by counselling, hiring or procuring such burglary to be committed, who shall be duly convicted thereof, shall suffer the punishment of death.

100. SEC. IV. If any person, with intent to kill, rob, steal, commit a rape, or to do or perpetrate any other felony, shall in the night time break and enter, or having, with such felonious intent, entered, shall in the night time break a dwelling house, without being armed with a dangerous weapon, or without arming him or herself in such house with a dangerous weapon, and without committing an assault upon any person lawfully being in such house, every such offender, and every person present aiding and abetting in such burglary, or accessory thereto, before the fact, by counselling, hiring or procuring such burglary to be committed, who shall be duly convicted thereof, shall be punished by solitary imprisonment for a term not exceeding three years, and by confinement after at hard labor, not exceeding fourteen years.

101. SEC. V. If any person with intent to kill, rob, steal, commit a rape, or to do or perpetrate any other felony, shall in the night time break and enter into any shop, store, court house, church, barn, rice or sugar house, cotton gin, office, warehouse or any out-house appertinent to a dwelling house, plantation, or any ship or vessel, or having with such felonious intent entered, shall in the night time break any such house, building, ship or vessel, and all and every person present aiding, assisting or consenting in such burglary, or accessory thereto, before the fact, by counselling, hiring or procuring such burglary to be committed, who shall be thereof duly convicted, shall suffer solitary imprisonment for a term not exceeding one year, and by confinement afterwards at hard labor, for a term not exceeding ten years.

102. SEC. VI. If any person, after any burglary committed as aforesaid, shall knowingly harbor, conceal, maintain or assist any principal offender or accessory thereto, before the fact, every such accessory, after the fact who shall be thereof duly convicted, shall be punished for a term not exceeding one year by solitary imprisonment, and by confinement after to hard labor, not exceeding five years.

103. SEC. VII. If any person, with intent to kill, rob, steal, commit a rape, or to do or perpetrate any other felony, shall in the night time enter without breaking, or in the day time break or enter any dwelling house or out house thereto adjoining and occupied therewith, or any office, shop or ware-house, or any ship or vessel lying within the body of a parish, every such offender and every such person present, aiding or abetting in the commission of such offence, or who shall have counselled, hired, or procured the same to have been committed, being thereof duly convicted, shall be punished by solitary imprisonment for a term not exceeding one year, and by confinement after at hard labor not exceeding five years, and be fined not exceeding one thousand dollars.

104. SEC. VIII. If any person shall forge or counterfeit, or falsely make or alter, or shall procure to be falsely made, altered, forged, or counterfeited, or shall willingly aid or assist in falsely making, altering, forging or counterfeiting any public record, any certificate or attestation of a justice of the peace, public register, clerk of any court, town clerk, or other public officer, in any matter wherein such, their certificate or attestation is receivable, and may be taken as a legal proof, any charter, deed, will, testament, bond, or writing obligatory, letter of attorney, policy of insurance or bill of exchange, any promissory note, order, acquittance or discharged for or upon the payment of money or delivery of goods, or any acceptance of a bill of exchange, or any endorsement or assignment of a bill of exchange or promissory note for the payment of money, any accountable receipt for money or goods, or for any note, bill or security for money or goods, or any lottery ticket in any lottery legally authorized within this commonwealth, or shall alter or publish as true, any such false, altered, forged or counterfeited record or certified record, certificate or attestation, charter, deed, will, testament, bond, writing obligatory, letter of attorney, policy of insurance, bill of exchange, promissory note, acceptance, endorsement, assignment, order, acquittance, discharge, accountable receipt or lottery ticket, knowing the same to be false, altered, forged or counterfeited, with intent to injure or defraud any person or any body politic or corporate, then every person so offending in either of the particulars aforesaid, who shall be thereof duly convicted, shall be punished by solitary imprisonment for a term not exceeding one year, and by confinement after to hard labor for a term not less than two years, and not exceeding fourteen years.

105. SEC. IX. If any person shall falsely make, alter, forge or counterfeit, or shall procure to be falsely made, altered, forged or counterfeited, or shall willingly aid or assist in falsely making, altering, forging or counterfeiting any note, certificate, check, or bill of credit which has been or may be issued by the treasurer or other commissioner or commissioners duly authorized, for any debt of this commonwealth, or any bank bill or promissory note payable to the bearer, signed in behalf of any company or corporation by law licensed, authorized as a bank within this commonwealth, or payable and demandable therein at the office of any banking company or corporation by any law of the United States, or if any person having knowledge of such false making, altering, forging and counterfeiting, shall willingly aid or assist in altering or rendering current as true, any such false, altered, forged or counterfeited notes, certificates, bills of credit, bank bills or notes, knowing the same to be false, altered, forged or counterfeited as aforesaid, and for that purpose shall possess at any one time, any number not less than ten, with intent to utter or pass the same, and thereby to injure or defraud this State, any body politic or corporate, or any person or persons, then every person so offending in either of the particulars aforesaid, who shall be

thereof duly convicted, shall be punished by solitary imprisonment for a term not exceeding one year, and by confinement afterwards at hard labor not exceeding fourteen years.

106. SEC. X. If any person shall utter or tender in payment, as true, any such false, altered, forged or counterfeited note, certificate, check or bill of any debt of this State, bank bill, check or promissory note payable to the bearer by any bank as aforesaid, knowing the same to be false, altered, forged or counterfeited, with intent to injure or defraud this State, any body politic or corporate, or any person or persons, every person so offending and who shall be duly convicted, shall be punished by solitary imprisonment for a term not exceeding sixty days, and by confinement, after, at hard labor not exceeding three years, or by fine not exceeding two thousand dollars, and by binding to good behaviour not exceeding two years, at the discretion of the court before whom the conviction may be; and if after the conviction, the same person shall be guilty a second time of the like offence, and shall be duly convicted thereof, or if at the same term any person shall be duly charged and convicted in three several instances, then such person may be adjudged a common utterer of counterfeit bills, and shall be punished by solitary imprisonment six months, and after confined at hard labor not more than ten years and not less than two years.

107. SEC. XI. If any person shall bring into or shall have in his possession, within this State, any false, forged and counterfeited bill or bills, note or notes, in the similitude of the bills or notes payable to the bearer thereof, issued by or for any bank or banking company which is or shall be established in this State, or in any part of the United States for the purpose of rendering the same current as true, or with intent to pass the same, knowing the same to be false, forged or counterfeited, every such offender, upon due conviction thereof, shall be punished by solitary imprisonment not exceeding one year, and by confinement afterwards at hard labor not exceeding three years.

108. SEC. XII. If any person shall engrave, form, make or mend, or shall begin to engrave, form make or mend, any plate or plates, paper, rolling press or other tool, instrument or material devised, adapted and designed for the stamping, forging and making any false and counterfeit certificates, bills or notes which have been or which shall be issued as aforesaid by or for any debt of this State, or by or for any bank or banking company which is or shall be established in this State or in any other part of the United States, or shall have in his possession any such plate or plates engraven in any part or any paper, rolling press or other tool, instrument or material devised, adapted and designed as aforesaid, with the intent to use and employ the same, or to cause or permit the same to be used and employed in forging and making any such false and counterfeit certificates, bills or notes, every person so offending, who shall be thereof duly con-

victed, shall be punished by solitary imprisonment not exceeding one year, and after by confinement at hard labor, not exceeding seven years.

109. SEC. XIII. If any person shall forge or counterfeit, or shall procure to be forged or counterfeited, or shall willingly aid or assist in forging or counterfeiting any gold or silver coin, current within this State by the laws and usages thereof, or if any person, knowing of such forging or counterfeiting, shall willingly aid or assist in passing and rendering current as true, any such forged or counterfeit coin; and for that purpose shall, at any one time, possess any number, not less than five, of similar pieces of false money or coin, forged or counterfeited to the similitude of the gold or silver money, or coin current as aforesaid, with intent to utter the same as true, knowing the same to be false, forged and counterfeit, every person so offending in either of the particulars aforesaid, who shall be duly convicted thereof, shall be punished by solitary imprisonment not exceeding one year, and after confined at hard labor for a term not exceeding fourteen years.

110. SEC. XIV. If any person shall bring into this State, or shall possess within the same, any number of similar pieces of false money, or coin forged or counterfeited as aforesaid, knowing the same to be false, forged and counterfeited, with intent to utter and pass the same as true, or if any person shall utter, tender in payment or pass as true any false money or coin, knowing the same to be false, being counterfeit in the similitude of any gold or silver money, or coin current by law or usage within this State, with intent to defraud any person or persons, every person so offending, who shall be duly convicted, shall be punished by confinement at hard labor not exceeding ten years, and by solitary imprisonment not exceeding six months.

111. SEC. XV. If any person shall cast, stamp, engrave, form, make or mend, or shall knowingly possess any mould, pattern, die, puncheon, engine, press or other tool or instrument devised, adapted or designed for the coining and making any false and counterfeit money or coin, in the similitude of the gold or silver coin or money current within this State by the laws or usages thereof with the intent to use and employ the same or cause or permit the same to be used or employed in coining and making any such false and counterfeit money or coin as aforesaid, every person so offending shall be confined at hard labor for a term not exceeding fourteen years.

112. SEC. XVI. If any person shall voluntarily engage in a duel with rapier or small sword, back sword, pistol or other dangerous weapon to the hazard of life, and death should ensue, the survivor shall, upon conviction, suffer death, and all and every person aiding and abetting as second, agent and abettor, and shall be duly convicted, shall be punished as accessories before the fact in murder.

113. SEC. XVII. If any person shall voluntarily engage in a duel with

rapier or small sword, back sword, pistol, or other dangerous weapon to the hazard of life, when no homicide shall ensue thereon, and if any person shall by word, message or any other manner, challenge another to fight in a duel as aforesaid, when no duel shall be fought thereon, every such offender, and every person who shall knowingly be a second, agent or abettor in such duel or challenge, upon due conviction of either of said offences, shall be punished as a felonious assaulter by fine not exceeding two hundred dollars, and imprisonment not exceeding two years.

114. SEC. XVIII. If any person shall accept a challenge to a duel, and shall consent to a fight therein as aforesaid, when no duel shall thereupon ensue, every such offender and every person who shall knowingly be a second, agent or abettor in such acceptance of a challenge, upon due conviction, shall be punished by a fine not exceeding one hundred dollars, and imprisonment not more than one year.

[*The 19th section repealed by 9th section of the act approved March 6, 1819.*]

115. SEC. XX. From and after the passage of this act, the power of commuting punishments shall be vested only in the governor and senate, and they may and are hereby authorized to commute the punishment of crimes and offences: *Provided however*, that the governor and senate shall not have power to commute the punishment of any slave found guilty of a capital offence.

An Act to amend the several acts enacted for the punishment of the Crimes and Misdemeanors, committed by free persons, and for other purposes, approved March 6, 1819.

116. SEC. I. That if any person or persons laying in wait, or in the perpetration or attempt to perpetrate any arson, rape, robbery or burglary, shall shoot or stab, or thrust any person with a dangerous weapon, and with the intent to commit the crime of murder, such person or persons so offending, on conviction thereof, shall be punished with death.

117. SEC. II. When any person or persons shall shoot or stab, or thrust any person with a dangerous weapon, and with the intent to commit the crime of murder under any other circumstances than those mentioned in the preceding section, such person or persons so offending, on conviction thereof, shall suffer imprisonment at hard labor or otherwise, for a term not less than one year, and not exceeding twenty-one years.

118. SEC. III. From, and immediately after the passing of this act, all and every person and persons who shall inveigle, steal or carry away any negro or other slave or slaves, or shall hire, aid or counsel any person or persons to inveigle, steal or carry away as aforesaid, any such slave, so as the owner of such slave or slaves shall be deprived of the use and benefit of such slave or slaves, or shall aid any such slave in running away, or departing from his master's service, such person or persons so offending, on conviction of any of such offences, shall suffer imprisonment at hard labor for a term not less than two years, nor more than twenty years.

119. SEC. IV. In case the master, or other person having charge or government of any slave who shall be accused of any capital crime, shall conceal or convey away any such slave so that he cannot be brought to trial and condign punishment, any master or other person so offending, shall forfeit the sum of two thousand dollars, if such slave be accused of a capital crime as aforesaid, but if such slave shall be accused of a crime not capital, then, such master or other person shall forfeit only the sum of one thousand dollars.

120. SEC. V. If any person or persons shall harbor or conceal any runaway slave or slaves, or fugitives from their masters, knowing that they are such, or shall cut or break any iron chain or collar which any master of slaves should have used, in order to prevent the running away or escape of any such slave or slaves, such person or persons so offending, shall, on conviction of any of such offences, be fined not less than two hundred dollars, nor exceeding one thousand dollars, and suffer imprisonment for a term not exceeding two years, nor less than six months.

121. SEC. VI. If any person or persons shall, without due process of law, seize and forcibly confine or inveigle or kidnap any negro, mulatto, or other person of color not being a slave, with intent to send him within or out of this State against his will, or shall conspire with any other person or persons, or aid, abet, assist, command or procure any other person to commit the said offence, such person or persons so offending, shall, on conviction of any of the said offences, be fined or imprisoned, or both, at the discretion of the court before which such conviction shall be heard, such fine not to exceed one thousand dollars, and such imprisonment not to exceed fourteen years at hard labor or otherwise.

122. SEC. VII. Every person who shall be a second time or oftener convicted of any offence of kidnapping, as mentioned in the preceding section, shall be imprisoned at hard labor not exceeding twenty years.

123. SEC. VIII. Any person or persons who shall furnish any slave or slaves with any false free papers or certificates of birth or christening, falsely showing such slave or slaves to be free born persons, shall be punished for each and every such offence, as in case of forgery.

124. SEC. IX. The eighth section of the Black Code on crimes and misdemeanors, and the nineteenth section of an act entitled "an act supplementary to an act for the punishment of crimes and misdemeanors," and other supplementary acts, approved March the twentieth, eighteen hundred and eighteen, are hereby repealed and abrogated.

125. SEC. X. All warrants for the arrestation of any person or persons, who shall have been accused of any crime or misdemeanor, and issued by any judge or justice of the peace, shall be executed throughout the State, and authorize the arrest of said person or persons: *Provided*, the said warrants be backed or endorsed by some magistrate of the parish where the said offender has fled or was found: and, *Provided also*, the said

person or persons be remanded to the parish where the offence was committed.

126. SEC. XI. All and every court of criminal jurisdiction may compel the personal attendance of any witnesses for and against the prosecution on the trial of any crime or misdemeanor, whenever the said witnesses reside or may be found in the district where the said court sits, and not otherwise.

127. SEC. XII. When any prisoner or defendant charged with having committed any crime or misdemeanor, shall swear that some witness then in the district where he is to be tried, is material for his defence, and that he has reason to fear and verily believes that he is about to depart therefrom, it shall be lawful for the justice before whom the complaint was made, or for the court by which the said prisoner or defendant is to be tried, to bind over the said witness or witnesses for their appearance before the court, in the same manner as the witnesses on the part of the prosecution may be bound over.

128. SEC. XIII. It shall be the duty of every justice of the peace, to whom complaint is made, of any offence against the laws of this State by any person, to specify the name and surname of the offender, and also of the person who may have sustained the injury, in the declaration which shall be made before him of such offence, as far as he shall have knowledge thereof by inquiry made on that subject, and moreover he shall specify therein the day, month, year and place, when and where the offence complained of was committed.

129. SEC. XIV. When any person is brought before any justice of the peace, charged with having committed any offence against the laws of this State, it shall be the duty of the said justice to take, in writing, the depositions of all the material witnesses on behalf of the State, and also shall take the recognizance or bond of all such witnesses in such sum as may to such justice seem reasonable, conditioned for the appearance of such witnesses before the court having jurisdiction of the offence, there to give evidence in the case, and not to depart without leave of the court, which depositions and recognizance or bond, shall be forthwith returned to the clerk's office of the court having jurisdiction of the case.

130. SEC. XV. When any person shall commit any offence in one parish and shall fly into another parish, on complaint thereof being made to any justice of the peace of the parish where such offender shall be found, it shall be lawful for such justice, and it is hereby made his duty, to issue his warrant directed to the sheriff or any other proper officer, to apprehend and bring such offender before such justice for examination; and such offender being arrested and brought before the justice, he, the said justice of the peace, shall proceed to examine him and the witnesses on behalf of the State, as in other cases, and if, on such examination, such justice shall be of opinion such offender ought to be put on his trial for the alleged offence, he shall issue his warrant directed to the sheriff

of his parish, to receive such offender and him safely keep in his jail, until he can be transferred to the parish where the offence is alleged to have been committed, and as soon as may be, he shall cause the said offender to be conveyed under safe guard, to the jail of that parish where the offence is so alleged to have been committed, and the sheriff of such parish shall be authorized to receive and hold the said prisoner in his custody, until he shall be discharged in due course of law; and the said justice shall send also with said prisoner, the declaration, examination and deposition, as also the other papers relative thereto, to be delivered by the said sheriff to the clerk of the court in the parish to which the prisoner shall thus be transferred for trial: and the expenses attending the removal of such offender from one parish into another, as aforesaid, shall be allowed by the court to a reasonable amount and shall be paid by the treasurer of this State.

131. SEC. XVI. In future every week on the last day of the term of the criminal court of the city of New Orleans, the clerk of said court, with the sheriff, shall take out of the box containing the names of the jurors of the parish of Orleans, agreeably to the second section of the act approved March sixteenth, eighteen hundred and ten, bearing title "an act to prescribe the formalities to be had in the summoning of the grand and petty juries," the names of twenty-four persons to serve as petty jurors before said court during the week following, and on the last day of the last term of the month, the said clerk and sheriff shall, in like manner, take out of the jury box the names of twenty-four persons to serve as grand jurors before said court during the ensuing month. And in all cases of capital crimes, the said clerk and sheriff shall, in the manner aforesaid take out of the jury box the names of thirty-six persons to serve as petty jurors on the trial of such capital crime: *Provided, however,* that nothing herein contained shall be so construed as to make any alteration either in the manner of summoning jurors, nor the delivery of a copy of the pannel to the accused in capital cases, as prescribed by existing laws.

An Act concerning Crimes and Misdemeanors, approved, January 31, 1821.

132. SEC. I. That whoever shall wantonly or maliciously kill any horse, mare, gelding, mule or jack-ass, or any milch cow, cow or beast of the cow kind, or a dog, the property of another person, without some lawful excuse for so doing, and shall be thereof duly convicted, shall be fined in a sum not exceeding two hundred dollars, or imprisonment not exceeding six months, at the discretion of the court having jurisdiction of the cause; and shall be moreover liable to pay to the owner the value of the animal so killed, and pay the costs of prosecution.

133. SEC. II. Whoever shall wantonly, maliciously or cruelly beat, maim or disable any of the animals specified in the foregoing section, without some lawful excuse for so doing, and shall be thereof duly con-

victed, shall be fined in a sum not exceeding one hundred dollars, or imprisoned not exceeding one month, at the discretion of the court having jurisdiction of the cause; and shall be moreover liable to pay to the owner any damage he may sustain in consequence thereof, and pay the costs of prosecution.

134. SEC. III. It shall be the duty of the attorney general, or the district attorneys of this State, to prosecute, by indictment in their respective districts, where the offence may have been committed, any person who may have been guilty of either of the offences enumerated in this act, upon information being given to him on oath by any person or persons whomsoever.

135. SEC. IV. All laws and parts of laws, contrary to the provisions of this act, shall be, and they are hereby repealed.

An Act to provide for the punishment of certain crimes therein mentioned, approved
February, 10, 1821.

136. SEC. I. That any president, cashier, teller or clerk, or other officer or person employed in the service of any bank chartered by this State, or by the late territory of Orleans, or which may hereafter be chartered by said State, who shall knowingly and wilfully embezzle or convert to his or their own use, or shall knowingly aid and abet any person or persons in embezzling or converting to his or their use, any money or sums of money, belonging to such bank or place in deposit in the same, shall, on due conviction thereof, suffer imprisonment at hard labor for a term not exceeding seven years, nor less than one year.

An Act to amend the Penal Laws of this State, approved March 1, 1827.

137. SEC. I. That from and after the passage of this act, no white person within the limits of this State, shall be sentenced to public exposure at the pillory, which is hereby abolished, inasmuch as it concerns white persons only, all laws to the contrary notwithstanding.

An Act to amend the Penal Laws of this State, approved February 21, 1828.

138. SEC. I. That whenever a free person shall be convicted of having maliciously set fire to a mansion house or other building, or to a vessel or other water craft, the person thus convicted shall suffer death.

139. SEC. II. That whenever any free person shall be convicted of having maliciously prepared combustible matters, and put them in any place with the intent to set fire to a mansion house or other building, or to a vessel or other water craft, the person thus convicted shall be sentenced to an imprisonment at hard labor for a term not less than ten years, nor more than fifteen years; although the said person had not yet set fire to the said combustible matters.

140. SEC. III. That if any person or persons shall be found guilty of attempting to rob from the person of another, money or other property, by cutting or tearing the clothes, thrusting the hand into pockets, or otherwise, of such person, though he, she, or they, do not succeed in

such attempted robbery, the person or persons so offending, shall, on conviction, be sentenced by the court to be imprisoned not less than six months, nor more than two years, and fined in a sum not exceeding five hundred dollars.

141. SEC. IV. That any individual who shall be put upon trial for any crime embraced in the provisions of this act, which might have been committed before the passage of the same, may and shall be tried in conformity with the provisions of the laws existing at the time when the crime was committed, which laws shall remain in full force and effect, as relates to all crimes anterior to the date of the present act.

An Act supplementary to an act entitled "An act for the punishment of Crimes and Misdemeanors, approved February 7, 1829.

142. SEC. I. That if any person or persons, shall wilfully and maliciously set fire to, or burn, or attempt to burn, or otherwise destroy any public work or works belonging to a corporation, other than those for the burning of which he could be prosecuted for arson, the said person or persons shall on conviction thereof, be punished by imprisonment at hard labor for not less than one, nor more than ten years.

143. SEC. II. That whenever the offences mentioned in the previous section shall have been committed by a slave, with the consent or connivance of his owner or of any other free person, such slave or slaves, so committing said offence, shall, on conviction, suffer corporal punishment, not extending to death or mayhem, and that the person or persons so consenting or conniving, shall be responsible in damages to the full amount of the value of the property so injured or destroyed.

144. SEC. III. That if any slave or slaves shall wilfully and maliciously commit any of the offences enumerated in the previous sections of this act, such slave or slaves shall, on conviction, suffer corporal punishment, at the discretion of the court, not extending to death, and his, her, or their owners shall be responsible in damages to the full amount of the value of such slave or slaves.

145. SEC. IV. That the act entitled "an act against carrying concealed weapons, and going armed in public places, in an unnecessary manner," passed March twenty-fifth, in the year eighteen hundred and thirteen, be amended as follows, to wit: that whoever shall, with a dangerous weapon, or with intent to kill, make an assault upon another person in the peace of the State then being, shall, on due conviction thereof, be imprisoned for a period not exceeding twelve months, nor less than three months, and without or with hard labor, and fined in a sum not exceeding five hundred dollars, according to the aggravation of the offence, at the discretion of the court having cognizance thereof.

146. SEC. V. That whoever shall be convicted a second time, for a like offence, or whoever shall with a dangerous weapon, or with intent to kill, inflict a wound less than mayhem, upon another person, in the peace of the State then being, shall, on due conviction thereof, be imprisoned for

a period not exceeding two years, nor less than six months, and without or with hard labor, and fined in a sum not exceeding one thousand dollars, according to the aggravation of the offence, at the discretion of the court having cognizance thereof.

147. SEC. VI. That if any person or persons shall by force set at liberty, or aid to set at liberty, any person or persons committed to prison for any capital crime, every person so offending, and being thereof convicted shall suffer imprisonment at hard labor not exceeding seven years.

An Act concerning foreign criminals, approved March 15, 1830.

148. SEC. I. That the governor may, in his discretion, deliver over to justice any person found within the State, who shall be charged with having committed, without the jurisdiction of the United States, the crimes of wilful murder, arson, robbery, forgery, counterfeiting or rape.

149. SEC. II. That such delivery shall only be made on the requisition of the duly authorized ministers or officers of the government, within the jurisdiction of which the crime be charged to have been committed.

150. SEC. III. That it shall be the duty of the governor to require such evidence of the guilt of the person so charged, as would be necessary to justify his apprehension and commitment for trial, had the crime charged been committed within this State.

151. SEC. IV. That the expenses of apprehending and delivering such person shall be defrayed by those to whom he shall be delivered.

An Act to punish the crimes therein mentioned and for other purposes, approved,
March 16, 1830.

152. SEC. I. That whosoever shall write, print, publish or distribute, any thing having a tendency to produce discontent among the free colored population of the State, or insubordination among the slaves therein, shall on conviction thereof, before any court of competent jurisdiction, be sentenced to imprisonment at hard labor for life or suffer death at the discretion of the court.

153. SEC. II. That whosoever shall make use of language, in any public discourse, from the bar, the bench, the stage, the pulpit, or in any place whatsoever: or whosoever shall make use of language in private discourses or conversations, or shall make use of signs or actions having a tendency to produce discontent among the free colored population of this State, or to excite insubordination among the slaves therein, or whosoever shall knowingly be instrumental in bringing into this State, any paper, pamphlet or book, having such tendency as aforesaid, shall on conviction thereof, before any court of competent jurisdiction, suffer imprisonment at hard labor, not less than three years, nor more than twenty-one years, or death, at the discretion of the court.

154. SEC. III. That all persons who shall teach, or permit or cause to be taught, any slave in this State, to read or write, shall, on conviction

thereof, before any court of competent jurisdiction, be imprisoned not less than one month nor more than twelve months.

155. SEC. IV. That it shall be the duty of the attorney general and the several district attorneys of this State, to prosecute to the best of their abilities, each and every violation of this act, whenever it shall come within their own knowledge, or be derived from the information of others, that this act has been violated: and in case the said attorney general and district attorneys, or either of them shall refuse or neglect, under any pretence whatever to prosecute the person or persons so offending against this act, they shall, on due proof thereof, be liable to be removed from office; and further, diligently to examine the offices of the notaries public and parish judges, in the different parishes of this State, for the purpose of ascertaining whether the provisions of "an act, entitled "an act relative to the introduction of slaves into this State, and for other purposes, approved January 31, 1829, have been fully complied with, by those officers, in the discharge of the duties imposed on them by said act: and whether the persons introducing slaves into this State have strictly complied on their part, with the provisions of said act; and that it shall be their duty to prosecute, without delay, in every case in which the said provisions shall have been violated, or shall not have been complied with, under the penalty provided by this section. And it shall be the duty of the notaries public and parish judges to lay before the grand juries at the successive sessions of the district court in their several parishes, and of the criminal court in the city of New-Orleans, their books of records of all acts of sales of slaves executed before them, since the aforesaid act has been in force, and such original acts as may not have been inscribed, together with all documents filed with such sales, as required by said act: and if any notary public, or parish judge shall fail or refuse to comply with the provisions of this section, such failure or refusal shall be considered as misdemeanors in office.

156. SEC. V. That it shall be the duty of the judges of the criminal jurisdiction in this State, to give this act in charge to the grand jury, at each term of their respective courts.

An Act to amend the Penal Laws of this State, approved April 1, 1835.

157. SEC. I. That if any person or persons shall willingly place any obstruction or obstructions upon any rail road or rail way, heretofore made, or that may hereafter be made, within the State of Louisiana, with intent to hinder, obstruct, impede or endanger the free passing thereon, shall, if a free person, on conviction thereof, be imprisoned not exceeding six months, nor less than one month, and fined not exceeding five hundred dollars, nor less than one hundred dollars. Should the person be a slave, he shall, on conviction of said offence, be condemned to receive twenty-five lashes, in the jail of the parish in which said offence shall have been committed, and moreover to wear a chain, in the service of his master, for the term of twelve months; and it shall be the duty of the

sheriffs of the different parishes in which the owners of said slaves might have their domicil, to see that the full execution of the above mentioned penalties be carried into effect.

An Act relative to Steamboats, approved March 6, 1834.

158. SEC. I. That the governor shall appoint one engineer, who shall hold his office for two years, unless removed, as hereinafter provided, and whose duty it shall be, on application, carefully and fully to examine the machinery of steamboats arriving in the port of New-Orleans, and test the strength of the boilers by hydraulic pressure equal to three times the pressure the boilers may be supposed capable of carrying in steam, and when found in good and safe condition, shall furnish a certificate, setting forth the fact, specifying the weight of steam that may with safety be carried, for which certificate he shall be entitled to receive, for every boat of twenty to fifty tons, five dollars, from fifty to one hundred tons, ten dollars, from one hundred to three hundred tons, fifteen dollars, and from three hundred tons and upwards, twenty dollars.

159. SEC. II. That the captain, owners, or agents of steamboats plying within the waters of this State, shall apply for such an examination and certificate, as is required in the first section of this act, at least once in every three months, as far as practicable, and when it is not so, then the fact shall be shown by the owner or agent.

160. SEC. III. That any captains, agent or owner of a steamboat, who shall fail to obtain the certificate of the examination hereinbefore provided for, shall be barred from the recovery of any claim for freight or insurance, that may accrue when without said certificate; and should any loss or damage to property in such case occur in consequence of the breaking or bursting of any part of the machinery, the owner or agent shall be responsible to the shipper for full amount of said loss or damage.

161. SEC. IV. That the captain of any boat, that may not have been examined, and not obtained the certificate hereinbefore required, shall, in the event of any loss or damage to property, occasioned by the breaking or bursting of any part of the machinery, be subject to a fine not less than five hundred dollars, nor more than two thousand dollars, and an imprisonment of not less than three months, nor more than three years, and that in the event of loss of life being the result of such accident, then said officer shall be adjudged guilty of manslaughter.

162. SEC. V. That any accident except such as are impossible to be foreseen or avoided, that may happen from racing, carrying higher steam, than may appear from the certificate to be consistent with safety, running into or afoul of another boat, or that may occur whilst the captain, pilot or engineer is engaged in gambling or attending to any game of chance or hazard, or whenever an accident happens from the boat being overloaded, the owner of the boat shall be subject to the penalties provided for in the third section of this act, and the officer or officers of said boat

violating the provisions of this act, shall be subject to the penalties provided for in the fourth section thereof.

163. SEC. VI. That for any false certificate, or one given without the thorough examination contemplated by this act, the engineer who may be appointed to make the examination of engines, shall be dismissed from office, and be fined not less than three hundred nor more than one thousand dollars, and imprisoned not less than one nor more than five years, and that the governor may, on satisfactory representation of the incapacity, negligence or inattention of the engineer, dismiss him and appoint a successor, subject to the confirmation of the senate.

164. SEC. VII. That when gunpowder is shipped on board of a steamboat, which shall at all times be stowed away at as great a distance as possible from the furnace, a written notification of the fact shall be placed in three conspicuous parts of the boat; and in the event of such notification not being so exhibited, then for any loss of property, or life, for which the powder may be deemed the cause, the owner shall be liable to the penalty, provided in the first section, and the captain to the penalties in the fourth section of this act.

165. SEC. VIII. That any person or persons who shall ship or put on board, or cause to be shipped or put on board of any steamboat, within this State, any gunpowder, without giving notice thereof at the time of making the shipment, to the master or clerk of said boat, shall be liable to a penalty of two hundred dollars, which may be sued for and recovered before any court of competent jurisdiction by the owner, captain or clerk of said boat, for his or her own use and benefit; and in case of any loss of property in consequence of gunpowder being on board of said boat, the shipper that shall have failed to give due notice, as herein required, shall be liable for all losses of property or damage done thereto, or for any injury done to any person or to their family; and in case of the loss of the life of any individual on board, in consequence of gunpowder being on board, the person or persons, who shall have shipped the same, without giving due notice thereof, shall, on conviction thereof, be adjudged guilty of manslaughter, and punished accordingly.

166. SEC. IX. That the captains of all steamboats, plying within the waters of this State, or other officers commanding the same, shall be bound to post up two copies of the present act, one in French and one in English, in some conspicuous part of their boats, under a penalty of one hundred dollars.

167. SEC. X. That it shall be the duty of the master and pilot of a steamboat, when descending any river or stream in the limits of this State, when within one mile of an ascending steamboat, to shut off the steam and ring the bell, and permit the boat to float upon the current of the river until the ascending boat shall have passed, and the master and owner of the ascending boat shall then assume the responsibility of steering

clear of the descending boat, and be liable in damages to the extent of the injury which may be sustained.

168. SEC. XI. That the engineer so named, may in case of sickness only, appoint in his place a deputy, who is to be approved of by the governor, and it shall be the duty of the engineer to have an office in the city or suburbs of New-Orleans.

169. SEC. XII. That from the month of July next, it shall be the duty of the captains and owners, or the agent of every steamboat, under the penalties mentioned in the fourth section of the present act, to substitute an iron chain to the rope now used as a tiller rope.

170. SEC. XIII. That the governor be requested to transmit copies of this act, immediately after its approval, to the governors of all the States and Territories bordering on the Mississippi and its tributary streams.

An Act to prevent the carrying away of slaves, and for other purposes, approved March 19, 1860.

171. SEC. I. That it shall be the duty of all persons who shall hereafter carry on the business of shipping of seamen, pursuant to the provisions of the present act, previously to their engaging in the same, to give bond with two good securities, freeholders of said parish, payable to the governor and his successors in office, in the penal sum of ten thousand dollars, conditioned as follows:—that he the said shipping master and his sureties shall be liable, in solido, for the price and value of any slave or slaves who may have been regularly shipped by the said shipping master and carried out of the State of Louisiana, the same to be recovered by the owner or owners of such slave or slaves with all damages accruing thereupon, by prosecution upon the said bond before any court of competent jurisdiction: *Provided*, that said bond shall not become void by the first or any other recovery, but may be put in suit and recoveries be had thereon as often as any breach of the condition may happen. And that any person or persons who shall act as a shipping master without complying with the foregoing conditions, shall be fined one thousand dollars, and suffer imprisonment for six months at hard labor.

172. SEC. II. That from and after the passage of this act, whenever any master or owner of any ship or vessel, steam-boat or other craft, trading to the port of New Orleans, shall, while in said port, find it necessary to ship any seaman or seamen, cook or steward, for said ship or vessel, it shall not be lawful for them, under the penalty of a fine of one thousand dollars and imprisonment at hard labor for six months, to employ any shipping master or other person, excepting they have complied with the first section of this act.

173. SEC. III. That all fines incurred under the provisions of the foregoing sections, shall be recovered for the benefit of the New Orleans Charity Hospital, and may be prosecuted at the instance of said institution.

174. SEC. IV. That the owner or owners of such ship, steam-boat or

other craft, and the master thereof, as well as the vessel, steam-boat or other crafts, shall be liable to the owner of any slave so taken out of the State for the value of said slave.

An Act to amend the Criminal Laws of Louisiana, approved February 19, 1840.

175. SEC. I. That from and after the passage of this act, any person or persons who shall maliciously disturb or cause any disturbance to be made, whereby any peaceable assembling of the people is disturbed, he, she or they shall be considered as having committed a breach of the peace, and shall, upon conviction thereof, be fined in a sum not exceeding one hundred dollars, and imprisonment for a term not exceeding ten days, at the discretion of the court, and that for any second conviction the punishment shall be doubled.

176. SEC. II. That it shall be the duty of any justice of the peace, upon affidavit, to bind the parties complained of who shall give sufficient security for their appearance at the next term of the district court, where they shall be prosecuted in the same manner as for other breaches of the peace.

[OMITTED ACT.]

An Act relative to steamboats, approved, March 31, 1832.

177. SEC. I. That all captains or commanders of steamboats navigating lakes, rivers or bayous, within the jurisdiction of the State of Louisiana, shall when running during the night, be compelled to hoist each two lights, both on the hurricane deck, one forward, and the other at the stern, which lights shall be kept up without intermission throughout the night, under the penalty of five hundred dollars for every failure or neglect to comply with the provisions of this act, to be recovered of the captain or other commanding officer of such steamboat, before any court of competent jurisdiction, one-half of which penalty shall be for the use of the informer, and the other half for the benefit of the State.

NOTE.

Where a person was found guilty of bringing twenty-four slaves into this State, from Virginia, which had been condemned for crimes committed there; but who gave bond to take them out of that State or the United States: He was sentenced, under the act of January 29, 1817, to forfeit all of the said slaves, to pay a fine of \$12,000 dollars, and to be committed to prison until the same and costs of court shall be paid.—*State vs. Williams—Criminal Court.*